



AGENDA

Tuesday November 15, 2022

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE FORMER
MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In accordance with California Government Code §54953(e)(1)(A) and (C) and the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020, under the provisions of Government Code §8625 related to the COVID-19 (coronavirus) pandemic, consistent with recommendations by State and local health officials regarding social distancing and in order to prevent an imminent risk to the health and safety of attendees as determined in Resolution 2022-123, public participation in City of Marina City Council public meetings shall be electronic only and without a physical location for public participation until the earlier of May 31, 2022, or such time as the City Council may adopt a resolution in accordance with Government Code §54953(e)(3). 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 City Council 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. Council 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 Council 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 in 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: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

Cristina Medina Dirksen, David Burnett, Lisa Berkley, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado

3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*

a. Public Employment Appointment (Govt. Code Section 54957(b)(1):
Position: City Attorney

b. Real Property Negotiation (Govt. Code Section 54956.8)

i. Property: Cypress Knolls Property, APN: 031-201-005

Negotiating Party: Mark Lobaugh, Epic Wireless Group, LLC

Negotiator(s): City Manager

Terms: Price and Terms

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

5. SPECIAL PRESENTATIONS:

6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name 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 a future agenda. City Council 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 City Council.*

7. CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Background information has been provided to the Successor Agency of the former Redevelopment Agency 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 City Council 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 for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*
8. CONSENT AGENDA: *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency 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 City Council 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.*
 - a. ACCOUNTS PAYABLE:
 - (1) Accounts Payable Check Numbers 101106-101193, totaling \$601,836.28
Accounts Payable Successor Agency Check Number 100, totaling \$672.40
 - b. MINUTES: None
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting Resolution No. 2022-, regarding the Ralph M. Brown Act (California Government Code §§54950-54963, making certain findings; and authorizing the city to continue to implement remote teleconferenced public meetings of the City Council and its constituent bodies for the period November 21, 2022, through December 20, 2022.
 - (2) City Council consider adopting Resolution No. 2022-, authorizing the mayor or his designee to sign a letter of support for a Veteran's Home in Monterey County.
 - g. APPROVAL OF AGREEMENTS:
 - (1) City Council consider adopting Resolution No. 2022-, approving Amendment No.1 to the Measure X Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC) for the Marina-Salinas Multimodal Corridor-Imjin Parkway Widening Project, and; authorize the City Manager to execute the Amendment on behalf of the City Council subject to final review and approval by the City Attorney.
 - h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
 - i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council Consider receiving Investment Reports for the City of Marina, City of Marina as Successor Agency to the Marina Redevelopment Agency, and Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC) for the quarter ended September 30, 2022.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS:

9. PUBLIC HEARINGS:

- a. City Council open public hearing, taking testimony from the public and consider approving Ordinance No. 2022-, adopting and amending Title 15 of the Marina Municipal Code to adopt 2022 Editions of California Building Standards Codes, specifically 2022 California Building Code, 2022 California Residential Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California Green Building Standards Code, 2022 California Existing Building Code, 2022 California Historical Building Code and 2022 California Fire Code, with certain exceptions, modifications and additions required by local climatic, geological or topographical conditions; approving second reading by title only, and final adoption of the Ordinance to be in effect as of January 1, 2023; adoption of the building code is exempt from CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines also known as the “general rule” exemption, CEQA exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.
- b. City Council open public hearing, read by title only and waive further reading and approve the first reading of Ordinance 2022-, approving amendments to the following Sections of Title 17 of the Marina Municipal Code (MMC): 17.04.212, 17.04.213, 17.04.698, 17.06.020, 17.08.020, 17.12.020, 17.12.030, 17.16.020, 17.18.020, 17.20.020, 17.22.030, 17.22.050, 17.42.135, and 17.44.030. These sections pertain to small and large family childcare homes, day care centers, supportive housing uses, and conditional use permits for multi-family housing. The action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
- c. City Council open public hearing and read by title only and waive further reading and approve the first reading of Ordinance 2022-, approving an amendment to Section 17.12.060 of the Marina Municipal Code (MMC) pertaining to height limits in the R-4 zoning district. The action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
- d. City Council open public hearing, take testimony from the public, and consider approving or denying the modifications to remove the required façade improvements and grant an extension of the site improvements in City Council Resolution No. 2020-65 to January 3, 2024, for the combined medical/adult cannabis dispensary use at 3100 Del Monte Boulevard (APN 032-192-018-000). this project is exempt from CEQA per Article 19, Section 15301 (existing facilities).

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency 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.*
11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council 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.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting Resolution No. 2022-, authorizing the signing of a purchase order for \$1,908,443.04 to purchase a Rosenbauer Quint Fire Truck; and direct staff to pay \$464,689 for the chassis upon arrival at the Minnesota plant for a \$18,555 discount on or about March of 2024 which will reduce the total purchase price to \$1,889,888; and pay the balance of the \$1,425,199 when the Truck is delivered and accepted by the Marina Fire Department on or about the fourth quarter of 2024; and authorize the Finance Director to make necessary accounting and budgetary entries.
 - b. City Council consider adopting Resolution No. 2022-, which appeals and replaces Resolution No. 80-71, as amended, Establishing the Rules and Procedures for the Conduct of Meetings and approving an Agenda format in substantially the same form.
12. COUNCIL & STAFF INFORMATIONAL REPORTS:
 - a. Monterey County Mayor's Association [Mayor Bruce Delgado]
 - b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.
 13. ADJOURNMENT:

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 6:30 p.m., Thursday, November 10, 2022.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.cityofmarina.org), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review on the City's website: <https://www.cityofmarina.org/DocumentCenter/Index/1854>.

Members of the public may receive the City Council, Airport Commission and Successor Agency of the Former Redevelopment Agency Agenda at a cost of \$55 per year or by providing a self-addressed, stamped envelope to the City Clerk. The Agenda is also available at no cost via email by notifying the City Clerk at marina@cityofmarina.org

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.

Upcoming 2022 Meetings of the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Community Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency and Marina Groundwater Sustainability Agency
Regular Meetings: 5:00 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, December 6, 2022

Tuesday, December 20, 2022

NOTE: Regular Meeting dates may be rescheduled by City Council only.

CITY HALL 2022 HOLIDAYS
(City Hall Closed)

Veterans Day -----Friday, November 11, 2022
Thanksgiving Day ----- Thursday, November 24, 2022
Thanksgiving Break -----Friday, November 25, 2022
Winter Break -----Friday, December 23, 2022-Friday, December 30, 2022

2022 COMMISSION DATES

Upcoming 2022 Meetings of Planning Commission 2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.
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November 10, 2022

December 18, 2022



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Agenda Item: 8a

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 120 - City Mgr/HR/Risk										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.010 - Prof Svc Admin - Muni Code										
10149 - Code Publishing Inc. - General	GC0008993	MMC Web Update	Paid by Check # 101115		10/31/2022	10/31/2022	10/31/2022	11/04/2022		435.00
Code			Account 6300.010 - Prof Svc Admin - Muni Code			Totals		Invoice Transactions 1		\$435.00
Account 6300.310 - Prof Svc HR - Labor Relation& Negotiation										
10335 - Liebert Cassidy Whitmore	227032	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		4,575.50
			Account 6300.310 - Prof Svc HR - Labor Relation& Negotiation			Totals		Invoice Transactions 1		\$4,575.50
Account 6300.465 - Prof Svc Legal - Special Counsel										
11505 - Shartsis Friese LLP	5464869	Professional Services - MPWSP - September 2022	Paid by Check # 101136		10/31/2022	11/01/2022	11/01/2022	11/04/2022		173,396.53
			Account 6300.465 - Prof Svc Legal - Special Counsel			Totals		Invoice Transactions 1		\$173,396.53
Account 6300.570 - Prof Svc Other										
10335 - Liebert Cassidy Whitmore	226335	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		674.00
10335 - Liebert Cassidy Whitmore	227058	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		814.00
10335 - Liebert Cassidy Whitmore	227100	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		2,646.00
10335 - Liebert Cassidy Whitmore	227108	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		1,023.00
10335 - Liebert Cassidy Whitmore	227116	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		775.00
10335 - Liebert Cassidy Whitmore	227133	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		1,050.00
10335 - Liebert Cassidy Whitmore	227142	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		1,619.00
10335 - Liebert Cassidy Whitmore	227825	LCW - Professional Services	Paid by Check # 101124		09/30/2022	10/27/2022	10/27/2022	11/04/2022		7,985.50
			Account 6300.570 - Prof Svc Other			Totals		Invoice Transactions 8		\$16,586.50
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022	11/04/2022		34.67
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	Enthanol/Diesel City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022	11/04/2022		124.70
			Account 6400.230 - Material & Suppl Fuel - Gas and Diesel			Totals		Invoice Transactions 2		\$159.37



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 120 - City Mgr/HR/Risk										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6500.700 - Training & Travel										
10335 - Liebert Cassidy Whitmore	3855	Training (12/13/22)	Paid by Check # 101124		10/31/2022	10/31/2022	10/31/2022		11/04/2022	75.00
			Account 6500.700 - Training & Travel		Totals		Invoice Transactions 1			\$75.00
			Sub-Division 00 - Non-Subdiv		Totals		Invoice Transactions 14			\$195,227.90
			Division 000 - Non-Div		Totals		Invoice Transactions 14			\$195,227.90
			Department 120 - City Mgr/HR/Risk		Totals		Invoice Transactions 14			\$195,227.90
Department 125 - I. T.										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.330 - Prof Svc IT - Information Tech Svc										
10897 - TechRx Technology Services	10507	IT Support - October 2022	Paid by Check # 101140		11/01/2022	11/01/2022	11/01/2022		11/04/2022	10,200.00
			Account 6300.330 - Prof Svc IT - Information Tech Svc		Totals		Invoice Transactions 1			\$10,200.00
Account 6360.342 - Maint & Repairs IT - System Annual Maint										
10897 - TechRx Technology Services	10494	Adobe Subscription - Airport Manager	Paid by Check # 101140		10/31/2022	11/01/2022	11/01/2022		11/04/2022	155.88
10897 - TechRx Technology Services	10439	Amazon Glacier Terabyte Storage	Paid by Check # 101140		10/01/2022	11/01/2022	11/01/2022		11/04/2022	1,020.00
10897 - TechRx Technology Services	10509	Veeam Virtual Backup Monthly Subscription - November 2022	Paid by Check # 101140		11/01/2022	11/01/2022	11/01/2022		11/04/2022	380.00
10897 - TechRx Technology Services	10508	Ninite Monthly Subscription - November 2022	Paid by Check # 101140		11/01/2022	11/01/2022	11/01/2022		11/04/2022	112.50
10905 - Taygeta Scientific, Inc.	000708-R-0020	Barracuda Spam Firewall - November 2022	Paid by Check # 101139		11/01/2022	11/01/2022	11/01/2022		11/04/2022	475.80
10905 - Taygeta Scientific, Inc.	000423-R-0047	Computer Network Defense - November 2022	Paid by Check # 101139		11/01/2022	11/01/2022	11/01/2022		11/04/2022	2,000.00
			Account 6360.342 - Maint & Repairs IT - System Annual Maint		Totals		Invoice Transactions 6			\$4,144.18



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 125 - I. T.										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.345 - Maint & Repairs Citywide Microsoft Ofc Upgrade										
10897 - TechRx Technology Services	10410	Citywide MS Office 365 - October 2022	Paid by Check # 101140		10/01/2022	11/01/2022	11/01/2022	11/04/2022		1,782.60
										<u>\$1,782.60</u>
										<u>\$16,126.78</u>
										<u>\$16,126.78</u>
										<u>\$16,126.78</u>
Department 130 - Finance										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.217 - Prof Svc Fin - Business Lic Services										
10274 - Hinderlitter, de Llamas & Associates (HDL)	SIN022482	Sept 2022 BL Admin Fee	Paid by Check # 101123		09/30/2022	10/28/2022	10/28/2022	11/04/2022		2,222.00
										<u>\$2,222.00</u>
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap)										
10897 - TechRx Technology Services	10489	HP Desktop Finance Computer	Paid by Check # 101140		10/31/2022	11/02/2022	11/02/2022	11/04/2022		1,098.63
										<u>\$1,098.63</u>
										<u>\$3,320.63</u>
										<u>\$3,320.63</u>
										<u>\$3,320.63</u>
Department 150 - City Attorney										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc										
11718 - Noland, Hamerly, Etienne & Hoss	225123	Contracts - September-October 2022	Paid by Check # 101132		10/26/2022	10/31/2022	10/31/2022	11/04/2022		9,013.50
11718 - Noland, Hamerly, Etienne & Hoss	225119	City Council Meetings - September-October 2022	Paid by Check # 101132		10/26/2022	10/31/2022	10/31/2022	11/04/2022		4,582.00
11718 - Noland, Hamerly, Etienne & Hoss	225122	General Representation - September-October 2022	Paid by Check # 101132		10/26/2022	10/31/2022	10/31/2022	11/04/2022		21,824.00
11718 - Noland, Hamerly, Etienne & Hoss	225120	Public Records Act - September-October 2022	Paid by Check # 101132		10/26/2022	10/31/2022	10/31/2022	11/04/2022		948.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 150 - City Attorney										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc										
11718 - Noland, Hamerly, Etienne & Hoss	225121	Personnel	Paid by Check # 101132		10/26/2022	10/31/2022	10/31/2022		11/04/2022	632.00
10257 - Goldfarb & Lipman	458867	Marina Heights - September 2022	Paid by Check # 101121		10/28/2022	10/28/2022	10/28/2022		11/04/2022	2,464.00
10257 - Goldfarb & Lipman	458866	General File - September 2022	Paid by Check # 101121		10/28/2022	10/28/2022	10/28/2022		11/04/2022	480.00
10257 - Goldfarb & Lipman	458868	The Dunes - September 2022	Paid by Check # 101121		10/28/2022	10/28/2022	10/28/2022		11/04/2022	1,760.00
Account 6300.450 - Prof Svc Legal - City Attorney Other Svc Totals										
Sub-Division 00 - Non-Subdiv Totals										\$41,703.50
Division 000 - Non-Div Totals										\$41,703.50
Department 150 - City Attorney Totals										\$41,703.50
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6150.200 - Medical Dental										
10737 - Premier Access Insurance-Premium	11-01.-22	Dental Claim (11/2022)	Paid by Check # 101146		11/01/2022	11/01/2022	11/01/2022		11/04/2022	1,003.96
Account 6150.200 - Medical Dental Totals										
Account 6150.200 - Medical Dental Totals										\$1,003.96
Account 6150.500 - Medical Vision										
10607 - Vision Service Plan	11-01-22.	VSP Adjustment (11/2022)	Paid by Check # 101147		11/01/2022	11/01/2022	11/01/2022		11/04/2022	113.25
Account 6150.500 - Medical Vision Totals										
Account 6150.500 - Medical Vision Totals										\$113.25
Account 6380.300 - Utilities Gas & Electric										
10349 - Marina Coast Water District	000056017 101322	208-A Palm Ave	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	80.86
10463 - Pacific Gas & Electric	Sep - Oct 795-7	PG&E - 4467294795-7	Paid by Check # 101133		10/20/2022	10/27/2022	10/27/2022		11/04/2022	337.60
Account 6380.300 - Utilities Gas & Electric Totals										
Account 6380.300 - Utilities Gas & Electric Totals										\$418.46
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056025 101322	327 Reindollar Ave	Paid by Check # 101125		10/13/2022	10/24/2022	10/24/2022		11/04/2022	69.16
10349 - Marina Coast Water District	000056018 101322	208 Palm Ave	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	110.92
10349 - Marina Coast Water District	000056020 101322	304 Hillcrest Ave	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	107.37
Account 6380.500 - Utilities Water & Sewer Totals										
Account 6380.500 - Utilities Water & Sewer Totals										\$287.45



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.565 - Material & Suppl Office Supplies										
10540 - Sierra Springs & Alhambra	7266038	Water Cooler Rental	Paid by Check		10/28/2022	10/31/2022	10/31/2022		11/04/2022	107.83
	102822	and Replacement	# 101137							
		Water								
			Account 6400.565 - Material & Suppl Office Supplies					Invoice Transactions	1	\$107.83
			Sub-Division 00 - Non-Subdiv					Invoice Transactions	8	\$1,930.95
			Division 000 - Non-Div					Invoice Transactions	8	\$1,930.95
			Department 190 - Citywide Non-Dept					Invoice Transactions	8	\$1,930.95
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.570 - Maint & Repairs Other Svc Agr										
11198 - Cordico Psychological Corporation	INVCOR472	Marina Police	Paid by Check		08/31/2022	10/24/2022	10/24/2022		11/04/2022	5,949.15
		Department	# 101118							
			Account 6360.570 - Maint & Repairs Other Svc Agr					Invoice Transactions	1	\$5,949.15
Account 6380.150 - Utilities Comm Phone System										
10758 - AT & T CALNET3	000018930075	BAN #9391023478	Paid by Check		10/15/2022	10/24/2022	10/24/2022		11/04/2022	46.90
			# 101111							
10057 - Avaya, Inc.	2734616099	Acct #0100828859	Paid by Check		10/04/2022	10/24/2022	10/24/2022		11/04/2022	12.49
			# 101112							
			Account 6380.150 - Utilities Comm Phone System					Invoice Transactions	2	\$59.39
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy	29361A-IN	City Fuel	Paid by Check		10/19/2022	10/27/2022	10/27/2022		11/04/2022	1,317.32
Oil Co.		Erthanol/Diesel	# 101127							
10416 - Monterey County Petroleum-Sturdy	29383A-IN	City Fuel Regular	Paid by Check		10/21/2022	10/27/2022	10/27/2022		11/04/2022	4,738.71
Oil Co.			# 101127							
			Account 6400.230 - Material & Suppl Fuel - Gas and Diesel					Invoice Transactions	2	\$6,056.03
Account 6400.720 - Material & Suppl Safety Equip										
10727 - Ace Hardware-Public Safety	083383	Cust. # 116	Paid by Check		10/23/2022	10/24/2022	10/24/2022		11/04/2022	3.93
			# 101108							
10727 - Ace Hardware-Public Safety	083386	Cust. # 116	Paid by Check		10/24/2022	10/24/2022	10/24/2022		11/04/2022	2.61
			# 101108							
10490 - Proforce	496346	Cust #002247	Paid by Check		10/12/2022	10/24/2022	10/24/2022		11/04/2022	2,067.56
			# 101135							
			Account 6400.720 - Material & Suppl Safety Equip					Invoice Transactions	3	\$2,074.10



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6500.700 - Training & Travel										
10935 - South Bay Regional Public Safety Training Cons.	223181	Driving DSP PM - 9/28/22	Paid by Check # 101138		10/18/2022	10/24/2022	10/24/2022		11/04/2022	150.00
10935 - South Bay Regional Public Safety Training Cons.	223178	Driving PSP AM - 9/28/22	Paid by Check # 101138		10/14/2022	10/24/2022	10/24/2022		11/04/2022	750.00
Account 6500.700 - Training & Travel Totals										
										\$900.00
Account 6600.465 - Other Charges Live Scan										
11658 - MTZ Investigations - Nick R. Martinez	M022-012	Cannabis Background Checks/Investigations	Paid by Check # 101129		09/01/2022	10/31/2022	10/31/2022		11/04/2022	1,800.00
Account 6600.465 - Other Charges Live Scan Totals										
										\$1,800.00
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10841 - Carmel Fire Protection Associates - Art Black	122423	Plan check & Inspection Aurangzeb Residence, 3007 Tyndall Way	Paid by Check # 101114		10/21/2022	10/26/2022	10/26/2022		11/04/2022	200.00
10841 - Carmel Fire Protection Associates - Art Black	122419	Plan check & Inspection for Joby Medium Autoclave Shed,	Paid by Check # 101114		10/20/2022	10/26/2022	10/26/2022		11/04/2022	200.00
Account 6300.570 - Prof Svc Other Totals										
										\$400.00
Account 6360.850 - Maint & Repairs Vehicle										
10927 - Ace Hardware - Fire Dept.	083325	Misc items for new engine	Paid by Check # 101107		10/17/2022	10/26/2022	10/26/2022		11/04/2022	89.50
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022		11/04/2022	2,278.31
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022		11/04/2022	374.11
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals										
										\$2,652.42
Account 6400.740 - Material & Suppl Special Dept Suppl										
10927 - Ace Hardware - Fire Dept.	083326	Station 1 cleaning supplies	Paid by Check # 101107		10/10/2022	10/26/2022	10/26/2022		11/04/2022	10.91



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.740 - Material & Suppl Special Dept Suppl										
10927 - Ace Hardware - Fire Dept.	083365	Trash Bags	Paid by Check # 101107		10/20/2022	10/26/2022	10/26/2022		11/04/2022	37.12
10927 - Ace Hardware - Fire Dept.	083330	Engine and Bldg cleaning supplies	Paid by Check # 101107		10/18/2022	10/26/2022	10/26/2022		11/04/2022	70.95
10927 - Ace Hardware - Fire Dept.	083324	(CREDIT) Axe Handle	Paid by Check # 101107		10/17/2022	10/26/2022	10/26/2022		11/04/2022	(21.84)
Account 6400.740 - Material & Suppl Special Dept Suppl										
Sub-Division 00 - Non-Subdiv Totals										\$97.14
Division 000 - Non-Div Totals										\$3,239.06
Department 250 - Fire Totals										\$3,239.06
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.065 - Maint & Repairs Bdg NonFlagship										
10728 - Ace Hardware-Public Works	083396	Shop Supplies	Paid by Check # 101109		10/24/2022	10/24/2022	10/24/2022		11/04/2022	21.84
10728 - Ace Hardware-Public Works	083416	Annex Floor	Paid by Check # 101109		10/26/2022	10/27/2022	10/27/2022		11/04/2022	42.55
10728 - Ace Hardware-Public Works	083412	Bigs/Grounds	Paid by Check # 101109		10/26/2022	10/27/2022	10/27/2022		11/04/2022	43.69
Account 6360.065 - Maint & Repairs Bdg NonFlagship										
Totals										\$108.08
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056019 101322	211 Hillcrest Ave	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	1,030.28
10349 - Marina Coast Water District	000056001 101322	209-13 Cypress Ave	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	102.85
Account 6380.500 - Utilities Water & Sewer										
Totals										\$1,133.13
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022		11/04/2022	51.99
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	Enthanol/Diesel City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022		11/04/2022	187.05
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
Sub-Division 00 - Non-Subdiv Totals										\$239.04
Division 311 - Buildings & Grounds Totals										\$1,480.25
										\$1,480.25



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.850 - Maint & Repairs Vehicle										
10437 - My Chevrolet	141367CVR	PD	Paid by Check # 101130		10/27/2022	10/27/2022	10/27/2022	10/28/2022	11/04/2022	35.71
										<u>\$35.71</u>
										<u>\$35.71</u>
										<u>\$35.71</u>
										<u>\$1,515.96</u>
Account 6360.850 - Maint & Repairs Vehicle Totals										
Sub-Division 00 - Non-Subdiv Totals										Invoice Transactions 1
Division 313 - Vehicle Maint Totals										Invoice Transactions 1
Department 310 - Public Works Totals										Invoice Transactions 1
Department 410 - Planning										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022		11/04/2022	34.67
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022		11/04/2022	124.70
										<u>\$159.37</u>
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals										
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap)										
10897 - TechRx Technology Services	10393	Marina PD	Paid by Check # 101140		09/01/2022	10/24/2022	10/24/2022		11/04/2022	202.06
10897 - TechRx Technology Services	10271	Marina PD	Paid by Check # 101140		07/31/2022	10/24/2022	10/24/2022		11/04/2022	1,647.94
10897 - TechRx Technology Services	10408	Marina PD	Paid by Check # 101140		09/01/2022	10/24/2022	10/24/2022		11/04/2022	327.75
10897 - TechRx Technology Services	10417	Marina PD	Paid by Check # 101140		09/30/2022	10/24/2022	10/24/2022		11/04/2022	306.56
10897 - TechRx Technology Services	10469	Marina PD	Paid by Check # 101140		10/01/2022	10/24/2022	10/24/2022		11/04/2022	3,400.00
10897 - TechRx Technology Services	10275	Marina PD	Paid by Check # 101140		07/27/2022	10/24/2022	10/24/2022		11/04/2022	759.95
										<u>\$6,644.26</u>
										<u>\$6,803.63</u>
										<u>\$6,803.63</u>
										<u>\$6,803.63</u>
Account 6400.350 - Material & Suppl IT-Computer & Hardware (non-cap) Totals										
Sub-Division 00 - Non-Subdiv Totals										Invoice Transactions 6
Division 000 - Non-Div Totals										Invoice Transactions 8
Department 410 - Planning Totals										Invoice Transactions 8



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 430 - Building Inspection										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9918530705	PW Phone Bill 972476364-00001	Paid by Check # 101141		10/18/2022	10/24/2022	10/24/2022	11/04/2022		40.46
										<u>\$40.46</u>
										<u>\$40.46</u>
										<u>\$40.46</u>
										<u>\$40.46</u>
Department 440 - Economic Dev										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6600.497 - Other Charges Membership MCCVB										
10378 - Monterey County Convention & Visitors Bureau	16247	Jurisdiction Investment - FY 22-23 Q2 (Oct- Dec. 2022)	Paid by Check # 101126		10/01/2022	10/25/2022	10/25/2022	11/04/2022		20,500.00
										<u>\$20,500.00</u>
										<u>\$20,500.00</u>
										<u>\$20,500.00</u>
										<u>\$20,500.00</u>
Department 510 - Recreation & Culture										
Division 100 - Admin										
Sub-Division 00 - Non-Subdiv										
Account 6360.344 - Maint & Repairs IT - Office Equip & PC Upgrades										
10153 - Comcast	10-14-22	8155 10029 0106172	Paid by Check # 101116		10/14/2022	10/26/2022	10/26/2022	11/04/2022		142.69
										<u>\$142.69</u>
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228491	Custodial Services for October 2022	Paid by Check # 101113		10/24/2022	10/26/2022	10/26/2022	11/04/2022		797.39
										<u>\$797.39</u>
Account 6380.150 - Utilities Comm Phone System										
10603 - Verizon Wireless	9918421956	Rec Dept Cell Phone Bills	Paid by Check # 101141		10/17/2022	10/26/2022	10/26/2022	11/04/2022		203.52
										<u>\$203.52</u>
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel Enthanol/Diesel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022	11/04/2022		86.67



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 510 - Recreation & Culture										
Division 100 - Admin										
Sub-Division 00 - Non-Subdiv										
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022	11/04/2022		311.76
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										\$398.43
Sub-Division 00 - Non-Subdiv										\$1,542.03
Division 100 - Admin										\$1,542.03
Division 511 - Youth										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228491	Custodial Services for October 2022	Paid by Check # 101113		10/24/2022	10/26/2022	10/26/2022	11/04/2022		370.19
Account 6360.360 - Maint & Repairs Janitorial										\$370.19
Division 512 - Teen										
Sub-Division 00 - Non-Subdiv										
Account 6400.660 - Material & Suppl Recr Youth Progr										
10178 - D & H Pool Table and Jukebox Services	294748	youth center pool tables	Paid by Check # 101119		10/12/2022	10/26/2022	10/26/2022	11/04/2022		750.00
Account 6400.660 - Material & Suppl Recr Youth Progr										\$750.00
Sub-Division 00 - Non-Subdiv										\$1,120.19
Division 511 - Youth										\$1,120.19
Division 512 - Teen										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228491	Custodial Services for October 2022	Paid by Check # 101113		10/24/2022	10/26/2022	10/26/2022	11/04/2022		521.70
Account 6360.360 - Maint & Repairs Janitorial										\$521.70
Sub-Division 00 - Non-Subdiv										\$521.70
Division 512 - Teen										\$521.70
Division 513 - Senior										
Sub-Division 00 - Non-Subdiv										
Account 6360.360 - Maint & Repairs Janitorial										
10080 - Branch's Janitorial	228491	Custodial Services for October 2022	Paid by Check # 101113		10/24/2022	10/26/2022	10/26/2022	11/04/2022		370.19
Account 6360.360 - Maint & Repairs Janitorial										\$370.19
Sub-Division 00 - Non-Subdiv										\$370.19
Division 513 - Senior										\$370.19
Department 510 - Recreation & Culture										\$3,554.11
Fund 100 - General Fund										\$310,801.65



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9918530705	PW Phone Bill 972476364-00001	Paid by Check # 101141		10/18/2022	10/24/2022	10/24/2022		11/04/2022	636.06
										\$636.06
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056007 101322	Calif Ave/North of 3rd	Paid by Check # 101125		10/13/2022	10/24/2022	10/24/2022	Invoice Transactions 1	11/04/2022	89.02
10349 - Marina Coast Water District	000056027 101322	Calif Ave at Reindollar	Paid by Check # 101125		10/13/2022	10/24/2022	10/24/2022		11/04/2022	36.77
10349 - Marina Coast Water District	000056021 101322	Reservation Rd/By 290- 308 Reservation	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	36.77
10349 - Marina Coast Water District	000056016 101322	Resev Rd & Seacrest Ave-Next to Fire Hyd	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	36.77
10349 - Marina Coast Water District	000056024 101322	Del Monte/Palm	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	89.02
10349 - Marina Coast Water District	000056022 101322	Reser/Marina Auto Stereo/Irrigation	Paid by Check # 101125		10/13/2022	10/26/2022	10/26/2022		11/04/2022	36.77
										\$325.12
Account 6400.155 - Material & Suppl Dump Fees										
10427 - Monterey Regional Waste Management District	3702870	Couch pick up	Paid by Check # 101128		10/24/2022	10/24/2022	10/24/2022	Invoice Transactions 6	11/04/2022	20.00
10427 - Monterey Regional Waste Management District	3705288	Street Sweeper Debris	Paid by Check # 101128		10/27/2022	10/27/2022	10/27/2022		11/04/2022	470.40
10427 - Monterey Regional Waste Management District	3704911	Street Sweeper Debris	Paid by Check # 101128		10/27/2022	10/27/2022	10/27/2022		11/04/2022	509.60
10427 - Monterey Regional Waste Management District	3704989	Street Sweeper Debris	Paid by Check # 101128		10/27/2022	10/27/2022	10/27/2022		11/04/2022	492.80
										\$1,492.80
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022		11/04/2022	1,122.93
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	Enthanol/Diesel City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022		11/04/2022	187.05
										\$1,309.98
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
										Invoice Transactions 2



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.750 - Material & Suppl Street Material (non-capitalize)										
10261 - Graniterock/Pavex Construction	2058020	City potholes	Paid by Check # 101122		10/22/2022	10/27/2022	10/27/2022		11/04/2022	1,180.59
Account 6400.750 - Material & Suppl Street Material (non-capitalize)										
					Sub-Division 00 - Non-Subdiv	Totals	Invoice Transactions	1		\$1,180.59
					Division 000 - Non-Div	Totals	Invoice Transactions	14		\$4,944.55
					Department 000 - Non-Dept	Totals	Invoice Transactions	14		\$4,944.55
					Fund 220 - Gas Tax	Totals	Invoice Transactions	14		\$4,944.55



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 460 - Airport Capital Projects										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11489 - Wallace Group, Inc.	57715	Airport Project Management	Paid by Check # 101142		10/26/2022	10/20/2022	10/20/2022		11/04/2022	456.00
		Account 6300.570 - Prof Svc Other						Invoice Transactions	1	\$456.00
		Sub-Division 00 - Non-Subdiv						Invoice Transactions	1	\$456.00
		Division 000 - Non-Div						Invoice Transactions	1	\$456.00
		Department 000 - Non-Dept						Invoice Transactions	1	\$456.00
		Fund 460 - Airport Capital Projects						Invoice Transactions	1	\$456.00



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 462 - City Capital Projects										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.185 - Prof Svc Engineering Svs-Staff Augment										
11489 - Wallace Group, Inc.	57619	Hayes Circle Two Lot Transfer	Paid by Check # 101142		10/26/2022	10/27/2022	10/27/2022	11/04/2022		217.50
Account 6300.185 - Prof Svc Engineering Svs-Staff Augment Totals										\$217.50
Account 6300.570 - Prof Svc Other										
11489 - Wallace Group, Inc.	57706	Blight Removal 2022	Paid by Check # 101142		10/26/2022	10/27/2022	10/27/2022	11/04/2022		18,304.94
11456 - William A. Thayer Construction, Inc	2021.15-1	Patton Parkway Retaining Wall	Paid by Check # 101143		10/19/2022	10/24/2022	10/24/2022	11/04/2022		37,186.84
11317 - First American Title Company	12814-12814298	Preliminary Report	Paid by Check # 101120		09/29/2022	10/24/2022	10/24/2022	11/04/2022		400.00
10446 - New Image Landscape Co.	418064	Locke Paddon Park	Paid by Check # 101131		10/17/2022	10/27/2022	10/27/2022	11/04/2022		1,688.00
11489 - Wallace Group, Inc.	57777	Airport B533 Exterior CM	Paid by Check # 101142		10/28/2022	10/20/2022	10/20/2022	11/04/2022		1,042.88
11489 - Wallace Group, Inc.	57610	California Ave Pedestrian Crossing	Paid by Check # 101142		10/25/2022	10/24/2022	10/24/2022	11/04/2022		177.00
11489 - Wallace Group, Inc.	57687	Sea Haven City Park	Paid by Check # 101142		10/26/2022	10/27/2022	10/27/2022	11/04/2022		1,466.26
11489 - Wallace Group, Inc.	57688	MLK Sculpture CDs	Paid by Check # 101142		10/26/2022	10/27/2022	10/27/2022	11/04/2022		8,507.50
11456 - William A. Thayer Construction, Inc	2022-10-4	Fire Station 3 Reroof and Clean up Project	Paid by Check # 101143		10/05/2022	10/24/2022	10/24/2022	11/04/2022		1,526.03
11456 - William A. Thayer Construction, Inc	2022-10-RET	Fire Station 3 Reroof and Clean up Project	Paid by Check # 101143		10/05/2022	10/24/2022	10/24/2022	11/04/2022		4,509.10
Account 6300.570 - Prof Svc Other Totals										Invoice Transactions 10
Sub-Division 00 - Non-Subdiv Totals										Invoice Transactions 11
Division 000 - Non-Div Totals										Invoice Transactions 11
Department 000 - Non-Dept Totals										Invoice Transactions 11
Fund 462 - City Capital Projects Totals										Invoice Transactions 11
										\$74,808.55
										\$75,026.05
										\$75,026.05
										\$75,026.05
										\$75,026.05



Accounts Payable by G/L Distribution Report

Payment Date Range 11/04/22 - 11/04/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 555 - Marina Airport										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11725 - ADK Consulting, Inc.	6796	Airport Manager Recruitment - Final Installation	Paid by Check # 101110		09/30/2022	10/31/2022	10/31/2022		11/04/2022	4,520.00
11489 - Wallace Group, Inc.	57715	Airport Project Management	Paid by Check # 101142		10/26/2022	10/20/2022	10/20/2022		11/04/2022	684.00
Account 6300.570 - Prof Svc Other Totals										
										\$5,204.00
Account 6360.440 - Maint & Repairs Landscape General										
10154 - Commercial Environment Landscape	2796-0822	Airport Landscape Services_Aug 22	Paid by Check # 101117		08/22/2022	10/20/2022	10/20/2022		11/04/2022	2,900.00
10154 - Commercial Environment Landscape	2796-0522	Airport Landscape Services_May 22	Paid by Check # 101117		05/01/2022	10/20/2022	10/20/2022		11/04/2022	2,900.00
10154 - Commercial Environment Landscape	2796-0622	Airport Landscape Services_June 22	Paid by Check # 101117		06/27/2022	10/20/2022	10/20/2022		11/04/2022	2,900.00
10154 - Commercial Environment Landscape	2796-0722	Airport Landscape Services_July 22	Paid by Check # 101117		07/25/2022	10/20/2022	10/20/2022		11/04/2022	2,900.00
10154 - Commercial Environment Landscape	2796-1022	Airport Landscape Maintenance October 2022	Paid by Check # 101117		10/24/2022	10/20/2022	10/20/2022		11/04/2022	2,900.00
Account 6360.440 - Maint & Repairs Landscape General Totals										
										\$14,500.00
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	415-6.Oct22	3220 Imjin Rd Bldg 504 (5972827415-6)	Paid by Check # 101133		10/18/2022	10/20/2022	10/20/2022		11/04/2022	204.41
10603 - Verizon Wireless	9918530705	PW Phone Bill 972476364-00001	Paid by Check # 101141		10/18/2022	10/24/2022	10/24/2022		11/04/2022	25.87
Account 6380.300 - Utilities Gas & Electric Totals										
										\$230.28
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10416 - Monterey County Petroleum-Sturdy Oil Co.	29361A-IN	City Fuel Ethanol/Diesel	Paid by Check # 101127		10/19/2022	10/27/2022	10/27/2022		11/04/2022	52.00
10416 - Monterey County Petroleum-Sturdy Oil Co.	29383A-IN	City Fuel Regular	Paid by Check # 101127		10/21/2022	10/27/2022	10/27/2022		11/04/2022	187.07
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals										
										\$239.07
Sub-Division 00 - Non-Subdiv Totals										
										\$20,173.35
Division 000 - Non-Div Totals										
										\$20,173.35
Department 000 - Non-Dept Totals										
										\$20,173.35
Fund 555 - Marina Airport Totals										
										\$20,173.35
										\$411,401.60



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount	
Fund 100 - General Fund											
Department 120 - City Mgr/HR/Risk											
Division 000 - Non-Div											
Sub-Division 00 - Non-Subdiv											
Account 6500.700 - Training & Travel											
10140 - City Of Marina Petty Cash	Petty Cash 11/22	Replenish Petty Cash	Paid by Check # 101158	Account 6500.700 - Training & Travel Sub-Division 00 - Non-Subdiv Division 000 - Non-Div Department 120 - City Mgr/HR/Risk	11/03/2022	11/03/2022	11/03/2022	11/11/2022		207.00	
											\$207.00
											\$207.00
											\$207.00
											\$207.00
Department 130 - Finance											
Division 000 - Non-Div											
Sub-Division 00 - Non-Subdiv											
Account 6300.215 - Prof Svc Fin - Audit											
11476 - Chavan & Associates LLP	17615	City Audit, GANN, Preston, and Abram	Paid by Check # 101157	Account 6300.215 - Prof Svc Fin - Audit	11/06/2022	11/06/2022	11/06/2022	11/11/2022		10,095.00	
											\$10,095.00
Account 6300.216 - Prof Svc Fin - Accounting Services											
10511 - Richard B. Standridge	22-22	Service 10/24- 11/3/2022	Paid by EFT # 2688		11/03/2022	11/03/2022	11/03/2022	11/11/2022		3,420.00	
Account 6300.216 - Prof Svc Fin - Accounting Services											
Sub-Division 00 - Non-Subdiv											
Division 000 - Non-Div											
Department 130 - Finance											
Totals											
										\$3,420.00	
										\$13,515.00	
										\$13,515.00	
										\$13,515.00	
Department 190 - Citywide Non-Dept											
Division 000 - Non-Div											
Sub-Division 00 - Non-Subdiv											
Account 6300.570 - Prof Svc Other											
11250 - U.S. Bank	6706164	Custodial Acct Admin Fee	Paid by Check # 101189	Account 6300.570 - Prof Svc Other	11/08/2022	11/08/2022	11/08/2022	11/11/2022		3,850.00	
											\$3,850.00
Account 6380.150 - Utilities Comm Phone System											
10758 - AT & T CALNET3	000018979466	CALNET3-9391023437 (384-0425)	Paid by Check # 101153		10/28/2022	11/03/2022	11/03/2022	11/11/2022		46.46	
10758 - AT & T CALNET3	000018979469	CALNET3-9391023440 (384-0860)	Paid by Check # 101153		10/28/2022	11/03/2022	11/03/2022	11/11/2022		24.07	
10758 - AT & T CALNET3	000018979470	CALNET3-9391023441 (384-0888)	Paid by Check # 101153		10/28/2022	11/03/2022	11/03/2022	11/11/2022		24.07	
10758 - AT & T CALNET3	000018979494	CALNET3-9391023463 (384-7854)	Paid by Check # 101153		10/28/2022	11/03/2022	11/03/2022	11/11/2022		24.07	
10758 - AT & T CALNET3	000018979497	CALNET3-9391023466 (384-8477)	Paid by Check # 101153		10/28/2022	11/03/2022	11/03/2022	11/11/2022		46.46	

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Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 190 - Citywide Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.150 - Utilities Comm Phone System										
10758 - AT & T CALNET3	000018979499	CALNET3-9391023468 (384-9148)	Paid by Check # 101153		10/28/2022	11/03/2022	11/03/2022		11/11/2022	24.08
10758 - AT & T CALNET3	000018974716	CALNET3-9391023471 (582-0100)	Paid by Check # 101153		10/27/2022	11/03/2022	11/03/2022		11/11/2022	50.84
10758 - AT & T CALNET3	000018974722	CALNET3-9391023477 (582-9803)	Paid by Check # 101153		10/27/2022	11/03/2022	11/03/2022		11/11/2022	24.09
Account 6380.150 - Utilities Comm Phone System Totals										\$264.14
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	Sept - Oct 313-6	PG&E 6793435313-6	Paid by Check # 101181		10/26/2022	11/07/2022	11/07/2022		11/11/2022	5,786.62
Account 6380.300 - Utilities Gas & Electric Totals										\$5,786.62
Account 6600.650 - Other Charges COVID 19 Response										
10140 - City Of Marina Petty Cash	Petty Cash 11/22	Replenish Petty Cash	Paid by Check # 101158		11/03/2022	11/03/2022	11/03/2022		11/11/2022	10.86
Account 6600.650 - Other Charges COVID 19 Response Totals										\$10.86
Sub-Division 00 - Non-Subdiv Totals										\$9,911.62
Division 000 - Non-Div Totals										\$9,911.62
Department 190 - Citywide Non-Dept Totals										\$9,911.62
Department 195 - Conveyance										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.440 - Maint & Repairs Landscape General										
10446 - New Image Landscape Co.	140073	Landscape Maintenance October 2022	Paid by Check # 101176		10/31/2022	11/04/2022	11/04/2022		11/11/2022	2,140.00
Account 6360.440 - Maint & Repairs Landscape General Totals										\$2,140.00
Sub-Division 00 - Non-Subdiv Totals										\$2,140.00
Division 000 - Non-Div Totals										\$2,140.00
Department 195 - Conveyance Totals										\$2,140.00
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11648 - Safelite Fulfillment Inc.	01468-930914	Acct #235582	Paid by Check # 101186		10/18/2022	10/26/2022	10/26/2022		11/11/2022	28.72
10627 - Zoom Imaging Solutions	IN3030269	Acct # SOS-CIT-1600-Z - City of Marina PD	Paid by Check # 101192		10/25/2022	10/31/2022	10/31/2022		11/11/2022	1,291.80
Account 6300.570 - Prof Svc Other Totals										\$1,320.52
Invoice Transactions 2										



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.570 - Maint & Repairs Other Svc Agr										
10493 - Pure H2O	18080	Water Cooler Service Police & Fire 11/01/22	Paid by Check # 101183		11/01/2022	11/02/2022	11/02/2022	Invoice Transactions 1	11/11/2022	88.55
			Account 6360.570 - Maint & Repairs Other Svc Agr Totals							\$88.55
Account 6380.120 - Utilities Comm Mobile & Pager										
10603 - Verizon Wireless	9918452560	Acct #272493672- 00001	Paid by Check # 101190		10/18/2022	10/31/2022	10/31/2022	Invoice Transactions 1	11/11/2022	1,669.98
			Account 6380.120 - Utilities Comm Mobile & Pager Totals							\$1,669.98
Account 6380.150 - Utilities Comm Phone System										
10053 - AT & T	10-21-22	Acct #051 935-4017 001	Paid by Check # 101152		10/21/2022	10/31/2022	10/31/2022	Invoice Transactions 1	11/11/2022	43.65
			Account 6380.150 - Utilities Comm Phone System Totals							\$43.65
Account 6400.020 - Material & Suppl Ammunition										
11322 - Dooley Enterprises, Inc.	64136	City of Marina Police Department	Paid by Check # 101161		10/31/2022	10/31/2022	10/31/2022	Invoice Transactions 1	11/11/2022	5,643.12
			Account 6400.020 - Material & Suppl Ammunition Totals							\$5,643.12
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
11324 - Wex Bank (former Chevron Fuel Cards)	84458824	Acct #0496-00-52150- 7	Paid by EFT # 2690		10/23/2022	10/31/2022	10/31/2022	Invoice Transactions 1	11/11/2022	698.29
			Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals							\$698.29
Account 6400.565 - Material & Suppl Office Supplies										
10003 - MP Express	68174	Marina Department of Public Safety	Paid by Check # 101172		07/05/2022	10/26/2022	10/26/2022	Invoice Transactions 1	11/11/2022	450.11
			Account 6400.565 - Material & Suppl Office Supplies Totals							\$450.11
Account 6400.740 - Material & Suppl Special Dept Suppl										
10470 - Peninsula Welding & Medical Supply	234322	FD Helium	Paid by Check # 101182		10/14/2022	11/03/2022	11/03/2022	Invoice Transactions 1	11/11/2022	124.98
			Account 6400.740 - Material & Suppl Special Dept Suppl Totals							\$124.98
Account 6400.800 - Material & Suppl Uniform										
10140 - City Of Marina Petty Cash	Petty Cash 11/22	Replenish Petty Cash	Paid by Check # 101158		11/03/2022	11/03/2022	11/03/2022	Invoice Transactions 1	11/11/2022	99.00
			Account 6400.800 - Material & Suppl Uniform Totals							\$99.00
Account 6500.620 - Training & Travel POST										
10140 - City Of Marina Petty Cash	Petty Cash 11/22	Replenish Petty Cash	Paid by Check # 101158		11/03/2022	11/03/2022	11/03/2022	Invoice Transactions 1	11/11/2022	1,420.00



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 210 - Police										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6500.620 - Training & Travel POST										
10935 - South Bay Regional Public Safety Training Cons.	223209	Crisis Intervention Training 10/3-10/7, Dhillon, Ruelas, Santana	Paid by Check # 101188		10/26/2022	10/31/2022	10/31/2022	11/11/2022		240.00
Account 6500.620 - Training & Travel POST Totals										
Sub-Division 00 - Non-Subdiv Totals										\$1,660.00
Division 000 - Non-Div Totals										\$11,798.20
Department 210 - Police Totals										\$11,798.20
										\$11,798.20
Department 250 - Fire										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
10841 - Carmel Fire Protection Associates Art Black	122427	Plan review & inspection at Catalyst Exterior, 3100 Del Monte	Paid by Check # 101156		10/24/2022	11/02/2022	11/02/2022	11/11/2022		200.00
Account 6300.570 - Maint & Repairs Other Svc Agr										
Account 6300.570 - Maint & Repairs Other Svc Agr Totals										\$200.00
10493 - Pure H2O	18080	Water Cooler Service Police & Fire 11/01/22	Paid by Check # 101183		11/01/2022	11/02/2022	11/02/2022	11/11/2022		113.53
Account 6360.850 - Maint & Repairs Vehicle										\$113.53
10780 - Allstar Fire Equipment Inc.	243444	Coiler 1" & 3" Fire Hose & Traller Hitch	Paid by Check # 101149		10/24/2022	11/02/2022	11/02/2022	11/11/2022		413.03
10780 - Allstar Fire Equipment Inc.	243445	Mounting Bracket Akron 150001 Hydrant and Spanner Wrench (4)	Paid by Check # 101149		10/24/2022	11/02/2022	11/02/2022	11/11/2022		331.36
Account 6400.800 - Material & Suppl Uniform										
Account 6400.800 - Material & Repairs Vehicle Totals										\$744.39
10140 - City Of Marina Petty Cash	Petty Cash 11/22	Replenish Petty Cash	Paid by Check # 101158		11/03/2022	11/03/2022	11/03/2022	11/11/2022		22.25
Account 6500.700 - Training & Travel Training & Travel										\$22.25
10140 - City Of Marina Petty Cash	Petty Cash 11/22	Replenish Petty Cash	Paid by Check # 101158		11/03/2022	11/03/2022	11/03/2022	11/11/2022		188.00
Account 6500.700 - Training & Travel Training & Travel Totals										\$188.00
Sub-Division 00 - Non-Subdiv Totals										\$1,268.17



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 250 - Fire										
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6360.065 - Maint & Repairs Bdg NonFlagship										
10728 - Ace Hardware-Public Works	083462	Tools	Paid by Check # 101148		10/31/2022	10/31/2022	10/31/2022	Invoice Transactions 6	11/11/2022	\$1,268.17
10728 - Ace Hardware-Public Works	083496	Shop Supplies	Paid by Check # 101148		11/02/2022	11/03/2022	11/03/2022	Invoice Transactions 6	11/11/2022	\$1,268.17
10728 - Ace Hardware-Public Works	083516	Tree Lighting	Paid by Check # 101148		11/04/2022	11/04/2022	11/04/2022		11/11/2022	10.90
10181 - Dave's Repair Service	34164DG	Monthly Site Inspections as Designated Operator	Paid by Check # 101160		09/01/2022	11/07/2022	11/07/2022		11/11/2022	90.00
10181 - Dave's Repair Service	34312	Monthly Site Inspections as Designated Operator	Paid by Check # 101160		11/02/2022	11/07/2022	11/07/2022		11/11/2022	90.00
Account 6360.070 - Maint & Repairs Bdg Public Safety										
10728 - Ace Hardware-Public Works	083479	PD Window Screen	Paid by Check # 101148		11/01/2022	11/01/2022	11/01/2022	Invoice Transactions 5	11/11/2022	\$247.67
10459 - Overhead Door Company	128517	Fire Department	Paid by Check # 101179		10/31/2022	11/04/2022	11/04/2022		11/11/2022	1,856.60
Account 6360.070 - Maint & Repairs Bdg Public Safety										
10952 - MuttMitt - ZW USA Inc.	514461	City Parks	Paid by Check # 101173		11/01/2022	10/31/2022	10/31/2022	Invoice Transactions 2	11/11/2022	\$1,881.72
Account 6360.440 - Maint & Repairs Landscape General										
10349 - Marina Coast Water District	000056061 102122	Reservation/Locke Paddon Park	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022	Invoice Transactions 1	11/11/2022	\$1,196.14
10349 - Marina Coast Water District	000056042 102122	3040 Lake Drive	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	82.42
10349 - Marina Coast Water District	000056090 102122	Locke Paddon Park	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	89.02
10349 - Marina Coast Water District	000056006 102122	188 Seaside Circle	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	60.52
10349 - Marina Coast Water District	000056094 102122	2660 5th Ave	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	65.97
10349 - Marina Coast Water District	000056045 102122	3100 Preston Drive	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	426.66
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056061 102122	Reservation/Locke Paddon Park	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	2,626.00
10349 - Marina Coast Water District	000056042 102122	3040 Lake Drive	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	
10349 - Marina Coast Water District	000056090 102122	Locke Paddon Park	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	
10349 - Marina Coast Water District	000056006 102122	188 Seaside Circle	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	
10349 - Marina Coast Water District	000056094 102122	2660 5th Ave	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	
10349 - Marina Coast Water District	000056045 102122	3100 Preston Drive	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 311 - Buildings & Grounds										
Sub-Division 00 - Non-Subdiv										
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056046	3100 Preston Drive	Paid by Check		10/21/2022	10/31/2022	10/31/2022		11/11/2022	150.82
	102122		# 101168							
10349 - Marina Coast Water District	000056100	9th Street (Irrigation)	Paid by Check		10/31/2022	11/07/2022	11/07/2022		11/11/2022	962.61
	103122	Parcels L&M	# 101168							
10349 - Marina Coast Water District	000056099	9th Street West of 2nd	Paid by Check		10/31/2022	11/07/2022	11/07/2022		11/11/2022	264.17
	103122	Avenue	# 101168							
Account 6380.500 - Utilities Water & Sewer Totals										Invoice Transactions 9
										\$4,728.19
Account 6400.800 - Material & Suppl Uniform										
10043 - Aramark Uniform Service	5110106389	Uniforms	Paid by Check		11/02/2022	11/04/2022	11/04/2022		11/11/2022	138.67
			# 101150							
Account 6400.800 - Material & Suppl Uniform Totals										Invoice Transactions 1
Sub-Division 00 - Non-Subdiv Totals										Invoice Transactions 18
Division 311 - Buildings & Grounds Totals										Invoice Transactions 18
										\$138.67
										\$8,192.39
										\$8,192.39
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.690 - Maint & Repairs Supplies										
10292 - Interstate Battery	120124349	Batteries	Paid by Check		10/19/2022	11/07/2022	11/07/2022		11/11/2022	440.65
			# 101166							
10403 - NAPA Auto Parts - former Monterey	942648	Shop Supplies	Paid by Check		10/25/2022	11/03/2022	11/03/2022		11/11/2022	41.82
Auto Supply			# 101175							
10403 - NAPA Auto Parts - former Monterey	944176	PD Brakes	Paid by Check		11/02/2022	11/03/2022	11/03/2022		11/11/2022	83.05
Auto Supply			# 101175							
10403 - NAPA Auto Parts - former Monterey	943983	Shop Supplies	Paid by Check		11/01/2022	11/03/2022	11/03/2022		11/11/2022	67.71
Auto Supply			# 101175							
10403 - NAPA Auto Parts - former Monterey	943935	PD Brakes	Paid by Check		11/01/2022	11/03/2022	11/03/2022		11/11/2022	438.97
Auto Supply			# 101175							
Account 6360.690 - Maint & Repairs Supplies Totals										Invoice Transactions 5
										\$1,072.20
Account 6360.850 - Maint & Repairs Vehicle										
10176 - Cypress Coast Ford Lincoln	367830	Fire Department	Paid by Check		10/21/2022	11/04/2022	11/04/2022		11/11/2022	1,199.45
			# 101159							
10215 - Edwards Truck Center	70301	Fire Department	Paid by Check		10/20/2022	11/04/2022	11/04/2022		11/11/2022	256.80
			# 101162							
10428 - Monterey Tire Service	1-109038	PD 14 Ford Fusion	Paid by Check		11/02/2022	11/03/2022	11/03/2022		11/11/2022	647.54
			# 101171							
10428 - Monterey Tire Service	1-108992	Fire Dept	Paid by Check		10/27/2022	11/04/2022	11/04/2022		11/11/2022	89.95
			# 101171							
10437 - My Chevrolet	CVCS254721	PD 2017 Chevy Caprice	Paid by Check		11/01/2022	11/01/2022	11/01/2022		11/11/2022	5,363.02
			# 101174							
10448 - Newton Bros. Tire & Auto	436955	PD	Paid by Check		11/02/2022	11/03/2022	11/03/2022		11/11/2022	716.45
			# 101177							



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 310 - Public Works										
Division 313 - Vehicle Maint										
Sub-Division 00 - Non-Subdiv										
Account 6360.850 - Maint & Repairs Vehicle										
10448 - Newton Bros. Tire & Auto	436710	PD Brakes	Paid by Check # 101177		10/24/2022	11/03/2022	11/03/2022		11/11/2022	120.00
10528 - Salinas Valley Ford	95114	PD	Paid by Check # 101187		11/01/2022	10/31/2022	10/31/2022		11/11/2022	190.00
10528 - Salinas Valley Ford	94427	PD	Paid by Check # 101187		09/29/2022	11/01/2022	11/01/2022		11/11/2022	139.94
Account 6360.850 - Maint & Repairs Vehicle										
Sub-Division 00 - Non-Subdiv Totals										\$8,723.15
Division 313 - Vehicle Maint Totals										\$9,795.35
Department 310 - Public Works Totals										\$9,795.35
										\$17,987.74
Department 410 - Planning										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.610 - Prof Svc Planning - Consultant										
10316 - Kimley-Horn & Associates	22551313	Kimley Horn Marina Downtown Parking Field Work	Paid by Check # 101167		09/30/2022	10/31/2022	10/31/2022		11/11/2022	8,431.50
10508 - Regional Government Services										
14148 Contract Services for Planning - September										
10565 - SWCA Environmental Consultants	155102	SWCA Vernal Ponds	Paid by Check # 101185		09/30/2022	10/27/2022	10/27/2022		11/11/2022	1,235.28
Paid by EFT # 2689										1,529.75
Account 6300.610 - Prof Svc Planning - Consultant										
Totals										\$11,196.53
Account 6330.100 - Fee Agr Costs - Planning										
10508 - Regional Government Services	13892	Marina Dunes July 2022	Paid by Check # 101185		07/31/2022	10/26/2022	10/26/2022		11/11/2022	16,021.23
10508 - Regional Government Services	14012	Marina Dunes August 2022	Paid by Check # 101185		08/31/2022	10/26/2022	10/26/2022		11/11/2022	22,043.27
Account 6330.100 - Fee Agr Costs - Planning										
Totals										\$38,064.50
Account 6400.352 - Material & Suppl IT - Software (non-capitalize)										
10046 - ARC (Former San Jose Blue)	2636326	ARC 10/26/22	Paid by Check # 101151		10/26/2022	11/01/2022	11/01/2022		11/11/2022	282.96
Account 6400.352 - Material & Suppl IT - Software (non-capitalize)										
Totals										\$282.96
Account 6400.565 - Material & Suppl Office Supplies										
10732 - Office Depot-General Account	269214773001	Office Depot Planning Supplies	Paid by Check # 101178		10/13/2022	10/26/2022	10/26/2022		11/11/2022	138.11
Account 6400.565 - Material & Suppl Office Supplies										
Totals										\$138.11
Sub-Division 00 - Non-Subdiv Totals										\$49,682.10
Division 000 - Non-Div Totals										\$49,682.10
Department 410 - Planning Totals										\$49,682.10



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 100 - General Fund										
Department 420 - Engineering										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.190 - Prof Svc Engineering Svc Interagency										
10271 - HF&H Consultants	9719634	Rate Analysis	Paid by Check # 101165		10/24/2022	10/31/2022	10/31/2022	11/11/2022		1,635.00
Account 6300.190 - Prof Svc Engineering Svc Interagency Totals										\$1,635.00
Account 6300.570 - Prof Svc Other										
10316 - Kimley-Horn & Associates	22585023	Marina HSIP Cycle 11	Paid by Check # 101167		09/30/2022	11/04/2022	11/04/2022	11/11/2022		6,973.50
Account 6300.570 - Prof Svc Other Totals										\$6,973.50
Sub-Division 00 - Non-Subdiv Totals										\$8,608.50
Division 000 - Non-Div Totals										\$8,608.50
Department 420 - Engineering Totals										\$8,608.50
Department 430 - Building Inspection										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.100 - Prof Svc Code Enforcement										
11477 - Cheryl Kent - DBA Fastrac	2022-125	Code Enforcement Investigations	Paid by Check # 101193		10/28/2022	10/31/2022	10/31/2022	11/11/2022		1,050.00
11477 - Cheryl Kent - DBA Fastrac	2022-130	Code Force Investigations	Paid by Check # 101193		11/04/2022	11/07/2022	11/07/2022	11/11/2022		1,470.00
Account 6300.100 - Prof Svc Code Enforcement Totals										\$2,520.00
Account 6300.570 - Prof Svc Other										
11762 - Raimi + Associates, Inc	22-5406	Objective Design Standards	Paid by Check # 101184		10/28/2022	10/31/2022	10/31/2022	11/11/2022		4,778.30
Account 6300.570 - Prof Svc Other Totals										\$4,778.30
Sub-Division 00 - Non-Subdiv Totals										\$7,298.30
Division 000 - Non-Div Totals										\$7,298.30
Department 430 - Building Inspection Totals										\$7,298.30
Fund 100 - General Fund Totals										\$122,416.63



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	Sept - Oct 313-6	PG&E 6793435313-6	Paid by Check # 101181		10/26/2022	11/07/2022	11/07/2022		11/11/2022	667.94
Account 6380.300 - Utilities Gas & Electric Totals										\$667.94
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	000056040 102122	Hilo Ave	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	27.26
10349 - Marina Coast Water District	000056028 102122	California at Jerry Ct	Paid by Check # 101168		10/21/2022	10/31/2022	10/31/2022		11/11/2022	36.77
10349 - Marina Coast Water District	000056084 102622	Crescent/Shuler/Irrigati on (Past Due Dec 21)	Paid by Check # 101168		10/26/2022	11/03/2022	11/03/2022		11/11/2022	27.73
10349 - Marina Coast Water District	000056036 103122	2nd Ave/Divarty & Intergarrison	Paid by Check # 101168		10/31/2022	11/07/2022	11/07/2022		11/11/2022	171.02
10349 - Marina Coast Water District	000056037 103122	2nd Ave	Paid by Check # 101168		10/31/2022	11/07/2022	11/07/2022		11/11/2022	171.02
10349 - Marina Coast Water District	000056095 103122	2nd Ave	Paid by Check # 101168		10/31/2022	11/07/2022	11/07/2022		11/11/2022	346.88
Account 6380.500 - Utilities Water & Sewer Totals										\$780.68
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel										
10233 - Fastenal Company	CASAL155986	Premixed	Paid by Check # 101163		10/25/2022	11/07/2022	11/07/2022		11/11/2022	447.95
Account 6400.230 - Material & Suppl Fuel - Gas and Diesel Totals										\$447.95
Account 6400.733 - Material & Suppl Signs										
10108 - Capitol Barricade, Inc.	147116	California and Carmel	Paid by Check # 101155		08/23/2022	11/01/2022	11/01/2022		11/11/2022	2,815.42
10108 - Capitol Barricade, Inc.	147113	Posts	Paid by Check # 101155		10/07/2022	11/01/2022	11/01/2022		11/11/2022	2,430.81
10108 - Capitol Barricade, Inc.	147977	Cone Bar	Paid by Check # 101155		09/23/2022	11/01/2022	11/01/2022		11/11/2022	310.15
10108 - Capitol Barricade, Inc.	147240	Road Closed	Paid by Check # 101155		08/29/2022	11/01/2022	11/01/2022		11/11/2022	369.92
10108 - Capitol Barricade, Inc.	148036	Commercial Parking	Paid by Check # 101155		09/26/2022	11/01/2022	11/01/2022		11/11/2022	6,869.97
10108 - Capitol Barricade, Inc.	148234	Reflective Worker Symbol	Paid by Check # 101155		10/04/2022	11/01/2022	11/01/2022		11/11/2022	869.84
Account 6400.733 - Material & Suppl Signs Totals										\$13,666.11
Account 6400.737 - Material & Suppl Tools & Equip										
10728 - Ace Hardware-Public Works	083469	Street Supplies	Paid by Check # 101148		11/01/2022	11/01/2022	11/01/2022		11/11/2022	29.46
Account 6400.737 - Material & Suppl Tools & Equip Totals										\$29.46



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 220 - Gas Tax										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6400.780 - Material & Suppl Traffic Signal										
10101 - California Department of Transportation	SL230209	Signals & Lighting July 2022-September 2022	Paid by Check # 101154		10/27/2022	11/04/2022	11/04/2022	11/11/2022		117.92
Account 6400.780 - Material & Suppl Traffic Signal Totals										\$117.92
Invoice Transactions 1										
Account 6400.800 - Material & Suppl Uniform										
10043 - Aramark Uniform Service	5110106399	Shop Supplies	Paid by Check # 101150		11/02/2022	11/04/2022	11/04/2022	11/11/2022		62.36
Account 6400.800 - Material & Suppl Uniform Totals										\$62.36
Sub-Division 00 - Non-Subdiv Totals										\$15,772.42
Division 000 - Non-Div Totals										\$15,772.42
Department 000 - Non-Dept Totals										\$15,772.42
Fund 220 - Gas Tax Totals										\$15,772.42
Invoice Transactions 17										
Invoice Transactions 17										
Invoice Transactions 17										
Invoice Transactions 17										
Invoice Transactions 17										



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Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 223 - FORA Dissolution										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11489 - Wallace Group, Inc.	57714	Program Management	Paid by Check # 101191		10/26/2022	11/01/2022	11/01/2022		11/11/2022	5,236.63
Account 6300.570 - Prof Svc Other Totals										\$5,236.63
Sub-Division 00 - Non-Subdiv Totals										\$5,236.63
Division 000 - Non-Div Totals										\$5,236.63
Department 000 - Non-Dept Totals										\$5,236.63
Fund 223 - FORA Dissolution Totals										\$5,236.63



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Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 233 - Monterey Bay Estates AD										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	Sept - Oct 313-6	PG&E 6793435313-6	Paid by Check # 101181		10/26/2022	11/07/2022	11/07/2022		11/11/2022	(68.87)
			Account 6380.300 - Utilities Gas & Electric Totals					Invoice Transactions	1	(\$68.87)
			Sub-Division 00 - Non-Subdiv Totals					Invoice Transactions	1	(\$68.87)
			Division 000 - Non-Div Totals					Invoice Transactions	1	(\$68.87)
			Department 000 - Non-Dept Totals					Invoice Transactions	1	(\$68.87)
			Fund 233 - Monterey Bay Estates AD Totals					Invoice Transactions	1	(\$68.87)



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 235 - Cypress Cove II AD										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.300 - Utilities Gas & Electric										
10463 - Pacific Gas & Electric	Sept - Oct 313-6	PG&E 6793435313-6	Paid by Check # 101181		10/26/2022	11/07/2022	11/07/2022		11/11/2022	.00
			Account 6380.300 - Utilities Gas & Electric					Invoice Transactions	1	\$0.00
			Sub-Division 00 - Non-Subdiv					Invoice Transactions	1	\$0.00
			Division 000 - Non-Div					Invoice Transactions	1	\$0.00
			Department 000 - Non-Dept					Invoice Transactions	1	\$0.00
			Fund 235 - Cypress Cove II AD					Invoice Transactions	1	\$0.00



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 251 - CFD - Locke Paddon										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6380.500 - Utilities Water & Sewer										
10349 - Marina Coast Water District	012016000 102122	199 A Paddon Place	Paid by Check # 101168		10/21/2022	11/01/2022	11/01/2022		11/11/2022	36.77
			Account 6380.500 - Utilities Water & Sewer					Invoice Transactions	1	\$36.77
			Sub-Division 00 - Non-Subdiv					Invoice Transactions	1	\$36.77
			Division 000 - Non-Div					Invoice Transactions	1	\$36.77
			Department 000 - Non-Dept					Invoice Transactions	1	\$36.77
			Fund 251 - CFD - Locke Paddon					Invoice Transactions	1	\$36.77



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 422 - Capital Projects - Measure X										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.570 - Prof Svc Other										
11489 - Wallace Group, Inc.	57714	Program Management	Paid by Check # 101191		10/26/2022	11/01/2022	11/01/2022		11/11/2022	3,796.50
		Account 6300.570 - Prof Svc Other						Invoice Transactions	1	\$3,796.50
		Sub-Division 00 - Non-Subdiv						Invoice Transactions	1	\$3,796.50
		Division 000 - Non-Div						Invoice Transactions	1	\$3,796.50
		Department 000 - Non-Dept						Invoice Transactions	1	\$3,796.50
		Fund 422 - Capital Projects - Measure X						Invoice Transactions	1	\$3,796.50



Vendor

Department 000 - Non-Dept

Sub-Division 00 - Non-Subdiv

Account 6300.570 - Prof Svc Other

101167

Site Improvements and # 101180

101180

Pump Track & # 101191

\$35,207.61
\$35,207.61
\$35,207.61
\$35,207.61
\$35,207.61



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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 555 - Marina Airport										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6360.050 - Maint & Repairs Building										
10728 - Ace Hardware-Public Works	083362	Airport	Paid by Check # 101148		10/20/2022	11/02/2022	11/02/2022		11/11/2022	8.70
10728 - Ace Hardware-Public Works	083360	Airport	Paid by Check # 101148		10/20/2022	11/02/2022	11/02/2022		11/11/2022	10.91
10728 - Ace Hardware-Public Works	083437	Airport	Paid by Check # 101148		10/28/2022	11/02/2022	11/02/2022		11/11/2022	13.10
10728 - Ace Hardware-Public Works	083377	Airport	Paid by Check # 101148		10/21/2022	11/02/2022	11/02/2022		11/11/2022	8.28
11765 - Matthew Nelson	06738	Del Monte Glass Window Replacement	Paid by Check # 101169		10/28/2022	11/03/2022	11/03/2022		11/11/2022	1,771.00
Account 6360.050 - Maint & Repairs Building Totals										\$1,811.99
Account 6360.280 - Maint & Repairs Habitat Management Svc										
10250 - Gavilan Pest Control	0148809	781 Neeson Building 520 Rodents	Paid by Check # 101164		10/24/2022	11/01/2022	11/01/2022		11/11/2022	75.00
10250 - Gavilan Pest Control	0148808	781 Neeson Building 520 Squirrels	Paid by Check # 101164		10/21/2022	11/01/2022	11/01/2022		11/11/2022	1,150.00
Account 6360.280 - Maint & Repairs Habitat Management Svc Totals										\$1,225.00
Sub-Division 00 - Non-Subdiv Totals										\$3,036.99
Division 000 - Non-Div Totals										\$3,036.99
Department 000 - Non-Dept Totals										\$3,036.99
Fund 555 - Marina Airport Totals										\$3,036.99



Accounts Payable by G/L Distribution Report

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Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 556 - Preston Park NonProfit Corp										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.215 - Prof Svc Fin - Audit										
11476 - Chavan & Associates LLP	17615	City Audit, GANN, Preston, and Abram	Paid by Check # 101157		11/06/2022	11/06/2022	11/06/2022		11/11/2022	2,500.00
		Account 6300.215 - Prof Svc Fin - Audit Totals						Invoice Transactions	1	\$2,500.00
		Sub-Division 00 - Non-Subdiv Totals						Invoice Transactions	1	\$2,500.00
		Division 000 - Non-Div Totals						Invoice Transactions	1	\$2,500.00
		Department 000 - Non-Dept Totals						Invoice Transactions	1	\$2,500.00
		Fund 556 - Preston Park NonProfit Corp Totals						Invoice Transactions	1	\$2,500.00



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Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 557 - Abrams B NonProfit Corp										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6300.215 - Prof Svc Fin - Audit										
11476 - Chavan & Associates LLP	17615	City Audit, GANN, Preston, and Abram	Paid by Check # 101157		11/06/2022	11/06/2022	11/06/2022		11/11/2022	2,500.00
		Account 6300.215 - Prof Svc Fin - Audit						Invoice Transactions	1	\$2,500.00
		Sub-Division 00 - Non-Subdiv						Invoice Transactions	1	\$2,500.00
		Division 000 - Non-Div						Invoice Transactions	1	\$2,500.00
		Department 000 - Non-Dept						Invoice Transactions	1	\$2,500.00
		Fund 557 - Abrams B NonProfit Corp						Invoice Transactions	1	\$2,500.00
		Grand Totals						Invoice Transactions	114	\$190,434.68



Accounts Payable by G/L Distribution Report

Payment Date Range 11/11/22 - 11/11/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 758 - Successor Agency Oblig Retirement										
Department 000 - Non-Dept										
Division 000 - Non-Div										
Sub-Division 00 - Non-Subdiv										
Account 6650.019 - ROPS #19- Accounting Services										
10315 - Keyser Marston Associates	0037329	Professional Services Rendered	Paid by Check # 100		11/09/2022	11/09/2022	11/09/2022		11/11/2022	672.40
		Account 6650.019 - ROPS #19- Accounting Services								
		Sub-Division 00 - Non-Subdiv						Invoice Transactions	1	\$672.40
		Division 000 - Non-Div						Invoice Transactions	1	\$672.40
		Department 000 - Non-Dept						Invoice Transactions	1	\$672.40
		Fund 758 - Successor Agency Oblig Retirement						Invoice Transactions	1	\$672.40
		Grand Totals						Invoice Transactions	1	\$672.40

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

CITY COUNCIL CONSIDER ADOPTING RESOLUTION 2022-, RECOGNIZING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL OF THE CITY OF MARINA AND ITS CONSTITUENT BODIES FOR THE PERIOD NOVEMBER 21, 2022, THROUGH DECEMBER 20, 2022, PURSUANT TO BROWN ACT PROVISIONS.

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2022-, regarding the Ralph M. Brown Act (California Government Code §§54950-54963, hereinafter the “Brown Act”) making certain findings; and authorizing the City to continue to implement remote teleconferenced public meetings of the City Council and its constituent bodies for the period November 21, 2022, through December 20, 2022.

BACKGROUND:

Government Code §54953(e) allows cities to continue to meet remotely during states of emergency proclaimed by the Governor under modified Brown Act requirements that are similar to but not identical to the rules and procedures established by the prior Executive Orders of Governor Newsom relating to the relaxation of certain Brown Act requirements during the COVID-19 pandemic.

Government Code §54953(e) authorizes local agencies to use teleconferencing without complying with teleconferencing requirement imposed by the Brown Act during a declared state of emergency when state or local health officials have imposed or recommended measures to promote social distancing during the proclaimed state of emergency or when the legislative body had determined by majority vote that meeting in person would present imminent risks to the health or safety of attendees.

At a special meeting held on October 5, 2021, the City Council adopted Resolution 2021-104 regarding the Brown Act making certain findings, and authorizing the City to implement remote teleconferenced public meetings of the City Council and its constituent bodies might be held without compliance with Government Code §54953(b)(3) for the period October 5, 2021 through November 4, 2021; subsequently on November 2, 2021, the Council adopted Resolution 2021-113 extending that period until December 2, 2021; on November 16, 2021, the Council adopted Resolution 2021-118 extending that period until December 16, 2021; on December 14, 2021, the Council adopted Resolution 2021-134 extending that period until January 13, 2022; and on January 11, 2022, the Council adopted Resolution 2022-02 extending that period to February 10, 2022; and on February 1, 2022, the Council adopted Resolution No. 2022-13, extending that period until March 3, 2022; on March 1, 2022 Council adopted Resolution No. 2022-32, extending that period to March 31, 2022, on March 15, 2022 Resolution 2022-34; April 19, 2022 Resolution No. 2022-48, and on May 17, 2022 adopted Resolution No. 2022-54; on June 21, 2022 Resolution No. 2022-78; on July 19, 2022, Resolution No. 2022-94 on August 16, 2022 Resolution No. 2022-105, on September 7, 2022 Resolution No. 2022-110; on October 18, 2022, Resolution No. 2022-123, extending the period during which remote teleconferenced public meetings of the City Council and its constituent bodies might be held without compliance with Government Code §54953(b)(3) to November 19, 2022.

ANALYSIS:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 which among other things rescinded his prior Executive Order N-29-20 and set the date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variants surged in California, the legislature took action to extend the COVID-19 exemptions to the Brown Act's teleconference requirements, subject to some additional requirements. California and Monterey County are presently continuing to experience cases of the rapidly-spreading Omicron variant. Assembly Bill 361 amended Government Code §54953 and allowed a local agency to use teleconferencing in any of the following circumstances without complying with certain Brown Act provisions:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote taken at a meeting held for the purpose described in 2 above, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency that holds a meeting under any of these circumstances would be required to follow certain requirements listed in the attached Resolution, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies. The City of Marina adheres to the listed requirements.

Government Code §54953(e)(3) provides that if the state of emergency remains active for more than 30 days, a local agency must make the following findings by majority vote every 30 days to continue using the exemption to the Brown Act teleconferencing requirements:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: the state of emergency continue to directly impact the ability of members to meet safely in person or State or local officials continue to impose or recommend social distancing measures.

The goal of Government Code §54953 as revised by AB 361 is to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies by allowing broader access through teleconferencing options. The current version of Government Code §54953 became effective on September 16, 2021, with a sunset of the present version on January 1, 2024.

FISCAL IMPACT:

None identified.

CONCLUSION:

This request is submitted for City Council consideration and possible adoption of a resolution proclaiming a local emergency persists, re-ratifying the proclamation of a state of emergency by Governor Newsom on March 4, 2020, and re-authorizing remote teleconference meetings of the City Council of the City of Marina and its constituent bodies for the period October 21, 2022, through November 19, 2022, pursuant to Brown Act provisions.

Respectfully submitted,

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA RECOGNIZING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL OF THE CITY OF MARINA AND ITS CONSTITUENT BODIES FOR THE PERIOD NOVEMBER 21, 2022, THROUGH DECEMBER 20, 2022, PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the City of Marina is committed to preserving and nurturing public access and participation in meetings of the City Council and its constituent bodies; and

WHEREAS, all meetings of City of Marina's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the City Council previously adopted Resolution No. 2021- 104 on October 5, 2021, Resolution 2021-113 on November 2, 2021, Resolution 2021-118 on November 16, 2021, Resolution 2021-134 on December 14, 2021, Resolution 2022-02 on January 11, 2022, Resolution 2022-13 on February 1, 2022, Resolution No. 2022-13 on March 1, 2022, Resolution 2022-32, on March 15, 2022 Resolution 2022-34; April 19, 2022 Resolution No. 2022-48, and on May 17, 2022 Resolution No. 2022-54; on June 21, 2022 Resolution No. 2022-78; on July 19, 2022 Resolution No. 2022-94; on August 16, 2022, Resolution No. 2022-105; on September 7, 2022 Resolution No. 2022-110, on October 18, 2022, Resolution No. 2022-123, extending the period during which remote teleconferenced public meetings of the City Council and its constituent bodies might be held without compliance with Government Code §54953(b)(3) to November 19, 2022; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the City Council must reconsider the circumstances of the state of emergency that exists in the City, and the City Council has done so; and

WHEREAS, emergency conditions persist in the City, specifically, the March 4, 2020, proclamation by the Governor of a state of emergency in the State of California due to COVID-19 and the March 13, 2020, proclamation of a state of emergency in the City of Marina by the City Manager, as the City's Director of Emergency Services, due to COVID-19 which was subsequently ratified by the City Council on March 17, 2020, and after having been supplemented twice, and both proclamations of states of emergency remain in effect; and

WHEREAS, on September 22, 2021, the County of Monterey Health Department issued a Recommendation Regarding Social Distancing Including Remote Meetings of Legislative Bodies, attached hereto as **Attachment 1**; and

WHEREAS, the City Council does hereby find that California and Monterey County are presently continuing to experience cases of the rapidly-spreading COVID-19 Omicron variant and as of June 13, 2022, the federal Centers for Disease Control and Prevention rated the risk level for community transmission of COVID-19 in Monterey County as medium with a case rate of 29.9 individuals per 100,000 persons, as of June 13, 2022, a total of 750 persons have died of COVID-19 and 367 persons are reported as new cases currently suffering from COVID-19 with 27 persons reported hospitalized in Monterey County by the County Health Department; this situation has and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and desires to recognize and affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California and to recognize the County of Monterey Health Department's recommendation regarding social distancing; and

WHEREAS, as a consequence of the local emergency persisting, the City Council does hereby find that the City Council and its constituent bodies shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the City of Marina will continue to implement the following measures for meetings of its City Council and its constituent bodies:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any action taken during such a service disruption could be challenged under the Brown Act's existing challenger provisions).

- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The City Council hereby reconsiders the conditions of the state of emergency in the City and proclaims that a local emergency persists throughout the City, and:

(a) On September 22, 2021, the County of Monterey Health Department issued a Recommendation Regarding Social Distancing Including Remote Meetings of Legislative Bodies; and

(b) California and Monterey County are presently continuing to experience cases of the rapidly-spreading COVID-19 Omicron variant and as of June 13, 2022, the federal Centers for Disease Control and Prevention rated the risk level for community transmission of COVID-19 in Monterey County as medium with a case rate of 29.9 individuals per 100,000 persons, as of June 13, 2022, a total of 750 persons have died of COVID-19 and 367 persons are reported as new cases currently suffering from COVID-19 with 27 persons reported hospitalized in Monterey County by the County Health Department; and this has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The City Council hereby reconsiders and re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The City Manager and legislative bodies of the City of Marina, the City Council and its constituent bodies, are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 20, 2022, or such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council of the City of Marina and its constituent bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held this 15th day of November 2022, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Mendoza Jimenez, Director of Health

Administration Animal Services Behavioral Health Clinic Services
Emergency Medical Services Environmental Health Public Administrator/Public Guardian Public Health

Recommendation Regarding Social Distancing Including Remote Meetings of Legislative Bodies

Issued: September 22, 2021

The Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

Monterey County continues to experience transmission of COVID-19 locally. Physical and social distancing is still an effective measure to reduce the spread of COVID-19, especially when combined with use of face coverings, frequent hand washing, staying home when ill, testing, and vaccination with U.S. Food and Drug Administration approved or authorized COVID-19 vaccines.

Remote meetings of legislative bodies allow for the virtual participation of agency staff, presenters, and community members in safer environments, with less risk of exposure to SARS-CoV-2, the virus that causes COVID-19.

The Monterey County Health Officer will continue to monitor local metrics and the necessity of this recommendation.

November 10, 2022

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

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2022-,
AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT FOR A
VETERAN'S HOME IN MONTEREY COUNTY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2022-, authorizing the mayor or his designee to sign a letter of support for a Veteran's Home in Monterey County. **(EXHIBIT A)**

BACKGROUND:

In October 2022, the city received a request from Supervisor Luis Alejo's office for a letter of support for the proposal to build a new Veterans Home in Monterey County to serve veterans in our region and their spouses/partners.

Currently, there are extended wait times to access the established Veterans Homes in the State for much needed services. If Veterans are unable to access Veteran Home services timely, they will have to seek other options, potentially out of the State of California or even risk becoming homeless.

The Closest Veterans Homes are located in Fresno and Yountville, and Ventura. A new Veterans Home hasn't been built in over 10-years.

ANALYSIS

The County Supervisor's office has received 6 support letters from the Board of Supervisors from Monterey, Santa Cruz, San Benito, Santa Clara, San Luis Obispo & San Mateo County. We have also received support letters from 12 cities, including King City, Watsonville, Salinas, Pacific Grove, Greenfield, Carmel, Monterey, Santa Cruz, Sand City, Seaside, Gonzales & Del Rey Oaks.

Moreover, we have received support letters from Congressmembers Jimmy Panetta, Salud Carbajal and Zoe Lofgren.

CONCLUSION:

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

Respectfully submitted,

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT FOR A
VETERAN'S HOME IN MONTEREY COUNTY

WHEREAS, In October 2022, the city received a request from Supervisor Luis Alejo's office for a letter of support for the proposal to build a new Veterans Home in Monterey County to serve veterans in our region and their spouses/partners; and

WHEREAS, currently, there are extended wait times to access the established Veterans Homes in the State for much needed services. If Veterans are unable to access Veteran Home services timely, they will have to seek other options, potentially out of the State of California or even risk becoming homeless; and

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

- (1) Authorize the mayor or his designee to sign a letter of support for a Veteran's Home in Monterey County

PASSED AND ADOPTED by the City Council of the City of Marina at a special meeting duly held on this 15TH day of November 2022 by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

**CITY OF MARINA**

211 Hillcrest Avenue
Marina, CA 93933
831-884-1278; FAX 831-384-9148
www.cityofmarina.org

November 15, 2022

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Jimmy Panetta
406 Cannon House Office Building
Washington, DC 20515

The Honorable Alex Padilla
112 Hart Senate Office Building
Washington, DC 20510

The Honorable Anna Caballero
12th Senate District
1021 O Street, Rm 7620
Sacramento, CA 95814

The Honorable John Laird
17th Senate District
1021 O Street, Rm 8720
Sacramento, CA 95814

The Honorable Robert Rivas
30th Assembly District
1021 O Street, Rm 5110
Sacramento, CA 95814

The Honorable Mark Stone
29th Assembly District
1021 O Street, Rm 5740
Sacramento, CA 95814

Re: Support for a Veteran's Home in Monterey County

Dear Monterey Bay Region Federal and State Legislators:

On behalf of City of Marina, we are writing to support Monterey County's request for authorizing legislation allowing a Veteran's Home to be built in the region.

Currently, there are extended wait times to access the established Veterans Homes in the State for much needed services. If Veterans are unable to access Veteran Home services timely, they will have to seek other options, potentially out of the State of California or even risk becoming homeless. For Veterans in need of Skilled Nursing and Memory Care must wait years before they get admitted. The construction of a new Veterans Home in Monterey County would help to alleviate the long wait times and keep our Veterans in the State. Current wait times for these services are:

- Yountville: 5 years wait time for admittance.
- West Los Angeles: 2 years wait time for admittance.
- Fresno: 4 years wait time for admittance.
- Redding: 5 years wait time for admittance.

California is losing veterans at an alarming rate – much faster than the next 2 largest veteran population states (Texas and Florida). We owe all we have to the veterans of this Nation, and it is our joint obligation to do all we can to care for those who have selflessly served for the freedoms we have today.

Currently California Veterans receive more than 8 Billion in Federal VA Compensation and Pension Payments. In addition, many receive Post 9/11 GI Bill, Chapter 33 Education Benefits and DoD Retirements. If Veterans leave the state so will the need for Veteran Serving organizations that create high paying jobs with the Federal VA, State, Counties, Private Sector and Non-Profits that serve our Veterans. Veterans positively impact the California Ecosystem.

The construction of a new Veteran's Home will lower or eliminate wait times for admittance into the CalVET Veterans Homes for services including combined skilled nursing & memory care services. Adding an additional Veterans Home will increase the number of homes to 9 in the state. Homes are available to Disabled and Aged Veterans as well as spouses. This home will provide much needed care to our states heroes and decrease the risk of these veterans becoming homelessness. In addition, the location in Monterey County, will provide an attractive geographical location with a rich Military History and current Military presence. Residents of the Veterans Home would have easy access to the Major General William H. Gourley VA-DoD Outpatient Clinic, Commissary's, Post Exchanges, Military Gyms and other Military / Veteran accessible facilities. There are a large variety of beaches, walking / bike trails and County / State / National parks that will promote outdoor activity.

Additionally, Monterey County is interested in contributing land for a new CalVET Veterans Home and Federal Grants are available for 65% of construction costs of the new Veteran Home.

For these reasons, we support the Monterey County's request for State authorization to build a Veteran's Home in the region. Should you have any questions, please feel free to contact Layne Long, City Manager at llong@cityofmarina.org

Sincerely,

Bruce C. Delgado
Mayor
City of Marina

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-,
APPROVING AMENDMENT NO. 1 TO THE MEASURE X REGIONAL
FUNDING AGREEMENT WITH THE TRANSPORTATION AGENCY
FOR MONTEREY COUNTY FOR THE MARINA-SALINAS
MULTIMODAL CORRIDOR – IMJIN PARKWAY WIDENING PROJECT,
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
AMENDMENT ON BEHALF OF THE CITY COUNCIL SUBJECT TO
FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY**

REQUEST:

It is requested that the City Council consider

1. Adopting Resolution No. 2022-, approving Amendment No.1 to the Measure X Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC) for the Marina-Salinas Multimodal Corridor-Imjin Parkway Widening Project, and;
2. Authorize the City Manager to execute the Amendment on behalf of the City Council subject to final review and approval by the City Attorney.

BACKGROUND:

On May 16, 2018, the California Transportation Commission awarded \$19 million of Senate Bill 1 (SB1) Grant funds to the Marina – Salinas Multimodal Corridor: Imjin Parkway Project. TAMC submitted the grant application for the project in partnership with the City of Marina.

TAMC's ability to compete for these funds was made possible by the passage of Measure X, the 3/8 of a percent transportation sales tax approved by Monterey County voters in 2016. By having this local source of transportation funding, TAMC successfully leveraged \$17 million in Measure X funding and \$2 million in City of Marina impact fees for the additional \$19 million from the SB 1 Local Partnership Program. The \$19 million represents 44% of the total project costs.

At the regular meeting of November 19, 2019, the City Council approved Resolution 2019-124, approving a Measure X Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC) to receive funding for the Marina-Salinas Multimodal Corridor-Imjin Parkway Widening Project.

ANALYSIS:

The Marina-Salinas Multimodal Corridor project will improve overall mobility for Monterey County residents and visitors by making significant improvements on Imjin Parkway. The project on this major route for traveling between the Monterey Peninsula and the Salinas Valley will widen Imjin Parkway to 4 lanes for its entire length, with a new bicycle path and sidewalks, and roundabouts at key intersections. The result will ease congestion and serve all users on the corridor.

The current engineer's cost estimate for construction has increased due to increased costs in concrete, asphalt and other project materials. The new cost estimate has increased from the original cost estimate of \$39 million to \$40.5 million. At the regular meeting of October 26, 2022, the TAMC Board of Directors approved Amendment No. 1 to the Funding Agreement increasing the Measure X funding to the project by \$1.4 Million to account for the increase in construction costs.

The Marina-Salinas Multimodal Corridor: Imjin Parkway Widening project is expected to start construction in Spring 2022.

FISCAL IMPACT:

The total construction cost for the project is \$40.5 million, funded with \$19 million from the Local Partnership Program competitive grant; \$18.25 million from Measure X; and \$2 million from local developer fees, and approximately \$1.25 million in remaining State Transportation Improvement Program funds.

CONCLUSION:

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

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2022-

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA APPROVING AMENDMENT NO.1 TO THE MEASURE X REGIONAL FUNDING AGREEMENT WITH THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY FOR THE MARINA-SALINAS MULTIMODAL CORRIDOR – IMJIN PARKWAY WIDENING PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY COUNCIL SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, on May 16, 2018, the California Transportation Commission awarded \$19 million of Senate Bill 1 (SB1) Grant funds to the Marina – Salinas Multimodal Corridor: Imjin Parkway Project. TAMC submitted the grant application for the project in partnership with the City of Marina, and;

WHEREAS, TAMC's ability to compete for these funds was made possible by the passage of Measure X, the 3/8 of a percent transportation sales tax approved by Monterey County voters in 2016. By having this local source of transportation funding, TAMC successfully leveraged \$17 million in Measure X funding and \$2 million in City of Marina impact fees for the additional \$19 million from the SB 1 Local Partnership Program. The \$19 million represents 44% of the total project costs, and;

WHEREAS, at the regular meeting of November 19, 2019, the City Council approved Resolution 2019-124, approving a Measure X Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC) to receive funding for the Marina-Salinas Multimodal Corridor-Imjin Parkway Widening Project, and;

WHEREAS, the Marina-Salinas Multimodal Corridor project will improve overall mobility for Monterey County residents and visitors by making significant improvements on Imjin Parkway. The project on this major route for traveling between the Monterey Peninsula and the Salinas Valley will widen Imjin Parkway to 4 lanes for its entire length, with a new bicycle path and sidewalks, and roundabouts at key intersections. The result will ease congestion and serve all users on the corridor, and;

WHEREAS, the current engineer's cost estimate for construction has increased due to increased costs in concrete, asphalt and other project materials. The new cost estimate has increased from the original cost estimate of \$39 million to \$40.5 million. At the regular meeting of October 26, 2022, the TAMC Board of Directors approved Amendment No. 1 to the Funding Agreement increasing the Measure X funding to the project by \$1.4 Million to account for the increase in construction costs, and;

WHEREAS, the Marina-Salinas Multimodal Corridor: Imjin Parkway Widening project is expected to start construction in Spring 2022, and;

WHEREAS, the total construction cost for the project is \$40.5 million, funded with \$19 million from the Local Partnership Program competitive grant; \$18.25 million from Measure X; and \$2 million from local developer fees, and approximately \$1.25 million in remaining State Transportation Improvement Program funds.

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

1. Approve Amendment No.1 to the Measure X Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC) to receive funding for the Marina-Salinas Multimodal Corridor – Imjin Parkway Widening Project, and;
2. Authorize the City Manager to execute the amendment on behalf of the City Council subject to final review and approval by the City Attorney, and;

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of November 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**AMENDMENT # 1 TO THE REGIONAL FUNDING AGREEMENT
FOR THE CONSTRUCTION PHASE OF THE
MARINA-SALINAS MULTIMODAL CORRIDOR (IMJIN ROAD WIDENING) PROJECT
BETWEEN THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY
AND
THE CITY OF MARINA**

THIS AMENDMENT NO. 1 to the agreement dated February 26, 2020 between the Transportation Agency for Monterey County, hereinafter referred to as "TAMC," and the City of Marina, hereinafter referred to as "Sponsor," is hereby entered into between TAMC and the Sponsor.

RECITALS:

- A. **WHEREAS**, TAMC and Consultant entered into a Measure X regional funding agreement on February 26, 2020, hereinafter referred to as "Agreement;" and
- B. **WHEREAS**, the Agreement included a not-to-exceed amount in secured funding of \$39,100,000; and
- C. **WHEREAS**, the Sponsor's current engineer's cost estimate for the construction phase of the project exceeds the Agreement's not-to-exceed amount by \$1,400,000 for a total construction phase cost estimate of \$40,500,000; and
- D. **WHEREAS**, TAMC and Sponsor desire to amend the Agreement to increase the not-to-exceed amount by \$1,400,000 to fully-fund the project using funds that TAMC is authorized to program.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. **PROJECT COST ESTIMATE**

Exhibit C is hereby replaced with Exhibit C-1, dated October 26, 2022.

2. **FUNDING SUMMARY**

Exhibit D is hereby replaced with Exhibit D-1, dated October 26, 2022.

3. **REMAINDER OF TERMS UNCHANGED**

All other terms of the Agreement remain in full effect.

An executed copy of this Amendment No. 1 shall be attached to the Agreement and shall be incorporated as if fully set forth therein.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Agreement.

CITY OF MARINA

TAMC

By: _____
Layne Long
City Manager

By: _____
Todd Muck
Executive Director

Dated: _____

Dated: _____

Approved as to form:

By: _____
(Name)
City Attorney

By: _____
Robert Brayer
TAMC Counsel

Dated: _____

Dated: _____

EXHIBIT C-1 – PROJECT COST ESTIMATE OCTOBER 26, 2022

City of Marina
Imjin Parkway Widening Project (RSTPL-5416(011))
Opinion of Probable Construction Costs
Final Design - October 2022

Base Bid						
Item	Description	Estimated Quantity	Unit	Original Unit Price	Updated Unit Price	Total
Roadway						
1	MOBILIZATION	1	LS	\$2,200,000.00	\$2,650,000.00	\$2,650,000
2	PROGRESS SCHEDULE (CRITICAL PATH)	1	LS	\$15,000.00	\$15,000.00	\$15,000
3	FURNISH RESIDENT ENGINEER OFFICE	1	LS	\$100,000.00	\$100,000.00	\$100,000
4	MUNITIONS SAFETY AND AWARENESS TRAINING	1	LS	\$10,000.00	\$10,000.00	\$10,000
5	MATERIAL TESTING	1	LS		\$25,000.00	\$25,000
6	CONTRACTOR POTHOLING	40	EA	\$1,500.00	\$1,500.00	\$60,000
7	CONSTRUCTION STAKING	1	LS	\$100,000.00	\$150,000.00	\$150,000
8	PROJECT FUNDING SIGN	2	EA	\$1,000.00	\$500.00	\$1,000
9	PREPARE WATER POLLUTION CONTROL PROGRAM	1	LS	\$150,000.00	\$50,000.00	\$50,000
10	RAIN EVENT ACTION PLAN	80	EA	\$500.00	\$800.00	\$64,000
11	STORM WATER SAMPLING AND ANALYSIS DAY	24	EA	\$1,200.00	\$400.00	\$9,600
12	STORM WATER ANNUAL REPORT	2	EA	\$2,000.00	\$2,000.00	\$4,000
13	CONSTRUCTION AREA SIGNS	1	LS	\$45,000.00	\$45,000.00	\$45,000
14	TRAFFIC CONTROL SYSTEM	1	LS	\$500,000.00	\$500,000.00	\$500,000
15	TEMPORARY ROAD PAVING	95,350	SF	\$7.50	\$9.00	\$858,150
16	TYPE III BARRICADE	60	EA	\$85.00	\$90.00	\$5,400
17	FLASHING ARROW BOARD	5	EA	\$4,000.00	\$4,000.00	\$20,000
18	CHANNELIZER (SURFACE MOUNTED)	426	EA	\$40.00	\$40.00	\$17,040
19	PORTABLE CHANGEABLE MESSAGE SIGN	6	EA	\$8,000.00	\$8,000.00	\$48,000
20	TEMPORARY RAILING (TYPE K)	19,080	LF	\$25.00	\$20.00	\$381,600
21	CRASH CUSHION (IN-LINE)	35	EA	\$4,000.00	\$4,100.00	\$143,500
22	TEMPORARY ESA FENCE	20,920	LF		\$5.00	\$104,600
23	TEMPORARY REINFORCED SILT FENCE (TYPE I)	20,920	LF	\$12.00	\$9.00	\$188,280
24	FIBER ROLLS - is this perm or temp? both?	30,045	LF	\$6.00	\$5.00	\$150,225
25	HYDROSEED	648,630	SF	\$0.15	\$0.20	\$129,726
26	CLEARING AND GRUBBING	1	LS	\$300,000.00	\$500,000.00	\$500,000
27	REMOVE TREE (F)	391	EA	\$1,500.00	\$900.00	\$351,900
28	ROADWAY EXCAVATION (F)	98,000	CY	\$35.00	\$35.00	\$3,430,000
29	BASE FAILURE REPAIR	8,000	SF		\$25.00	\$200,000
30	STRUCTURE EXCAVATION (RETAINING WALL) (F)	3,310	CY	\$135.00	\$100.00	\$331,000
31	STRUCTURE EXCAVATION (SOUND WALL) (F)	1,265	CY	\$135.00	\$100.00	\$126,500
32	REMOVE GUARDRAIL	1,250	LF	\$20.00	\$15.00	\$18,750
33	REMOVE MASONRY BLOCK WALL	85	LF	\$8.00	\$8.00	\$680
34	REMOVE CHAIN LINK FENCE	860	LF	\$5.00	\$10.00	\$8,600
35	REMOVE INLET	4	EA	\$1,000.00	\$1,400.00	\$5,600
36	REMOVE STORM DRAIN LINE	230	LF	\$20.00	\$60.00	\$13,800
37	RELOCATE MAILBOX	1	EA	\$2,000.00	\$2,000.00	\$2,000
38	RELOCATE U.S. ARMY RESERVE CENTER SIGN	1	EA	\$5,000.00	\$5,000.00	\$5,000
39	RELOCATE GAS STATION PRICE SIGN	1	EA	\$15,000.00	\$0.00	\$0
40	REMOVE FLAG POLE FOUNDATION	1	EA	\$1,500.00	\$1,500.00	\$1,500
41	REMOVE TRAFFIC SIGNAL STANDARD FOUNDATION	22	EA	\$2,500.00	\$2,500.00	\$55,000
42	REMOVE AND DISPOSE TRAFFIC SIGNAL EQUIPMENT	1	LS	\$40,000.00	\$40,000.00	\$40,000
43	SALVAGE TRAFFIC SIGNAL POLE	17	EA	\$1,000.00	\$2,000.00	\$34,000
44	SALVAGE STREET LIGHT AND REMOVE FOUNDATION	8	EA	\$1,000.00	\$1,000.00	\$8,000
45	SALVAGE PRESTON PARK ENTRY MONUMENTS	1	LS	\$5,000.00	\$5,000.00	\$5,000
46	SALVAGE ROADSIDE SIGN	120	EA	\$200.00	\$200.00	\$24,000
47	AGGREGATE BASE (CLASS II)	24,370	CY	\$80.00	\$80.00	\$1,949,600
48	HOT MIX ASPHALT (TYPE A)	22,930	TON	\$120.00	\$125.00	\$2,866,250
49	PLACE HOT MIX ASPHALT DIKE (TYPE A)	12,032	LF	\$3.00	\$15.00	\$180,480
50	BIAXIAL GEOGRID	72,192	SY	\$3.00	\$3.00	\$216,576
51	8" REDWOOD HEADER BOARD	12,032	LF	\$7.00	\$10.00	\$120,320
52	STRUCTURAL CONCRETE (RETAINING WALL) (TYPE1 CASE 2)	1,540	CY	\$1,000.00	\$900.00	\$1,386,000
53	SOUND WALL (MASONRY BLOCK)	5,264	SF	\$40.00	\$45.00	\$236,880
54	BAR REINFORCING STEEL (RETAINING WALL)	89,175	LB	\$1.30	\$1.60	\$142,679
55	BAR REINFORCING STEEL (SOUND WALL)	16,772	LB	\$1.30	\$1.60	\$26,835
56	BAR REINFORCING STEEL (ROUNDAABOUT ART FOUNDATION)	6,807	LB	\$1.30	\$1.60	\$10,891
57	STRUCTURE BACKFILL (RETAINING WALL)	4,015	CY	\$140.00	\$100.00	\$401,500
58	STRUCTURE BACKFILL (SOUND WALL)	200	CY	\$140.00	\$100.00	\$20,000
59	ANTI-GRAFFITI COATING	13,911	SF	\$3.00	\$3.00	\$41,733
60	CLASS 2 PERMEABLE MATERIAL (F)	2,515	CY	\$90.00	\$105.00	\$264,075
61	BIOTREATMENT SOIL MIX (BSM) (F)	4,250	CY	\$200.00	\$200.00	\$850,000
62	MINOR CONCRETE (ART FOOTING)	53	CY	\$1,000.00	\$1,000.00	\$53,000
63	MINOR CONCRETE (SOUND WALL FOOTING)	94	CY	\$1,000.00	\$1,000.00	\$94,000

City of Marina
Imjin Parkway Widening Project (RSTPL-5416(011))
Opinion of Probable Construction Costs
Final Design - Jan 2022

Item	Description	Estimated Quantity	Unit	Unit Price	Unit Price	Total
64	MINOR CONCRETE (ISLAND PAVING)	12,675	SF	\$12.00	\$12.00	\$152,100
65	MINOR CONCRETE (MEDIAN CURB) (TYPE B)	18,376	LF	\$35.00	\$35.00	\$643,160
66	MINOR CONCRETE (MEDIAN CURB) (TYPE B WITH GUTTER)	2,292	LF	\$45.00	\$45.00	\$103,140
67	MINOR CONCRETE (CURB AND GUTTER) (TYPE C)	8,396	LF	\$55.00	\$55.00	\$461,780
68	MINOR CONCRETE (MOUNTABLE CURB)	1,233	LF	\$50.00	\$50.00	\$61,650
69	MINOR CONCRETE (RETAINING CURB)	54	LF	\$45.00	\$45.00	\$2,430
70	MINOR CONCRETE (SIDEWALK)	55,850	SF	\$12.00	\$10.00	\$558,500
71	MINOR CONCRETE (CROSS GUTTER)	1,255	SF	\$18.00	\$15.00	\$18,825
72	MINOR CONCRETE (TRUCK APRON)	253	CY	\$1,000.00	\$1,000.00	\$253,000
73	MINOR CONCRETE (BUS PAD)	187	CY	\$1,000.00	\$1,000.00	\$187,000
74	MINOR CONCRETE (DRIVEWAY APPROACH)	3,275	SF	\$18.00	\$15.00	\$49,125
75	MINOR CONCRETE (MAIL BOX PAD)	16	SF	\$12.00	\$12.00	\$192
76	BICYCLE RAILING	897	LF	\$70.00	\$125.00	\$112,125
77	CHAIN LINK FENCE (TYPE CL-8) W/3 LINES OF BARBED WIRE ON TOP	720	LF	\$35.00	\$50.00	\$36,000
78	RELOCATE SLIDING GATE AND OPERATOR	1	EA	\$2,000.00	\$3,500.00	\$3,500
79	RELOCATE PEDESTRIAN ACCESS GATE	1	EA	\$1,500.00	\$2,500.00	\$2,500
80	PEDESTRIAN BARRICADE	2	EA	\$1,000.00	\$1,500.00	\$3,000
81	ROADSIDE SIGN - ONE POST	100	EA	\$300.00	\$330.00	\$33,000
82	INSTALL BUS STOP AMENITIES (FURNISHED BY OTHERS)	1	LS	\$2,000.00	\$4,000.00	\$4,000
83	REMOVABLE BOLLARD	11	EA	\$2,500.00	\$2,500.00	\$27,500
84	RIP RAP (CHECK DAM)	580	CY	\$180.00	\$250.00	\$145,000
85	RIP RAP (CURB CUTS)	50	CY	\$180.00	\$250.00	\$12,500
86	RIP RAP (SD OUTFALL)	62	CY	\$180.00	\$250.00	\$15,500
87	THERMOPLASTIC TRAFFIC STRIPE (6" WHITE)	2,345	LF	\$2.50	\$2.50	\$5,863
88	THERMOPLASTIC TRAFFIC STRIPE (12" WHITE)	876	LF	\$5.00	\$5.00	\$4,380
89	THERMOPLASTIC TRAFFIC STRIPE (12" DASHED WHITE)	644	LF	\$3.00	\$3.00	\$1,932
90	DETAIL 9 (THERMOPLASTIC)	13,512	LF	\$2.00	\$2.00	\$27,024
91	DETAIL 21 (THERMOPLASTIC)	55	LF	\$5.00	\$5.00	\$275
92	DETAIL 24 (THERMOPLASTIC)	8,854	LF	\$2.50	\$2.50	\$22,135
93	DETAIL 27B (THERMOPLASTIC)	1,657	LF	\$2.50	\$2.50	\$4,143
94	DETAIL 32 (THERMOPLASTIC)	733	LF	\$2.50	\$2.50	\$1,833
95	DETAIL 37B (THERMOPLASTIC)	270	LF	\$2.00	\$2.00	\$540
96	DETAIL 38 (THERMOPLASTIC)	5,476	LF	\$5.00	\$5.00	\$27,380
97	DETAIL 38A (THERMOPLASTIC)	2,282	LF	\$3.50	\$3.50	\$7,987
98	DETAIL 39 (THERMOPLASTIC)	26,601	LF	\$2.00	\$2.00	\$53,202
99	DETAIL 39A (THERMOPLASTIC)	2,165	LF	\$1.00	\$1.00	\$2,165
100	DETAIL 40 (THERMOPLASTIC)	464	LF	\$1.00	\$1.00	\$464
101	THERMOPLASTIC PAVEMENT MARKING (WHITE)	3,686	SF	\$5.00	\$8.00	\$29,488
102	PAVEMENT MARKING (GREEN) (METHYL METHACRYLATE)	730	SF	\$16.00	\$18.00	\$13,140
Utilities and Drainage						
103	ADJUST USACE VAULT TO GRADE	3	EA	\$4,000.00	\$4,000.00	\$12,000
104	ADJUST USACE MONITORING WELL LID TO GRADE	2	EA	\$6,000.00	\$6,000.00	\$12,000
105	ADJUST USACE LOW POINT/LEAK DETECTION VAULT TO GRADE	1	EA	\$8,000.00	\$8,000.00	\$8,000
106	RELOCATE USACE LOW POINT LEAK DETECTION FACILITY	1	EA	\$20,000.00	\$20,000.00	\$20,000
107	ADJUST USACE HIGH POINT VENT	1	EA	\$5,000.00	\$5,000.00	\$5,000
108	REPLACE 8"X12" HDPE DUAL WALL EXTRACTION PIPING	20	LF	\$350.00	\$350.00	\$7,000
109	2" WATER METER (IRRIGATION SYSTEM)	3	EA	\$7,500.00	\$7,500.00	\$22,500
110	ADJUST BLOW OFF VALVE TO GRADE	7	EA	\$1,000.00	\$1,000.00	\$7,000
111	ADJUST AIR RELEASE VALVE TO GRADE	8	EA	\$1,000.00	\$1,000.00	\$8,000
112	ADJUST GATE VALVE TO GRADE	6	EA	\$1,000.00	\$1,000.00	\$6,000
113	ADJUST SS MANHOLE TO GRADE	2	EA	\$5,000.00	\$5,000.00	\$10,000
114	ADJUST WATER VALVE COVER TO GRADE	2	EA	\$1,000.00	\$1,000.00	\$2,000
115	6" C900 PVC SEWER FORCEMAIN PIPE	905	LF	\$180.00	\$180.00	\$162,900
116	8" C900 PVC SEWER FORCEMAIN PIPE	522	LF	\$200.00	\$200.00	\$104,400
117	10" C900 PVC SEWER FORCEMAIN PIPE	905	LF	\$220.00	\$220.00	\$199,100
118	15" C900 PVC SEWER PIPE	15	LF	\$120.00	\$120.00	\$1,800
119	SEWER MANHOLE	2	EA	\$11,200.00	\$11,200.00	\$22,400
120	8" PVC - 45 DEGREE BEND	2	EA	\$500.00	\$500.00	\$1,000
121	TEMPORARY CAP	4	EA	\$1,500.00	\$1,500.00	\$6,000
122	ADJUST PULL BOX TO GRADE	2	EA		\$500.00	\$1,000
123	STORM DRAIN MANHOLE	11	EA	\$12,500.00	\$12,500.00	\$137,500
124	TYPE A CATCH BASIN	6	EA	\$10,000.00	\$10,000.00	\$60,000
125	24" SQUARE PRECAST DRAIN INLET	9	EA	\$5,000.00	\$5,000.00	\$45,000
126	12" HDPE ADS N-12 STORM DRAIN PIPE	623	LF	\$90.00	\$90.00	\$56,070
127	18" HDPE ADS N-12 STORM DRAIN PIPE	1,892	LF	\$110.00	\$110.00	\$208,120
128	ADJUST EXISTING SD MANHOLE TO GRADE	1	EA	\$2,500.00	\$2,500.00	\$2,500
129	INSTALL PIPE CULVERT HEADWALL	2	EA	\$15,000.00	\$15,000.00	\$30,000
130	CONNECTION OF SD PIPE TO EXISTING CATCH BASIN	1	EA	\$2,500.00	\$2,500.00	\$2,500

City of Marina
Imjin Parkway Widening Project (RSTPL-5416(011))
Opinion of Probable Construction Costs
Final Design - Jan 2022

Item	Description	Estimated Quantity	Unit	Unit Price	Unit Price	Total
Landscaping						
131	PLANTING	1	LS	\$726,050.00	\$834,957.50	\$834,958
132	IRRIGATION	1	LS	\$607,500.00	\$698,625.00	\$698,625
133	PLANT ESTABLISHMENT PERIOD (365 DAYS)	1	LS	\$40,000.00	\$55,000.00	\$55,000
134	IRRIGATION AND LANDSCAPING 3-YEARS MAINTENANCE CONTRACT	1	LS	\$60,000.00	\$60,000.00	\$60,000
135	ROUNDBOUT ART (H=8')	16	EA	\$30,000.00	\$35,000.00	\$560,000
136	ROUNDBOUT ART (H=10')	7	EA	\$40,000.00	\$45,000.00	\$315,000
137	ROUNDBOUT ART (H=12')	9	EA	\$50,000.00	\$55,000.00	\$495,000
138	DOLPHIN ART	4	EA	\$8,000.00	\$10,000.00	\$40,000
139	BUCKWHEAT RELOCATION AND SEEDING	1	LS	\$5,000.00	\$5,000.00	\$5,000
Electrical						
140	STREET LIGHTING SYSTEM	1	LS	\$1,981,650.00	\$2,230,000.00	\$2,230,000
Traffic Signal						
141	RRFB ASSEMBLY (POLE, FOUNDATION, SIGNS, RRPB SYSTEM, PPB, CONTROLLER, CONDUIT)	1	LS	\$342,000.00	\$600,000.00	\$600,000
142	TRAFFIC SIGNAL MODIFICATIONS AT RESERVATION ROAD	1	LS	\$32,500.00	\$70,000.00	\$70,000

	Total
Construction Subtotal	\$28,438,827
Delta	\$1,524,293
Contingency @ 10%	\$2,843,883
TOTAL CONSTRUCTION COST	\$31,282,709
TOTAL CONSTRUCTION COST (ROUNDED)	\$31,300,000
	\$33,000,000

Additive Bid Alternative A						
Item	Description	Estimated Quantity	Unit	Unit Price	Unit Price	Total
Fiber Infrastructure						
1	FURNISH AND INSTALL NO. 6E PULL BOX	38	EA	\$3,500.00	\$3,500.00	\$133,000
2	FURNISH AND INSTALL 3" HDPE CONDUIT	11100	LF	\$35.00	\$35.00	\$388,500
3	FURNISH AND INSTALL PULL ROPE	11100	LF	\$0.25	\$0.25	\$2,775
Construction Subtotal						\$524,275
Contingency @ 10%						\$52,428
TOTAL CONSTRUCTION COST						\$576,703
TOTAL CONSTRUCTION COST (ROUNDED)						\$600,000

TOTAL CONSTRUCTION COST (BASE BID + ADD BID ALT A)	\$33,536,134
TOTAL CONSTRUCTION COST (ROUNDED) (BASE BID + ADD BID ALT A)	\$33,600,000

Right-of-Way Acquisition (Estimated)	\$66,195
Environmental Mitigation (Estimated)	\$725,000
MCWD Irrigation Capacity Fees (Estimated)	\$440,000
PG&E relocation Fees (Estimated)	\$550,000
Construction Management @ 15 %	\$4,950,000
DSDC @ 1.5%	\$495,000
City Administration @ 0.75%	\$247,500
TOTAL CONTRACT COST (Base Bid)	\$40,473,695
TOTAL CONTRACT COST (Base Bid)(Rounded)	\$40,500,000

**EXHIBIT D-1 - FUNDING SUMMARY
OCTOBER 26, 2022**

Project Phase	Fund Source	Fiscal Year	Amount	Agency	Reimbursable Under this Agreement	Funding Secured?
CON	Measure X	2019/20	\$18,250,000	TAMC	Yes	Yes
CON	Senate Bill 1 Local Partnership Program – Formula	2023/24	\$1,250,000	TAMC	Yes	Yes
CON	Senate Bill 1 Local Partnership Program – Competitive	2019/20	\$19,000,000	Marina	No	Yes
CON	Local Impact Fees	2019/20	\$2,000,000	Marina	No	Yes
Total Reimbursable Amount:			\$19,500,000			
City of Marina's Share			\$21,000,000			
Total Project Funding:			\$40,500,000			

November 10, 2022

Item No. **8j(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

Honorable Chairperson and Members
of the Successor Agency to Marina Redevelopment Agency

Successor Agency Meeting
of November 15, 2022

Chair and Board Members of
Preston Park Sustainable Community Non-Profit Corporation

Corporation Meeting
of November 15, 2022

CITY COUNCIL OF THE CITY OF MARINA, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD, AND PRESTON PARK SUSTAINABLE COMMUNITY NPC BOARD TO CONSIDER RECEIVING INVESTMENT REPORTS FOR THE CITY OF MARINA, CITY OF MARINA AS SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY, AND PRESTON PARK SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION FOR THE QUARTER ENDED SEPTEMBER 2022

REQUEST:

It is requested that the City Council and Boards:

1. Consider receiving Investment Reports for the City of Marina, City of Marina as Successor Agency to the Marina Redevelopment Agency, and Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC) for the quarter ended September 30, 2022.

BACKGROUND:

Cash Management. The City continued to maximize the deposit of idle cash into the Local Agency Investment Fund (LAIF). Additionally, staff explored and executed non-LAIF investments options that aligned with the City's investment policy, which includes high-quality notes, commercial paper, and U.S. Treasuries. Changes to the City's investment portfolio for last quarter are shown in Table I, Cash and Investments. The table shows a \$2.27 million increase in total City cash, largely due to impact fee collections.

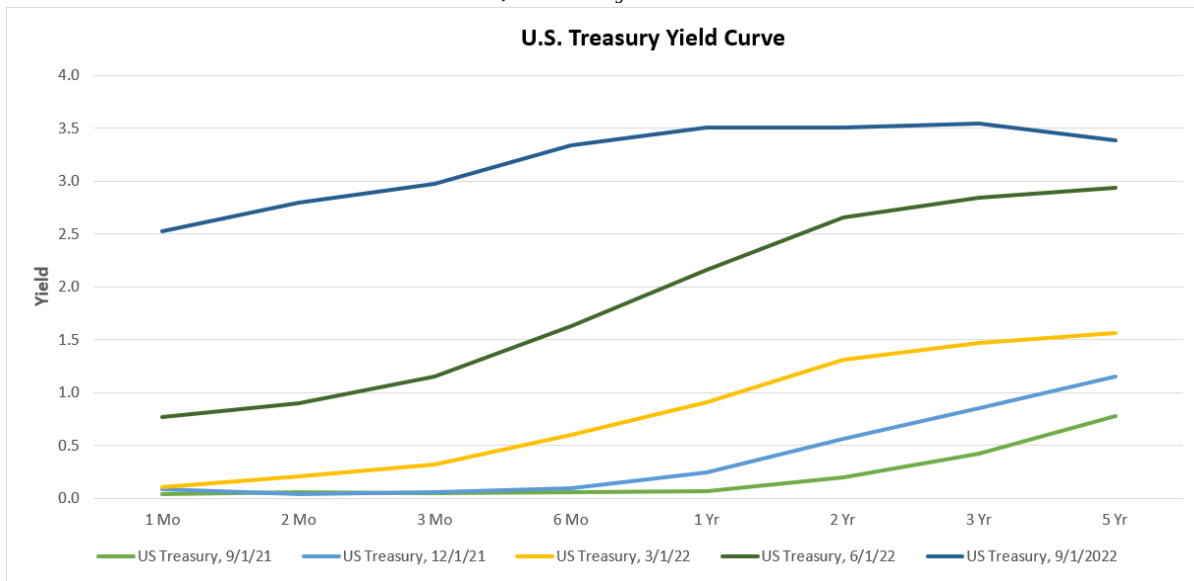
Table I

Summary of Cash and Investments
Amounts in Millions
Quarter Ended Sep 30, 2022

	June		September		Change (Curr - Prev)	
City	Yield	Amount	Yield	Amount	Yield	Amount
LAIF	0.86%	\$ 74.50	1.51%	\$ 74.36	0.65%	\$(0.14)
Corp Notes	Variable	4.57	Variable	4.56	Variable	(0.02)
Gov Notes	Variable	24.30	Variable	32.33	Variable	8.03
Commercial Paper	Variable	4.96	1.06%	2.49	Variable	(2.47)
Bank	0.00%	8.76	0.00%	6.83	0.00%	(1.93)
All Others	Variable	0.47	Variable	0.53	Variable	0.06
	Subtotal	117.56	Subtotal	121.10	Subtotal	3.54
<u>Successor</u>						
LAIF	0.37%	\$ 5.73	1.51%	\$ 3.04	1.15%	(2.69)
Bank	0.00%	0.12	0.00%	1.54	0.00%	1.42
All Others	Variable	2.02	Variable	2.02	Variable	0.00
	Subtotal	7.86	Subtotal	6.60	Subtotal	(1.27)
<u>PPSC-NPC</u>						
Bank	0.30%	8.02	0.30%	8.02	0.00%	-
	Subtotal	8.02	Subtotal	8.02	Subtotal	-
Total Cash Assets		133.44		135.71		2.27

The end of quarter LAIF interest rate was 1.51%, which represents a .65% increase from the previous quarter, as seen in Table I. Chart I, Treasury Yield Curve shows the treasury yield curve and its recent shift from September 2021 to September 2022. Staff will continue to explore other investment options, including treasury notes and additional high quality corporate products, to maximize the return of idle cash while still retaining liquidity and quality in its portfolio. Nearly half of the city's interest revenue is allocated to the General Fund while Fund 215 – Public Facilities Impact Fees, Fund 223 – FORA Dissolution Fund and Fund 422 – Measure X Capital Projects receive most of the remaining interest revenue. The city operates under an investment policy which can be found at: <http://www.cityofmarina.org/26/Finance>.

Chart I, Treasury Yield Curve



Interest Rate / Economy. Interest rates increased from the prior quarter and that trend is expected to continue into 2023. The expectation is that interest rates will rise as the Fed continues to guard against inflation. Staff will closely monitor the yield curve and purchase longer term (maturities beyond one year) investments as those opportunities arise.

Economically, the city is in a strong position with property tax revenues remaining high and transient occupancy and sales tax revenues recovered from the pandemic. Staff will closely monitor those revenues as we approach the end of the calendar year.

Portfolio Strategy. Staff's goal is to match or outperform LAIF. As shown in Chart I, current treasury yields are such that a 1-month treasury note would accomplish that goal. Staff is exploring treasury non-treasury investments that mature in the 3-month to 2-year range to provide an equal or greater return than LAIF.

Council has previously expressed concerns about investing in fossil fuel companies, or companies that cultivate, process, or sell fossil fuel. Many state and local agencies have sought to promote a low-carbon economy by divesting from fossil fuels. The City of Marina currently has no direct investments in fossil fuel companies. LAIF, which makes up the largest component of the city's portfolio, mostly invests in United States Treasury Notes and Bills as well as other government-backed securities. Other LAIF investments include a modest amount of highly rated certificates of deposit, corporate notes, and commercial paper. These securities are issued by well capitalized domestic and international institutions. While LAIF has no formal investment policy that restricts fossil fuel investments, the State Treasurer has expressed a strong desire to divest from fossil fuels. Staff will keep abreast of any formal LAIF policy change and will also seek to incorporate fossil fuel divestment into the City of Marina's future investment policy revision, subject to City Council approval.

ANALYSIS:

The attached investment reports include the City of Marina's and the City of Marina as Successor Agency to the Marina Redevelopment Agency's reports (“**EXHIBIT A**”). These include unreconciled balances of City, Successor Agency and Preston Park investments held by financial institutions as reported on their monthly statements.

FISCAL IMPACT:

Investing the City’s cash in a safe manner can yield significant interest earnings for the City.

CONCLUSION:

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

Lily Suarez

Lily Suarez
Account Technician
City of Marina



Juan Lopez
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

EXHIBIT A

To: Honorable Mayor and City Council Members

From: Lily Suarez, Accounting Technician

RE: Investment Report
Quarter Ended Sep 30, 2022

INVESTMENT SUMMARY:

	<u>Market Value</u>	
Imprest Cash	\$ 5,900	
Checking/Savings Account/Certificate of Deposit	\$ 6,831,850	
Local Agency Investment Fund	\$ 74,363,661	
JP Morgan Investment Acct	\$ 39,375,705	
Paying Agent	\$ 521,694	
	<u>\$ 121,098,811</u>	
Cash not earning interest		\$ 6,837,750
Non earning cash as a percentage of total cash		6%

I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City of Marina's anticipated expenditure requirements for the next six (6) months.
(California Government Code Section 53646)



Juan Lopez, Finance Director



Lily Suarez, Accounting Technician

EXHIBIT A

CITY OF MARINA
INVESTMENT AND EARNINGS REPORT
Quarter Ended Sep 30, 2022

		Purchase				Book Value/ Cost			Est. Accrued
		Date	Maturity	Coupon	Rate (%)	Face	Basis	Market Value	Income
Petty Cash			N/A	NA	0.00%	5,900.00	5,900.00	5,900.00	-
Chase									
Checking	273582905		Sweep	NA	0.00%	6,831,849.81	6,831,849.81	6,831,849.81	-
Local Agency Investment Fund (LAIF)	98-27-509		NA	NA	0.86%	74,363,661.27	74,363,661.27	74,363,661.27	-
US Bank (Custodian)	244667000		N/A		0.00%	-	-	-	-
PNC Bank A- Bond	12/21/2021	11/1/2022	2.70%	0.40%	1,533,000	1,535,796	1,531,378	17,131	
JP Morgan Commercial Paper	2/24/2022	11/21/2022	0.00%	1.06%	2,500,000	2,496,123	2,487,874	-	
US Treasury Bill	6/28/2022	12/22/2022	0.00%	2.42%	10,000,000	9,882,393	9,928,933	-	
JP Morgan A- Bond	1/28/2022	1/25/2023	3.20%	0.75%	3,000,000	3,023,388	2,990,406	17,333	
US Treasury Bill	8/30/2022	3/2/2023	0.00%	3.25%	2,000,000	1,967,675	1,969,264	-	
Federal Home Loan Banks	7/13/2022	3/10/2023	2.13%	2.14%	1,300,000	1,295,555	1,288,838	1,535	
Freddie Mac AAA Bond	6/23/2022	4/20/2023	0.38%	2.78%	8,660,000	8,545,900	8,487,206	14,433	
US Treasury Bill	8/30/2022	8/10/2023	0.00%	3.31%	8,000,000	7,749,606	7,744,704	-	
Freddie Mac AAA Bond	12/22/2021	8/24/2023	0.25%	0.59%	3,000,000	2,990,706	2,895,920	750	
	Total-JP Morgan Investment - 4259					39,993,000	39,487,143	39,324,523	51,183
Paying Agent - US Bank									
Marina Abrams B 2006	6711797700-10	Sweep	Sweep	NA	variable	521,690.95	521,690.95	521,690.95	-
Marina Abrams B 2006	6711797711-14	Sweep	Sweep	NA	variable	3.11	3.11	3.11	-
2015 GO Refunding	6712129600-01	Sweep	Sweep	NA	variable	0.00	0.00	0.00	-
	Total Trustee Accounts					521,694.06	521,694.06	521,694.06	-
TOTAL						121,716,105.14	121,210,247.98	121,047,627.92	51,182.66

Checking and LAIF accounts for the City of Marina and the Successor Agency are registered and accounted for in the separate names.

The Checking account contains cash for operating, surplus cash is moved to LAIF. LAIF accounts contain idle funds.

EXHIBIT A

To: Marina City Council as Successor Agency to the Former Marina Redevelopment Agency

From: Lily Suarez, Accounting Technician

RE: Investment Report
Quarter Ended Sep 30, 2022

INVESTMENT SUMMARY:

	<u>Market Value</u>
Checking Account	\$ 1,535,449
Local Agency Investment Fund	\$ 3,040,622
Paying Agent	\$ 2,020,271
	<u>\$ 6,596,342</u>

Cash not earning interest	\$ 1,535,449
Non earning cash as a percentage of total cash	23%

I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the Successor Agency's anticipated expenditure requirements for the next six (6) months.
(California Government Code Section 53646)



Juan Lopez, Finance Director



Lily Suarez, Accounting Technician

EXHIBIT A

CITY OF MARINA AS SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY INVESTMENT AND EARNINGS REPORT

Quarter Ended Sep 30, 2022

INSTITUTION

		Purchase							
		Date							
Local Agency Investment Fund (LAIF)	65-27-003	N/A	N/A	NA	0.86%	3,040,622.23	3,040,622.23	3,040,622.23	
Chase									
Checking	273582921	N/A	Sweep	NA	0.00%	1,535,448.99	1,535,448.99	1,535,448.99	
Paying Agent - US Bank									
2018 Series A&B Bonds	6712220800-817	Sweep	Sweep	NA	variable	1,064,345.39	1,064,345.39	1,064,345.39	
2020 Series A&B Bonds	6712281500-508	Sweep	Sweep	NA	variable	955,925.67	955,925.67	955,925.67	
Total Trustee Accounts						2,020,271.06	2,020,271.06	2,020,271.06	
TOTAL						6,596,342.28	6,596,342.28	6,596,342.28	

Checking and LAIF accounts for the City of Marina and the Successor Agency are registered and accounted for in the separate names.
The Checking account contains cash for operating, surplus cash is moved to LAIF. LAIF accounts contain idle funds.

EXHIBIT A

To: Honorable Mayor and City Council Members

From: Lily Suarez, Accounting Technician

RE: Investment Report
Quarter Ended Sep 30, 2022

INVESTMENT SUMMARY:

Bridge Bank - Capital Reserve Account

<u>Market Value</u>
<u>\$ 8,371,579</u>
<u>\$ 8,371,579</u>

Cash not earning interest	\$	-
Non earning cash as a percentage of total cash		0%



Juan Lopez, Finance Director



Lily Suarez, Accounting Technician

EXHIBIT A

Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC)
INVESTMENT AND EARNINGS REPORT
Lily Suarez, Accounting Technician

INSTITUTION

		Purchase						
		Date	Maturity	Coupon	Rate (%)	Face	Book Value	Market Value
Bridge Bank	XXXXXX9858		NA	NA	0.76%	8,371,579.43	8,371,579.43	8,371,579.43
TOTAL						8,371,579.43	8,371,579.43	8,371,579.43

October 13, 2022,

Item No. **9a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

CITY COUNCIL CONSIDER INTRODUCING BY TITLE, WAIVING THE READING, AND APPROVING FIRST READING OF ORDINANCE NO. 2022-____, ADOPTING AND AMENDING TITLE 15 OF THE MARINA MUNICIPAL CODE TO ADOPT 2022 EDITIONS OF CALIFORNIA BUILDING STANDARDS CODE, SPECIFICALLY 2022 CALIFORNIA BUILDING CODE, 2022 CALIFORNIA RESIDENTIAL CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA ENERGY CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 CALIFORNIA EXISTING BUILDING CODE, 2022 CALIFORNIA HISTORICAL BUILDING CODE AND 2022 CALIFORNIA FIRE CODE, WITH CERTAIN EXCEPTIONS, MODIFICATIONS AND ADDITIONS REQUIRED BY LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS; APPROVING FINDINGS TO SUPPORT LOCAL MODIFICATIONS AND APPROVING SECOND READING BY TITLE ONLY, WAIVING THE READING, AND FINAL ADOPTION OF THE ORDINANCE SO AS TO BE IN EFFECT AS OF JANUARY 1, 2023.

REQUEST:

It is requested that the City Council:

1. Consider approving introduction by title only and approving first reading of Ordinance No. 2022-____, adopting and amending Title 15 of the Marina Municipal Code to adopt 2022 Editions of California Building Standards Codes, specifically 2022 California Building Code, 2022 California Residential Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California Green Building Standards Code, 2022 California Existing Building Code, 2022 California Historical Building Code and 2022 California Fire Code, with certain exceptions, modifications and additions required by local climatic, geological or topographical conditions.
2. Approving second reading by title only, and final adoption of the Ordinance to be in effect as of January 1, 2023.

BACKGROUND:

The California Building Standards Commission (CBSC) has published the latest editions of the construction codes (Codes) for the State of California. They will become effective for every state agency and local municipality as of January 1, 2023, but cities are allowed to modify the codes to reflect local conditions. The City of Marina (City) has until that date to modify the Codes with local exceptions, modifications, and additions, supported by express findings or the Codes will go into effect unmodified by local conditions. Typically, every three years the CBSC reviews and revises the Codes.

The ordinance before Council for introduction on November 1, 2022, would amend Title 15 of the Marina Municipal Code (MMC) to adopt 2022 Editions of the California Building Standards Code - specifically 2022 Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Green Building Standards Code, Existing Building Code, Historical Building Code and Fire Code, with certain exceptions, modifications and additions required by local climatic, geological or topographical conditions.

ANALYSIS:

The attached ordinance, with Exhibit A, would introduce for adoption the 2022 CBSC Codes and represents a continuation of previously adopted changes regarding local modifications. There are, however, changes to some of the reference numbering in the new 2022 California Codes, and the proposed ordinance reflects these new reference numbers to ensure that the MMC continues to relate accurately to the CBSC Codes. **(EXHIBIT A)**. The local modification will be discussed with the City Council via presentation slides on November 1, 2022. State law requires the City to adopt findings for any local modification to the building standards contained in the CBSC Codes. These findings are included in Exhibit A to the ordinance. These findings are consistent from previous two (2) adoption cycles and continue to apply to the proposed ordinance adoption process.

State law requires that the City Council schedule a public hearing on the ordinance after the first reading. The public hearing can occur in conjunction with the second reading (or, as proposed in this case, the waiver of a formal second reading of the entire ordinance). The ordinance adopting amendments, exceptions, modification, and additions must be sent to the CBSC and be in effect as of January 1, 2023. Pursuant to Government Code 50022.3 and 6066, the notice of the public hearing must be published once a week for two successive weeks. The City Council must determine that the form of this publication is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof. In addition, the City is required to keep on file a copy of the codes to be adopted by reference for at least 15 days before the public hearing as well as after adoption of the ordinance.

FISCAL IMPACT:

None

CONCLUSION:

This request is submitted for City Council consideration and action.

Respectfully submitted,

Dan Paolini, CBO
Chief Building Official
City of Marina

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Guido Persicone
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

Exhibit A to the Staff Report

ORDINANCE NO 2022-____

AN ORDINANCE OF THE CITY OF MARINA ADOPTING AND AMENDING TITLE 15 OF THE MARINA MUNICIPAL CODE TO ADOPT 2022 EDITIONS OF CALIFORNIA BUILDING STANDARD CODES, SPECIFICALLY 2022 CALIFORNIA BUILDING CODE, 2022 CALIFORNIA RESIDENTIAL CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA ENERGY CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 CALIFORNIA EXISTING BUILDING CODE, 2022 CALIFORNIA HISTORICAL BUILDING CODE, AND 2022 CALIFORNIA FIRE CODE, WITH CERTAIN EXCEPTIONS, MODIFICATIONS AND ADDITIONS REQUIRED BY LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS; AND APPROVING FINDINGS TO SUPPORT LOCAL MODIFICATIONS.

-o0o-

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City may adopt the provisions of the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Existing Building, Historical, and Fire Codes with certain exceptions, modifications and additions to provisions of the California codes which are reasonably necessary to protect the health, welfare and safety of the citizens of the City of Marina (“City”) because of local climatic, geological and topographical conditions; and

WHEREAS, the City Council has considered whether certain modifications to the building standards contained in Exhibit A, attached hereto are necessary in the City due to local climatic, geological, or topographical conditions, and.

WHEREAS, the factual findings made are valid and relate to the amendments made to the California codes in this adoption; and

WHEREAS, the City Council directed that a public hearing be held and duly noticed and published in accordance with California Government Code §50022.3, and said hearing was held on November 15, 2022, concerning the purpose of this ordinance to adopt the 2022 California Building Standard Codes with modifications to address unique local conditions; and

WHEREAS, this ordinance was found to be categorically exempt from environmental review, per the provisions of Section 15061(b) (3) of the Guidelines to the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS FOLLOWS:

1. Title 15 Amended: Title 15 entitled “Buildings and Construction” is hereby amended as set forth in the attached thirty-one (31) pages, marked Exhibit “A,” and incorporated herein by this reference thereto.

2. Findings Adopted: The City Council hereby adopts the factual findings set forth in respective sections of Title 15 of the Marina Municipal Code, attached hereto as Exhibit A, relating to the amendments made to the California codes.

3. Savings Clause: Repeal of any provision of the Marina Municipal Code or any other city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

4. Severability: If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person, property or circumstance is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons, property or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

5. Interpretation: The provisions of this ordinance are enacted for the public health, safety and welfare and are to be liberally construed to obtain the beneficial purposes thereof as specified in Chapter 1 of the Building Code. In the event of any conflict between this ordinance and any law, rule, or regulation of the State of California, that requirement which established the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of the Municipal Code. Any provision of the Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

6. Filing of Findings: The City Clerk is hereby directed to file a copy of this ordinance with the California Building Standards Commission of the State of California.

7. Notice: The City Council hereby determines that the form of the Notice of the public hearing held on November 15, 2022, which was published on October 19 and October 26, 2022, is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

8. Liability: The provisions of this ordinance shall not be construed as imposing upon the City any liability or responsibility for damage to persons or property resulting from defective work, nor shall the City a, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this ordinance or of any permits or certificates issued under this ordinance.

9. Effective Date: This ordinance shall take effect on January 1, 2023.

10. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by resolution of the City Council and a summary of the ordinance, prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City prior to the effective date.

The forgoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on November 1, 2022, and was passed and adopted at a regular meeting duly held on November 15, 2022, by the following votes:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**EXHIBIT A TO
ORDINANCE NO. 2022-___**

**AMENDMENTS TO TITLE 15 OF THE MARINA MUNICIPAL CODE
BUILDINGS AND CONSTRUCTION**

Editor's Note: **Bold**, [bracketed] numbers and text are for identification purposes only and are not a part of the Title as amended.

- 1- Section 15.04.010 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:**

15.04.010 Definitions.

"Building code" means the California Building Code, or CBC, 2022 Edition, based on the 2021 International Building Code promulgated by the International Code Council, including the appendix thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and as amended by the Marina Municipal Code known as the California Building Code. (CBC)

"Residential code" means the California Residential Code, or CRC 2022 Edition, based on the 2021 International Residential Code promulgated by the International Code Council including Appendices AF, AI, AL, AO, AR, AS, AV and AY together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and as amended by the Marina Municipal Code known as the California Residential Code. (CRC)

"Electrical code" means the California Electric Code or CEC, 2022 Edition, based on the 2020 National Electrical Code edition promulgated by the National Fire Protection Association, as amended, and set forth in the California Building Standards Code, Title 24 of the California Code of Regulations, together with those omissions, amendments, exceptions, and additions thereto as amended by the Marina Municipal Code known as the California Electrical Code. (CEC)

"Mechanical code" means the California Mechanical Code or UMC, 2022 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, C, D, E F, and G thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and in the Marina Municipal Code, known as California Mechanical Code (CMC).

"Plumbing code" means the California Plumbing Code or UPC, 2022 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, including the Appendices G and I thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and in the Marina Municipal Code, known as the California Plumbing Code (CPC).

"Fire code" means the California Fire Code or CFC, 2022 Edition, promulgated by the International Fire Code Institute, including the appendix sections, together with those omissions, amendments, exceptions, and additions there to as amended in Title 24 in the California Code of Regulations and in the Marina Municipal Code, known as the California Fire Code (CFC).

"Energy code" means the California Energy Code or CEC, 2022 Edition, promulgated by the California Building Standards Commission including the appendix sections, together with those omissions, amendments, exceptions, and additions there to as amended in Title 24 in the California Code of Regulations and in the Marina Municipal Code, known as the California Energy Code (CEC).

"Existing building code" means the California Existing Building Code, 2022 Edition, based on the 2021 International Existing Building Code and California Historical Building Code, promulgated by the International Code Council, including the appendix thereto. with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and as amended by the Marina Municipal Code known as the

“Green building standards code” means the California Green Building Standards Code, 2022 Edition promulgated by the California Building Standards Commission including the Appendices A-4 & A-5 thereto, together with those omissions, amendments, exceptions, and additions as amended in Title 24 in the California Code of Regulations and in the Marina Municipal Code.

“Housing code” means the Uniform Housing Code 1997, promulgated by the International Code Council, together with those omissions, amendments, exceptions, and additions thereto as amended in the Marina Municipal Code.

“Dangerous building code” means the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, promulgated by the International Code Council, together with those omissions, amendments, exceptions, and additions as amended by the Marina Municipal Code.

“Security code” means the Uniform Building Security Code, 1997 Edition, promulgated by the International Code Council, together with those omissions, amendments, exceptions, and additions thereto as amended in the Marina Municipal Code (UBSC).

“Emergency Work” means work that if not done immediately will affect the life safety of the occupant or cause damage the structure.

2. Section 15.08.010 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.08.010 Adoption of technical provisions of California Building Code (CBC).

A. Except as otherwise provided for in this chapter, the California Building Code (CBC), 2022 Edition, Volumes I and II, including the appendices thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CBC has been filed for use and examination of the public in the office of the building official of the city of Marina.

3. Section 15.08.020 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.08.020 Section 105.3.2 amended.

Section 105.3.2 shall be amended to read as follows:

105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee of \$500.00 for each requested 180 - day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

4. **Section 15.08.025 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:**

15.08.025 Section 105.5 amended.

Section 105.5 shall be amended to read as follows:

105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2019 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 or the amount of the original building permit fee for each one hundred and eighty (180) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted, and permit obtained along with all applicable fees applied for this new project. All existing projects are subject to this section and will be subject to the conditions listed above.

5. **Section 15.08.040 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:**

15.08.040 Section 1505.1.1 amended.

A. Findings. The amendments set forth in this section are reasonably necessary because of the following local geological, topographical, and climactic conditions:

1. Marina is within a very active seismic area (Seismic Zone 4). Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the fire department, resulting in failure to meet the fire and life safety needs of the community.
2. The local geographic, topographic, and climactic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the city of Marina and may cause a delayed fire response time, allowing further growth of a fire.
3. The types of roof coverings as set forth in the amendment are a more restrictive standard, which will better prevent fire damage, which can result from local conditions.

B. Section 1505.1.1 shall be amended to read as follows:

“Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or class A roof.

6. **Section 15.08.100 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:**

“15.08.100 Portions of the California Building Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Building Code 2022 Edition or the appendices thereto, are not approved or adopted or incorporated in this chapter by reference and shall not be deemed to be a part of this chapter nor a part of the building code of the city of Marina.

Chapter 9 (All. See Chapter 9 of the California Fire Code, 2022 Edition with amendments.)

Appendices.

2022 CBC Appendix A (Qualifications)

2022 CBC Appendix B (Board of Appeals)

2022 CBC Appendix C (Ag Buildings)

2022 CBC Appendix D (Fire Districts)

2022 CBC Appendix G (Flood Proofing)

2022 CBC Appendix K (Flooding)

- 7. Section 15.12.010 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:**

15.12.010 Adoption of technical provisions of California Mechanical Code (CMC).

A. Except as otherwise provided for in this chapter, the California Mechanical Code, 2022 Edition, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CMC has been filed for use and examination of the public in the office of the building official of the city of Marina.

- 8- Section 15.12.011 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:**

15.12.011 Portions of California Mechanical Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Mechanical Code or CMC, 2022 Edition, or of the appendix thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter nor a part of the mechanical code of the city of Marina:

Chapter 1, Division II, and all of the appendix chapters with the exception of the following appendix chapters or portion thereof:

A. CMC Appendices A, B, C, D, E and F.

- 9. Chapter 15.14 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:**

Chapter 15.14 RESIDENTIAL CODE

Sections:

- 15.14.010 Adoption of technical provisions of California Residential Code (CRC).
- 15.14.020 Section R105.2 amended.
- 15.14.030 Section R106.5 amended.
- 15.14.040 Section R106.6 amended
- 15.14.050 Section Table R302.6 amended
- 15.14.060 Section R313 deleted
- 15.14.070 Section R902.1.1 amended
- 15.14.080 Section R902.1.2. amended
- 15.14.090 Section R902.1.3 amended
- 15.14.100 Portions of California Residential Code which are and are not approved, adopted or incorporated by reference.

15.14.010 Adoption of technical provisions of California Residential Code (CRC)

A. Except as otherwise provided for in this chapter, the California Residential Code, 2022 Edition, including the appendices thereto, together with those omissions, amendments, exceptions, and additions thereto are approved and adopted, and hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein

B. One copy of the CRC has been filed for use and examination of the public in the office of the building official of the city of Marina

C. Findings. The amendments set forth in Sections 15.14.020, 15.14.030, 15.14.040, 15.14.050, 15.14.060, 15.14.070, 15.14.080 and 15.14.090 are reasonably necessary because of the following local geological, topographical, and climatic conditions:

1. Marina is within a very active seismic area (Seismic Zone 4). Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the fire department, resulting in failure to meet the fire and life safety needs of the community.
2. The local geographic, topographic, and climatic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the city of Marina, and may cause a delayed fire response time, allowing further growth of the fire
3. The type of residential construction provisions set forth in the amendments are more restrictive standards, which will better prevent fire and seismic damage, which can result from local conditions.

15.14.020 Section R105.2 “Work exempt from permit” amended.

Section R105.2 is amended to read as follows:

(10) Decks that are not more than 30 inches above grade, at any point.

15.14.030 Section R105.5 amended.

Section R105.5 is hereby amended to read as follows:

R105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2022 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 or the amount of the original building permit fee for each one hundred and eighty (180) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted, and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

15.14.040 Section R106.6 amended.

Section R106.6 is hereby amended to read as follows:

R106.6 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing

that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing and pays a fee of \$500.00 for each requested 180 - day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

15.14.050 Table 302.6 amended.

Table R302.6 is amended to read as follows:

“Not less than 5/8” type X” in all columns in the table.

15.14.060 Section R403.1.3 amended.

Section R403.1.3 is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook. In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family *dwelling*s which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

15.14.070 Section R902.1.1 amended.

Section R902.1.1 is hereby amended to read as follows:

Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or Class A roof.

15.14.080 Section R902.1.2 amended.

Section R902.1.2 is hereby amended to read as follows:

Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or Class A roof.

15.14.090 Section R902.1.3 amended.

Section R902.1.3 is hereby amended to read as follows:

Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or Class A roof.

15.14.100

Portions of California Residential Code which are and are not approved, adopted, or incorporated by reference.

The following portions of the California Residential Code or CRC, 2022 Edition, or the appendix thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter nor a part of the residential code of the city of Marina:

- A. Section R313 (All. See Chapter 9 of the California Fire Code, 2022 Edition with amendments.)
- B. CRC Appendices AF, AI, AL, AO, AR, AS, AV, and AY.

10. Chapter 15.18 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.18 GREEN BUILDING STANDARDS CODE

Sections:

- 15.18.010 Adoption of California Green Building Standards Code (CGBSC).
- 15.18.020 Portions of California Green Building Standards Code which are not approved, adopted, or incorporated by reference.

15.18.010 Adoption of California Green Building Standards Code (CGBSC).

A. Except as otherwise provided for in this chapter, the California Green Building Standards Code, 2022 Edition, including the appendices thereto, together with those omissions, amendments, exceptions, and additions thereto are approved and adopted, and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CGBSC has been filed for use and examination of the public in the office of the building official of the city of Marina.

15.18.020 Portions of California Green Building Standards Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Green Building Standards Code or CGBSC, 2022 Edition, or of the appendix thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter nor a part of the green building standards code of the city of Marina:

All of the appendix chapters with the exception of the following appendix chapters or portion thereof:

- A. CGBSC Appendices A-4 and A-5.

11. Chapter 15.22 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:

Chapter 15.22 EXISTING BUILDING CODE

Sections

15.22.010 Adoption of California Existing Building Code (CEBC).

15.22.010 Adoption of California Existing Building Code (CEBC).

A. The California Existing Building Code, 2022 edition is approved and adopted, and is hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CEBC has been filed for use and examination of the public in the Office of the Building Official of the City of Marina.”

12. Section 15.24.010 of the Marina Municipal Code is repealed in its entirety and replaced to read as follows:

15.24.010 Adoption of Technical Provisions of California Plumbing Code (CPC).

A. Except as otherwise provided for in this Chapter, the California Plumbing Code, 2022 edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B One copy of the CPC has been filed for use and examination of the public in the Office of the Building Official of the City of Marina.

13. Section 15.24.030 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.24.030 Portions of California Plumbing Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Plumbing Code or CPC, 2022 edition, or of the appendix thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter nor a part of the plumbing code of the City of Marina:

Chapter 1 – Division II and all the Appendices with the exception of the following Appendix Chapters or portion thereof (which are approved, adopted and incorporated in this Chapter by reference):

A. CPC Appendix G.

B. CPC Appendix I.

14. Chapter 15.28 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

“Chapter 15.28 ELECTRICAL CODE

Sections

15.28.010 Adoption of the technical provisions of the California Electrical Code.

15.28.010 Adoption of Technical Provisions of California Electrical Code (CEC).

A. Except as otherwise provided for in this Chapter, the California Electrical Code, 2022 edition, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CEC has been filed for use and examination of the public in the Office of the Building Official of the City of Marina.

15. Chapter 15.32 of the Municipal Code is hereby repealed in its entirety and replaced to read as follows:

Chapter 15.32 ADOPTION OF THE CALIFORNIA FIRE CODE (CFC)

Sections:

- 15.32.005 Adoption of technical provisions of California Fire Code.
- 15.32.010 Definitions.
- 15.32.020 Bureau of fire prevention established.
- 15.32.030 Findings.
- 15.32.040 Section 101.1 Amended – Title.
- 15.32.050 Section 101.2.1 Amended - Appendices.
- 15.32.060 Section 102.1 Amended – Construction & Design Provisions.
- 15.32.070 Added
- 15.32.080 Section 103.0 Added.
- 15.32.090 Section 104.1.1 Added.
- 15.32.100 Section 105.5.0 Added.
- 15.32.110 Section 112.2 Amended.
- 15.32.120 Section 112.4 Amended.
- 15.32.130 Section 113.4 Amended.
- 15.32.140 Section 202 Amended.
- 15.32.150 Section 307.1.2 Added.
- 15.32.160 Section 307.2.1.2 Added.
- 15.32.180 Section 503.2.7 Amended.
- 15.32.190 Section 503.2.7.1 Added.
- 15.32.200 Section 503.7 Added.
- 15.32.210 Section 507.5.2 Amended.
- 15.32.220 Section 605.3.1 Added.
- 15.32.230 Section 605.3.1.1 Added.
- 15.32.240 Section 901.1.1 Added.
- 15.32.250 Section 901.2.2 Added.
- 15.32.260 Section 901.4 Amended.
- 15.32.270 Section 901.4.8 Added.
- 15.32.280 Section 901.6.4 Added.
- 15.32.290 Section 901.6.5 Added.
- 15.32.300 Section 901.11 Added.
- 15.32.310 Section 901.11.1 Added.
- 15.32.320 Section 901.11.2 Added.
- 15.32.330 Section 901.11.2.1 Added.
- 15.32.340 Section 901.11.2.2 Added.
- 15.32.350 Section 901.11.3 Added.
- 15.32.360 Section 901.11.3.1 Added.
- 15.32.370 Section 901.11.3.1.1 Added.
- 15.32.380 Section 901.11.3.1.2 Added.
- 15.32.390 Section 901.11.3.1.3 Added.
- 15.32.400 Section 901.11.3.2 Added.
- 15.32.410 Section 901.11.3.3 Added.
- 15.32.420 Section 901.11.3.4 Added.
- 15.32.430 Section 903.2 Amended.

15.32.440 Section 903.2.8 Amended.
 15.32.450 Section 903.3.11.1 #7 Added.
 15.32.460 Section 903.3.1.1.2 Deleted.
 15.32.470 Section 903.3.1.2 Amended.
 15.32.480 Section 903.3.1.2.1 Amended.
 15.32.490 Section 903.3.1.2.3 Amended.
 15.32.500 Section 903.3.1.2.4 Amended.
 15.32.510 Section 903.3.1.2.5 Amended.
 15.32.520 Section 903.3.1.2.6 Amended.
 15.32.530 Section 903.3.1.2.7 Amended.
 15.32.540 Section 903.3.1.3 Amended.
 15.32.550 Section 903.3.1.3.1 Added.
 15.32.560 Section 903.3.1.3.2 Added.
 15.32.570 Section 903.3.1.3.3 Added.
 15.32.580 Section 903.3.1.3.4 Added.
 15.32.590 Section 903.3.1.3.5 Added.
 15.32.600 Section 903.3.1.3.5.1 Added.
 15.32.610 Section 903.3.1.3.6 Added.
 15.32.620 Section 903.3.1.3.7 Added.
 15.32.630 Section 903.4.1 Amended.
 15.32.640 Section 903.4.2 Amended.
 15.32.650 Section 903.4.2.1 Added.
 15.32.660 Section 903.4.3 Added.
 15.32.670 Section 904.13.2 Amended.
 15.32.680 Section 904.13.5.2 Amended.
 15.32.690 Section 907.1.6 Added.
 15.32.700 Section 907.2 Amended.
 15.32.710 Section 907.6.5 Amended.
 15.32.720 Section 907.6.6 Amended.
 15.32.730 Section 907.6.6.5 Added.
 15.32.740 Section 907.6.6.6 Added.
 15.32.750 Section 907.7.2 Amended.
 15.32.760 Section 1205.1.1 Added.
 15.32.770 Section 1205.1.1.1 Added.
 15.32.780 Section 1205.1.1.2 Added.
 15.32.790 Section 1205.1.1.3 Added.
 15.32.800 Section 1205.1.1.4 Added.
 15.32.810 Section 1205.2.1 Amended.
 15.32.820 Section 1205.2.1.4 Added.
 15.32.830 Section 1206.15 Added.
 15.32.840 Section 3905.3 Added.
 15.32.850 Section 5609.0 Added.
 15.32.860 Section 5609.1 Added.
 15.32.870 Section 5609.1.2 Added.
 15.32.880 Section 5609.1.3 Added.
 15.32.890 Section 5609.1.4 Added.
 15.32.900 Section 5609.1.5 Added.
 15.32.910 Appendix D D103.2 Amended.
 15.32.920 Appendix Q Added.
 15.32.930 Appendix R Added.

15.32.005 Adoption of technical provisions of California Fire Code

A. Except as otherwise provided for in this chapter, the California Fire Code or CFC, 2022 Edition, promulgated by the International Fire Code Institute, including the appendix sections, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations, are approved and adopted, and are incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CFC has been filed for use and examination of the public in the office of the fire chief of the City of Marina.

15.32.010 Definitions.

As used in this chapter or in any other uniform codes or other nationally recognized fire safety standard made a part of this chapter, unless otherwise apparent from the context:

- A. "City" means the city of Marina when it refers to a political entity and means the incorporated area of the city of Marina when it refers to an area.
- B. "City council" means the city council of Marina.
- C. "Fire Chief" means the chief of the fire department serving the city of Marina.
- D. "Fire code official" means the Fire Chief or his or her designee.
- E. "Mayor" means the mayor of the City of Marina.
- F. "Municipality" means the City of Marina.

15.32.020 Bureau of fire prevention established.

The California Fire Code shall be enforced by the fire chief or his/her designee. The fire chief is appointed as the fire code official. The bureau of fire prevention is established within the city under the direction of the fire code official. The function of the fire prevention bureau shall be the implementation, administration, and enforcement of the provisions of the Fire Code. References within the California Fire Code to the "department of fire prevention" shall mean the bureau of fire prevention
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15.32.030 Findings.

The amendments set forth in Sections 15.32.040 through 15.32.090 are reasonably necessary because of the following local climatic, geological, and topographical conditions:

- A. Climate. The city, on average, experiences an approximate annual rainfall of fifteen inches. The heaviest months for rainfall can be expected between January and April. During winter months, the city may experience periods of heavy rain, which can cause local flooding. Due to the proximity of the Pacific Ocean, winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. The city has also experienced periods of heavy fog, which has delayed the responding fire apparatus and prevented early discovery of structure fires. Light to gusty winds occur during dry periods which, when coupled with highly flammable vegetation, can cause uncontrollable fires. With increased development spreading into brush covered coastal hill areas, wind driven fires could have severe consequences, as have been demonstrated on several occasions throughout the state.
- B. Geologic. The city is susceptible to seismic hazards resulting from movement along any one of several known faults. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires starting because of damage to gas lines, power lines or heat-producing appliances and the unavailability to water for fire control due to broken water mains. In the event of a major earthquake many areas of the city may not be accessible to emergency equipment and, if bridges or roads are damaged, the city may be isolated from outside assistance.
- C. Topographical. The city is divided by California State Highway 1. The freeway creates barriers which obstruct traffic patterns and delay response time for fire equipment. The water supply within the city is directly affected by the topographical layout. In the event of a major catastrophe, the city does not have an elevated water storage system to supply pressurized water to the city fire hydrants.
- D. Conclusion. Local climatic, geologic and topographical conditions impact fire suppression efforts and the frequency, spread, intensity and size of fire involving structures in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be necessary that the California Fire Code be amended by this chapter to mitigate the effects of these conditions.

15.32.040 Section 101.1 - Amended.

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Marina, hereinafter referred to as "Fire Code".

15.32.050 Section 101.2.1 – Amended

Section 101.2.1 is amended to read as follows:

101.2.1 Appendices. Provisions in all appendices to the 2022 California Fire Code are hereby adopted in their entirety and shall apply.

15.32.060 Section 102.1 – Amended

Section 102.1 is amended to read as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities, and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.
4. Existing structures, facilities, and conditions, which, in the opinion of the fire code official, constitute a distinct hazard to life and property.
5. Existing structures alterations and repairs.
 - 5.a. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter.
 - 5.b. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent (50%) or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent (50%) or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this Chapter
 - 5.c. Calculations of linear wall measurements shall be shown on all plans submitted for building permits, on the cover page in the project description of said plans.
 - 5.d. The determination under this section of the requirement for upgrading any existing structure to full conformance with the current provisions of this Chapter shall be at the sole discretion of the fire code official.

15.32.070 Amended to read as follows:

MARINA CITY CODE INTERPRETATION

With regards to construction provisions of this Code being required on building remodels:

If wall coverings (drywall, paneling, etc.) are removed down to bare studs, do these walls get included in the calculations?

ANSWER: No

If new wall coverings are installed over existing wall coverings, do these walls get included in the calculations?

ANSWER: No

What is the measurement parameter for determining the 50% figure?

ANSWER: ALL WALLS, INTERIOR AND EXTERIOR, ARE MEASURED USING THE LINEAR FOOTAGE OF THE WALLS.

MARINA CITY CODE COMMENTARY

The following formula is used to determine the 50% linear wall length in the City of Marina and is a standard adopted by the Monterey County Fire Prevention Officers Association:

Step 1: Determine the total linear length of all walls of the existing building.

Step 2: Determine the total linear length of all walls of the proposed remodeled building, including additions to the building.

Step 3: Determine the total linear length of all walls that are proposed to be removed during the remodel.

Step 4: Add the results of Steps 1, 2, and 3.

Step 5: Determine whether Step 4 result is over 150% of the Step 1 result. If so, Section 102.1 applies. If not, it does not apply.

15.32.080 Section 103.0 – Added

Section 103.0 is added to Chapter 1 of the Fire Code to read as follows:

103.0 Responsibility for enforcement.

103.0.1 Within established fire protection districts, incorporated cities and community services districts, responsibility for enforcement of this code shall be under the direction of the Fire Chief within each district.

Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.090 Section 104.1.1 – Added

Section 104.1.1 is added to Chapter 1 of the Fire Code to read as follows:

104.1.1 Police powers. The fire code official and his authorized deputies shall have the powers of police offices in performing their duties under this code. When requested to do so by the fire code official, the chief of police of the jurisdiction is authorized to assign such available police officers as necessary to assist the fire code official in enforcing the provisions of this code.

15.32.100 Section 105.5.0 – Added

Section 105.5.0 is added to Chapter 1 of the Fire Code to read as follows:

105.5.0 Agricultural Explosive Devices. An operational permit is required for storage or use of any agricultural explosive device including “bird bombs”.

15.32.110 Section 112.2 – Amended

Section 112.2 is amended to read as follows:

112.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If the occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the correction or abatement of such hazardous conditions.

15.32.120 Section 112.4 – Amended

Section 112.4 is amended to read as follows:

112.4 Violation penalties. Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

15.32.130 Section 113.4 – Amended

Section 113.4 is amended to read as follows:

113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction as specified in Section 112.4 of this code.

15.32.140 Section 202 – Amended

Section 202 is amended to add the following definitions and to read as follows:

ALL WEATHER SURFACE. A road surface constructed to the minimum standards adopted by the jurisdiction.

BRIDGE. A structure to carry a roadway over a depression or obstacle.

IDLE PALLET. A pallet or similar product storage and/or lifting device not currently in use and empty of product.

15.32.150 Section 307.1.2 – Added

Section 307.1.2 is added to read as follows:

The Chief of the Marina Fire Department shall prohibit all outdoor rubbish fires. No waste matter shall be disposed of by burning within the City of Marina.

15.32.160 Section 307.2.1.2 – Added

Section 307.2.1.2 is added to read as follows:

Permit Required. No person shall kindle or maintain any open ground fire or authorize any such fire or authorize any such fire to be kindled or maintained for the purpose of preparation of food, such as in the case of a luau or barbecue or recreational fire without a permit from the Marina Fire Department. Other than one- and two-family residential dwelling units, applicant shall also need to secure a permit and/or clearance from the Monterey Bay Unified Air Pollution Control District.

15.32.180 Section 503.2.7 – Amended

Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The grade of fire apparatus access roads shall be no greater than 15% unless specifically approved by the fire code official.

15.32.190 Section 503.2.7.1 – Added

Section 503.2.7.1 is added to Chapter 5 of the Fire Code to read as follows:

503.2.7.1 Paving. All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

15.32.200 Section 503.7 – Added

Section 503.7 is added to Chapter 5 of the Fire Code to read as follows:

503.7 Fire apparatus access road names. All fire apparatus access road names shall be issued or approved by the appropriate governmental agency.

15.32.210 Section 507.5.2 – Amended

Section 507.5.2 is amended to read as follows:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations, and servicing shall comply with approved standards. When required by the fire code official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

15.32.220 Section 605.3.1.1 – Added

Section 605.3.1 Spark Arrestors

Section 605.3.1.1 is added to Chapter 6 of the Fire Code to read as follows:

605.3.1.1 An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices using solid fuel for conveying smoke or hot gases to the outer air

15.32.230 Section 605.3.1.2 – Added

Section 605.3.1.2 is added to Chapter 6 of the Fire Code to read as follows:

605.3.1.2 Spark arresters shall have openings in accordance with Section 2113.9.2(3) of the California Building Code and Section 1003.9.2 of the California Residential Code with minimum openings of 3/8" and maximum openings of 1/2".

Section 901.1.1 is added to Chapter 9 of the Fire Code to read as follows:

901.1.1 Responsibility. The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

15.32.250 Section 901.2.2 – Added

Section 901.2.2 is added to Chapter 9 of the Fire Code to read as follows:

901.2.2 Additional documentation. Additional documentation as required by the fire code official shall be provided to the fire code official in an acceptable format.

15.32.260 Section 901.4 – Amended

Section 901.4 is amended to read as follows:

901.4 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. All systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled, or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.

15.32.270 Section 901.4.8 – Added

Section 901.4.8 is added to Chapter 9 of the Fire Code to read as follows:

901.4.8 Nonoperational equipment. Any fire protection equipment that is no longer in service shall be removed.

MARINA CITY CODE INTERPRETATION

With regards to construction provision of the Marina City Fire Code being imposed on ancillary building based on proximity to the main structure, when are detached buildings to be considered "attached" for the purposes of imposing fire protection system requirements of the Marina City Fire Code?

Answer: Ancillary buildings withing 20 feet of the main structure are considered "attached" for the purpose of imposing fire protection system requirements.

15.32.280 Section 901.6.4 – Added

Section 901.6.4 is added to Chapter 9 of the Fire Code to read as follows:

901.6.4 Qualifications of Inspection, Testing and Maintenance Personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed in accordance with the California Business and Professions Code or by the California State Fire Marshal.

15.32.290 Section 901.6.5 – Added

Section 901.6.5 is added to Chapter 9 of the Fire Code to read as follows:

901.6.5 Additional records. All documentation generated during any scheduled inspection or test of any fire protection system, whether required or voluntarily installed, shall be forwarded to the fire code official within 21 calendar days after the date of the inspection or test.

15.32.300 Section 901.11 – Added

Section 901.11 is added to Chapter 9 of the Fire Code to read as follows:

901.11 Fire Protection Features for Plant Processing and Extraction Facilities

15.32.310 Section 901.11.1 – Added

Section 901.11.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.1 Scope. This section applies to occupancies regulated by Chapter 39 of this Code.

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15.32.320 Section 901.11.2 – Added

Section 901.11.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.2 Definitions.

15.32.330 Section 901.11.2.1 – Added

Section 901.11.2.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.2.1 Plant processing. Plant processing shall include all plant post-harvest operations, excluding retail sales of plant and related products.

15.32.340 Section 901.11.2.2 – Added

Section 901.11.2.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.2.2 Indoor cultivation. Indoor cultivation shall be defined as all nursery or cultivation conducted in other than Group U occupancies (greenhouses).

15.32.350 Section 901.11.3 – Added

Section 901.11.3 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3 Fire Protection Systems. All buildings or portions thereof housing plant post-harvest or indoor cultivation operations shall be protected as defined in this section.

15.32.360 Section 901.11.3.1 – Added

Section 901.11.3.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1 Fire Sprinklers. Fire sprinklers shall be installed in accordance with 901.11.3.1.1, 901.11.3.1.2, or 901.11.3.1.3.

15.32.370 Section 901.11.3.1.1 – Added

Section 901.11.3.1.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1.1 Fire sprinklers shall be installed in all buildings or portions thereof; such fire sprinkler systems shall be designed to Ordinary Group II design standards in the latest adopted edition of NFPA 13 and Section 903 of this code.

15.32.380 Section 901.11.3.1.2 – Added

Section 901.11.3.1.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1.2 If the occupancy is classified as a Group H Occupancy the fire sprinkler system may be required to be designed and installed as an Extra Hazard fire sprinkler system

15.32.390 Section 901.11.3.1.3 – Added

Section 901.11.3.1.3 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1.3 Where permitted by the fire code official and not otherwise required by this code or the CBC, fire sprinklers may be eliminated in approved buildings less than 500 square feet.

15.32.400 Section 901.11.3.2 – Added

Section 901.11.3.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.2 Fire Alarm Systems. Fire alarm systems shall be installed in all buildings or portions thereof; such fire alarm systems shall include both fire sprinkler system monitoring and

complete occupant notification as specified in the latest adopted edition of NFPA 72 and Section 907 of this code.

15.32.410 Section 901.11.3.3 – Added

Section 901.11.3.3 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.3 Special Hazard Systems. Where specified by appropriate UL listings for extraction booths utilizing volatile solvents, dry chemical fire protection systems shall be installed according to the latest adopted edition of NFPA 17. If there is no UL listing for the extraction booth, a dry chemical fire protection system shall be installed.

15.32.420 Section 901.11.3.4 – Added

Section 901.11.3.4 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.4 Portable Fire Extinguishers. Portable fire extinguishers shall be installed in accordance with NFPA 10 and Section 906 of this code.

15.32.430 Section 903.2 – Amended

Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into, or relocated within the jurisdiction.

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than five hundred (500) square feet in total floor area.
- (2) Detached agricultural buildings, as defined by this code and the CBC, located at least one hundred feet (100) from any other structure or the property line, whichever is closer.
- (3) Accessory structures not classified as R occupancies associated with existing non-sprinklered R-3 occupancies (one- or two-family dwellings) and less than one thousand five hundred (1500) square feet in total fire area.
- (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the Fire Code Official permits alternate protection.

The following Sections are amended by changing requirements to five hundred (500) square feet for fire sprinkler installation, as follows (the complete text of the section is not provided):

903.2.1.1 Group A-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.2 Group A-2. Change five thousand (5,000) square feet to five hundred (500) square feet.

903.2.1.3 Group A-3. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.4 Group A-4. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.5 Group A-5. Change one thousand (1,000) square feet to five hundred (500) square feet.

903.2.3 Group E. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.4 Group F-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.4.1 Group F-1. Change two thousand five hundred (2,500) square feet for woodworking operations to five hundred (500) square feet.

903.2.7-1 Group M. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.7-3 Group M. Change twenty-four thousand (24,000) square feet to five hundred (500) square feet.

903.2.9 Group S-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.9.1 Repair Garages. Change ten thousand (10,000) square feet (2 story buildings) and twelve thousand (12,000) square feet (1 story buildings) to five hundred (500) square feet.
903.2.9.2 Bulk storage of tires. Change twenty thousand (20,000) cubic feet to five hundred (500) square feet.

15.32.440 Section 903.2.8 – Amended

Section 903.2.8 is amended to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one- and two-family dwellings, townhomes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

(Exceptions remain per 2022 California Fire Code)

15.32.450 Section 903.3.1.1.1 #7 – Added

Section 903.3.1.1.1 #7 is added to Chapter 9 of the Fire Code to read as follows:

7. Passenger elevator shafts or associated passenger elevator mechanical rooms, where elevator shafts are constructed with a 2-hour fire resistive method.

15.32.460 Section 903.3.1.1.2 – Deleted

Section 903.3.1.1.2 is deleted in its entirety:

15.32.470 Section 903.3.1.2 – Amended

Section 903.3.1.2 is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80.

15.32.480 Section 903.3.1.2.1 – Amended

Section 903.3.1.2.1 is amended to read as follows:

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

15.32.490 Section 903.3.1.2.3 – Amended

Section 903.3.1.2.3 is amended to read as follows:

903.3.1.2.3 Attics. Where NFPA 13R sprinkler systems are installed, all attic areas shall be provided with sprinkler protection in accordance with NFPA 13.

15.32.500 Section 903.3.1.2.4 – Amended

Section 903.3.1.2.4 is amended to read as follows:

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13.

15.32.510 Section 903.3.1.2.5 – Amended

Section 903.3.1.2.5 is amended to read as follows:

903.3.1.2.5 Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

15.32.520 Section 903.3.1.2.6 – Amended

Section 903.3.1.2.6 is amended to read as follows:

903.3.1.2.6 Accessible storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

15.32.530 Section 903.3.1.2.7 – Amended

Section 903.3.1.2.7 is amended to read as follows:

903.3.1.2.7 Under-stair spaces. Automatic sprinklers shall be installed in all under-stair spaces including all under-stair closets.

15.32.540 Section 903.3.1.3 – Amended

Section 903.3.1.3 is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Automatic fire sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D. The requirements of this section supersede the requirements of the California Residential Code.

15.32.550 Section 903.3.1.3.1 – Added

Section 903.3.1.3.1 is added to read as follows:

903.3.1.3.1 All fire sprinkler systems installed in one- and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for two-hour duration.

15.32.560 Section 903.3.1.3.2 – Added

Section 903.3.1.3.2 is added to read as follows:

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

15.32.570 Section 903.3.1.3.3 – Added

Section 903.3.1.3.3 is added to read as follows:

903.3.1.3.3 Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

15.32.580 Section 903.3.1.3.4 – Added

Section 903.3.1.3.4 is added to read as follows:

903.3.1.3.4 Automatic sprinklers shall be installed in all attached garages and other accessory structures and in all garages and other accessory structures.

15.32.590 Section 903.3.1.3.5 – Added

Section 903.3.1.3.5 is added to read as follows:

903.3.1.3.5 Automatic sprinklers shall be installed in all accessible storage areas.

15.32.600 Section 903.3.1.3.5.1 – Added

Section 903.3.1.3.5.1 is added to read as follows:

903.3.1.3.5.1 Automatic sprinklers shall be installed in all under-stair spaces including all closets.

15.32.610 Section 903.3.1.3.6 – Added

Section 903.3.1.3.6 is added to read as follows:

903.3.1.3.6 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit. Where required by the fire code official, interior audible notification appliances or additional water flow alarms may be required to be installed at locations specified by the fire code official.

15.32.620 Section 903.3.1.3.7 – Added

Section 903.3.1.3.7 is added to read as follows:

903.3.1.3.7 Automatic fire sprinklers shall be installed to protect all furnaces and heating system appliances.

MARINA CITY FIRE CODE INTERPRETATION

With regards to requiring fire sprinkler installation in bathrooms,

Do rooms with toilets and/or bidets only and no electrical receptacles require fire sprinklers?

ANSWER: No unless they exceed the 55 square foot minimum in NFPA 13R and NFPA 13D.

Do rooms with showers only and no electrical receptacles require fire sprinklers?

ANSWER: No, unless they exceed the 55 square foot minimum in NFPA 13R and NFPA 13D

15.32.630 Section 903.4.1 – Amended

Section 903.4.1 is amended to read as follows:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system (exceptions remain unchanged).

15.32.640 Section 903.4.2 – Amended

Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. One exterior approved audible appliance shall be connected to every automatic sprinkler system in an approved location. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

15.32.650 Section 903.4.2.1 – Added

Section 903.4.2.1 is added to Chapter 9 of the Fire Code to read as follows:

903.4.2.1 Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over 100 sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

a. Audible notification appliances shall be installed so as to be audible at 15 dBa above average sound pressure level throughout the building.

b. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.

c. Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

EXCEPTION: The requirements of this section do not apply to Group R-3 Occupancies.

15.32.660 Section 903.4.3 – Added

Section 903.4.3 is added to read as follows:

903.4.3 Floor control valves. Approved indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in all buildings over one story in height and shall be individually annunciated as approved by the fire code official.

15.32.670 Section 904.13.2 – Amended

Section 904.13.2 is amended to read as follows:

904.13.2 System interconnection. The actuation of the fire extinguishing system shall automatically shut down all fuel and electrical power located under the hood, except for the electrical power to the exhaust air supply. The fuel and electrical supply reset shall be manual.

15.32.680 Section 904.13.5.2 – Amended

Section 904.13.5.2 is amended to read as follows:

904.13.5.2 Extinguishing system service. Automatic fire extinguishing systems shall be serviced by a CSLB licensed C-16 contractor or a CSFM licensed “A” licensee at least every six months and after any activation of the system. Inspection shall be performed by the owner at least monthly in accordance with the currently adopted edition of NFPA 17-A. The service contractor shall review the records of monthly inspections every six months, and deficiencies shall be reported to the fire code official. A service report shall be forwarded to the fire code official by the licensed service contractor within 15 days after every service on the appropriate AES form.

15.32.690 Section 907.1.6 – Added

Section 907.1.6 is added to Chapter 9 of the Fire Code to read as follows:

907.1.6 Multiple Fire Alarm Systems. Multiple fire alarm systems within a single protected premises are not permitted, unless specifically authorized by the fire code official.

15.32.700 Section 907.2 – Amended

Section 907.2 is amended to read as follows:

907.2 Exception 1. The manual fire alarm box is not required for fire alarm control units dedicated to elevator recall control.

15.32.710 Section 907.6.5– Amended

Section 907.6.5 is amended to read as follows:

907.6.5 Access. Access shall be provided to each fire alarm system component for periodic inspection, maintenance, and testing.

15.32.720 Section 907.6.6– Amended

Section 907.6.6 is amended to read as follows:

907.6.6 Monitoring. Fire alarm systems, whether required by this chapter or the California Building Code or voluntarily installed, shall be monitored by an approved supervising station in accordance with NFPA 72 and this section.

15.32.730 Section 907.6.6.5– Added

Section 907.6.6.5 is added to read as follows:

907.6.6.5 Zone transmittal. Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

15.32.740 Section 907.6.6.6 – Added

Section 907.6.6.6 is added to Chapter 9 of the Fire Code to read as follows:

907.6.6.6 Means of communication. The use of either POTS or cable telephone lines with a digital alarm communicator transmitter shall not be permitted.

EXCEPTION. Where no other communications methods are available, the use of telephone lines shall be permitted to be used on a temporary basis not to exceed one year from the date of final acceptance test or until permitted alternate means of communications are available.

15.32.750 Section 907.7.2– Amended

Section 907.7.2 is amended to read as follows:

907.7.2 Completion documents. The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

1. A record of completion in accordance with NFPA 72.
2. A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications and has been 100% tested in accordance with NFPA 72.
3. A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official.

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15.32.760 Section 1205.1.1– Added

Section 1205.1.1 is added to read as follows:

1205.1.1 Signing and Marking. In addition to signing and marking requirements of the California Building Code and the California Residential Code, the following signing and marking is required:

15.32.770 Section 1205.1.1.1– Added

Section 1205.1.1.1 is added to read as follows:

1205.1.1.1 Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 1/2" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

15.32.780 Section 1205.1.1.2– Added

Section 1205.1.1.2 is added to read as follows:

1205.1.1.2 Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non—serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

15.32.790 Section 1205.1.1.3– Added

Section 1205.1.1.3 is added to read as follows:

1205.1.1.3 Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

15.32.800 Section 1205.1.1.4– Added

Section 1205.1.1.4 is added to read as follows:

1205.1.1.4 Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

15.32.810 Section 1205.2.1– Amended

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Section 1205.2.1 is amended to read as follows:

Section 1205.2.1, Exceptions 1 and 2 of the California Fire Code are deleted in their entirety.

15.32.820 Section 1205.2.1.4— Added

Section 1205.2.1.4 is added to read as follows:

1205.2.1.4 Hip and Valley Layout. Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

15.32.830 Section 1206.15— Added

Section 1206.15 is added to read as follows:

1206.15 Signage acceptable to the fire code official shall be required indicating the location of the stationary fuel cell power system.

15.32.840 Section 3905.3— Added

Section 3905.3 is added to read as follows:

3905.3. Fire Protection Systems. Fire protection systems in occupancies regulated by this chapter shall be in accordance with Section 901.11 of this Code.

15.32.850 Section 5609.0 added

Section 5609.0 is added to Chapter 56 of the California Fire Code to read as follows:

5609.0 Safe and Sane Fireworks Permitted. Notwithstanding the foregoing provision of law, safe and sane fireworks, as defined by the California Health and Safety Code or regulations issued by the Office of the State Fire Marshal, may be sold and discharged within the City during the period from 12:00 o'clock noon on June 28 to and until 11:59 p.m. on July 4 of each year, pursuant to the provisions of this ordinance and not otherwise.

No fireworks shall be sold, or offered for sale, discharged, or possessed within the city of Marina that are classified by the California Health and Safety Code as a dangerous firework.

Any property owner that allows the willful possession, sale or discharge of illegal or dangerous fireworks shall be held responsible and subject to a citation resulting in a fine, imprisonment or both. Any person in possession of illegal or dangerous fireworks shall be held responsible and subject to a citation resulting in a fine, imprisonment or both, all fireworks shall be confiscated.

The safe and sane firework known as a "Piccolo Pete", "Whistling Phantom", or similar type of whistling fountain shall not be sold or discharged within the city of Marina.

15.32.860 Section 5609.1 added

Section 5609.1 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1 Sale Permit Required. No person, co-partnership, partnership, organization, or group shall sell safe and sane fireworks within the City without first having applied for and received a permit therefor in compliance with the terms of this Ordinance. Upon receipt of a written application for a permit pursuant to this ordinance, the city manager shall direct the Fire Chief to cause an investigation to be made and make a report to the city manager of his findings and his recommendations for or against the issuance of a permit, together with his reasons therefor. After the receipt of such report and recommendations, the City Manager shall have the power, in his discretion, to grant or deny the application. The denial of an application may be appealed to the City council by a written notice of appeal filed with the city clerk within five (5) days after notice of the city manager's action. Any permit granted by the city manager may be subject to such reasonable conditions and restrictions as may be imposed by the city manager, and such conditions and restrictions shall be complied with by the permittee.

15.32.870 Section 5609.1.2 added.

Section 5609.1.2 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.2 Permittees. The sale of "safe and sane" fireworks within the city is allowed by non-profit agency, certified by the Secretary of the State of California or the Internal Revenue Service, that is based in the City of Marina and having a mailing address within the city of Marina and whose

primary purpose is to benefit the youth and adults that live in the city of Marina. No permit for the sale of safe and sane fireworks shall be issued to any person, corporation, partnership, organization or group which has not been in business or in operation within the City for at least one (1) year continuously preceding the filing of the application. Being in business shall require the prior payment of a business license fee to the City. An organization or group shall be deemed to be in operation if it has a principal and permanent meeting place in the City, holds regular business meetings at that location and has a bona fide membership of at least twenty (20) members.

15.32.880 Section 5609.1.3 added.

Section 5609.1.3 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.3. Application for Permit. Application for a permit to sell safe and sane fireworks shall:

- a) Be made in writing.
- b) Be filed with the Fire Chief on or prior to May 1 of each year.
- c) Set forth the proposed location of all fireworks stands, and the dimensions thereof.
- d) Be accompanied by an assurance that if a permit is issued the applicant, at the time of receipt of such permit, shall deliver to the city manager satisfactory evidence of an insurance policy with \$50,000/100,000 public liability and \$10,000 property damage coverages, with a rider attached to the policy designating the City and its agents and employees as additional insured thereunder.
- e) Be accompanied by an assurance that if a permit is issued the applicant, at the time of receipt of such permit, shall deposit \$100.00 cash with the city clerk, which deposit shall be refunded to the permittee after the permit period has ended, if said permittee has complied with all applicable provisions of law for the sale of fireworks, but to be forfeited and retained by the City in the event of noncompliance with such law;
- f) Be accompanied by a nonrefundable application fee as specified in Chapter 3 of the Marina Municipal Code; and
- g) Shall contain the following information: name and address of the applicant; applicant's business or organization status; the date the applicant was organized or first conducted business; the names and addresses of applicant's officers, if any; the location of applicant's principal and permanent place of business or meeting; the location where applicant will sell and store fireworks; and the applicant's State Board of Equalization Sales Tax Permit Number.

Provided the above requirements are met, permits shall be granted on a first-applied for, first-granted basis. Applicants for permits hereunder shall be notified by the Fire Chief or his or her designee of the granting or denial of their application for a permit on or before the first day of June each year.

15.32.890 Section 5609.1.4 added.

Section 5609.1.4 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.4 Fireworks Stands, Regulations. All retail sales of safe and sane fireworks shall be permitted only from within temporary fireworks stand, and the sale from any other building or structure is prohibited. Such stands shall be subject to the following regulations:

- a) No person, corporation, partnership, organization, or group other than the designated permittee shall operate the stand for which a permit is issued or share or otherwise participate in the profits from the operation of such stand.
- b) No person other than individuals who are employees of the permittee or members of a permittee organization or group, or the spouses or children, eighteen years or older, of such persons, shall sell or otherwise participate in the sale of fireworks at such stand.

- c) Fireworks stands shall comply with the provisions of the Building Code of the City, and all stands shall be erected under the supervision of the building official, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons. An electrical permit and compliance with electrical codes are required.
- d) If, in the judgment of the building official or fire department inspector, the construction of the stands or the conduct of the operators therein does not conform to the provisions of this ordinance, such officer may order the stands immediately closed.
- e) No person shall be allowed in the interior of the stands except those directly employed in the sale of fireworks.
- f) There shall be at least one supervisor, twenty-one (21) years of age or older, on duty at all times. There shall be no sale of fireworks to persons under sixteen (16) years of age.
- g) No stand shall be placed closer than thirty (30) feet to any other building.
- h) NO SMOKING signs shall be prominently displayed both inside and outside the stand. No smoking shall be permitted within the stand, or within five (5) feet of the stand.
- i) All weeds and combustible material shall be cleared from the location of the stand. No rubbish shall be allowed to accumulate in or around any fireworks stand, nor shall a fire nuisance be permitted to exist.
- j) No stand shall be erected before June 15th of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than noon of the 12th day of July following.
- k) All stands must be equipped with at least one 2 1/2-gallon water pressure type extinguisher for each exit in the stand. Each fire extinguisher shall have a current State Fire Marshal tag affixed and have been serviced within the last year.
- l) Each stand in excess of twenty (20) feet in length must have at least two (2) exits; and each stand in excess of forty (40) feet in length must have at least three (3) exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty (20) feet.
- m) No stand shall be constructed with a depth of more than twelve (12) feet.
- n) All unsold safe and sane fireworks shall be returned to the wholesaler not later than the eighth (8) day of July.
- o) Fireworks shall be stored only in a metal type Conex container and be equipped with a lock for overnight storage at the firework stand location. No fireworks shall be stored in the temporary fireworks stands when the stand is not occupied and not in operation.
- p) In addition to the above, the permittee shall also conform to all regulations relating to the storage and sale of fireworks as set forth in the California Health and Safety Code and the Fireworks Rules and Regulations of the State Fire Marshal.
- q) No one shall possess, use, or sell dangerous or illegal fireworks from the stand or near the stand. Violation of this section shall cause for immediately revoking the Fire Department permit and the stand will be shut down.
- r) No fireworks shall be sold or discharged on the Marina Municipal Airport property.

15.32.900 Section 5609.1.5 added.

Section 5609.1.5 is added to Chapter 56 of the California Fire Code to read as follows:

- a. 5609.1.5 NUMBER OF FIREWORK STAND PERMITS.

(a) Firework stand permits shall be limited to one (1) permit being available for firework stands in the City per every three thousand (3,000) in City population.

(b) As the population of the City increases, the then current limit on the number of permits for any calendar year shall be increased by one (1) permit per every three thousand (3,000) in additional City population. Population to be determined using the then current State of California Department of Finance, Demographic Research Unit's Population Estimates for California cities.

15.32.910 Section D103.2 – Amended

Section D103.2 is amended to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 15 percent in grade with a maximum side slope of 5%.

EXCEPTION: Grades steeper than 15 percent, if approved by the fire code official, shall be paved with perpendicularly grooved concrete.

15.32.920 Appendix Q adopted and added.

Appendix Q is adopted and added to read:

APPENDIX Q: Standard Fire Conditions for Single Family Dwellings

SECTION Q101 GENERAL

Q101.1 Scope. Applications for the construction or remodel of single family dwellings, including one- and two-family dwellings, townhomes, modular and manufactured homes, and mobile homes outside of established mobile home parks, shall be subject to the fire conditions in this appendix when conditioned by the Fire Code Official.

Q101.2 Conflicting sections. Where provisions in this appendix conflict with other sections of this Code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the Fire Code Official.

SECTION Q102 ROADS

Q102.1 General. These conditions will be used primarily when conditioning a subdivision or other project that requires roads. Roads identified in this Section are vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Q102.2 Road access. (FIRE 001). Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than one hundred fifty (150) feet from fire department access. All roads shall be constructed to provide a minimum of two (2) ten (10) feet wide traffic lanes with an unobstructed vertical clearance of not less than fifteen (15) feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (75,000 pounds). Each road shall have an approved name.

Q102.3 Roadway engineering. (FIRE 002). The grade for all roads shall not exceed fifteen percent (15%) with a maximum side slope of five percent (5%). Where road grades are 8 percent (8%) or less, an all-weather aggregate base is required at a minimum or as required in other sections of the Monterey County Code. Where road grades exceed eight percent (8%), a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than one hundred (100) feet. No roadway turn shall have a horizontal inside radius of less than fifty (50) feet. A roadway turn radius of fifty (50) to one hundred (100) feet is required to have an additional four (4) feet of roadway surface. A roadway turn radius of one hundred (100) to two hundred (200) feet is required to have an additional two (2) feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of one hundred fifty (150) feet of surface length. The minimum

turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q102.4 Dead end roads.

Q102.4.1 Parcels less than one acre. (FIRE 003). For parcels less than one acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed eight hundred (800) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q102.4.2 Parcels greater than one acre and not exceeding five acres (FIRE 004). For parcels greater than one acre and not exceeding five acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed one thousand three hundred twenty (1,320) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length

Q102.4.3 Parcels greater than five acres and not exceeding twenty (20) acres. (FIRE 005). For parcels greater than five acres and not exceeding twenty (20) acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed two thousand six hundred forty (2,640) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than one thousand three hundred twenty (1,320) foot intervals. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q102.4.4 Parcels greater than twenty (20) acres. (FIRE 006). For parcels greater than twenty (20) acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed five thousand two hundred eighty (5,280) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than one thousand three hundred twenty (1,320)-foot intervals. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

SECTION Q103 DRIVEWAYS, GATES, AND BRIDGES

Q103.1 Driveways. (FIRE 007). Driveway identified in this Section is defined as a vehicle access that serves up to two (2) parcels with no more than two (2) residential units and any number on non-commercial or industrial buildings on each parcel. Driveways shall not be less than twelve (12) feet wide traffic lane and minimum fourteen (14) feet wide unobstructed clearance, with an unobstructed vertical clearance of not less than fifteen (15) feet. The grade for all driveways shall not exceed fifteen percent (15%) with a maximum side slope of five percent (5%). Where driveway grades are eight percent (8%) or less, an all-weather surface such as an aggregate base shall meet minimum fire requirements. Other types of material for driveways may be required by Monterey County Code. Where the grade exceeds eight percent (8%), a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of

fire apparatus forty thousand (40,000) pounds, and be accessible by conventional-drive vehicles, including sedans. For driveways with turns ninety (90) degrees and less, the minimum horizontal inside radius of curvature shall be twenty-five (25) feet. For driveways with turns greater than ninety (90) degrees, the minimum horizontal inside radius curvature shall be twenty-eight (28) feet. For all driveway turns, an additional surface of four (4) feet shall be added. All driveways exceeding one hundred fifty (150) feet in length, but less than eight hundred (800) feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds eight hundred (800) feet, turnouts shall be provided at no greater than four hundred (400)-foot intervals. Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum of twenty (25) foot taper at both ends. Turnarounds shall be required on driveways in excess of one hundred fifty (150) feet of surface length and shall be thirty (30) feet long with a minimum twenty-five (25) foot taper at both ends. Turnarounds shall be required on driveways in excess of one hundred fifty (150) feet of surface length and shall be located within fifty (50) feet of the primary building. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of sixty (60) feet in length.

Q103.2 Gates. (FIRE 008). All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least two (2) feet wider than the width of the traffic lane but in no case be less than fourteen (14) feet wide unobstructed and unobstructed vertical clearance of fifteen (15) feet. Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.

Q103.3 Bridges. (FIRE 009). All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than twelve (12) feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges.

SECTION Q104 SIGNS AND ADDRESSES

Q104.1 Road signs. (FIRE 010). All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum four-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of the jurisdiction. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than one hundred (100) feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Fire Code Official.

Q104.2 Addresses for buildings. (FIRE 011). All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, including detached accessory dwelling units (ADU), except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of four-inch (4") height, 1/2-inch stroke,

contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.

SECTION Q105 WATER SUPPLY

Q105.1 Water systems. (FIRE 012). The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, NFPA Standard 1142 or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.

Q105.2 (RESERVED) (FIRE 013).

Q105.3 Single parcel fire protection water supply. (FIRE 014). For development of structures totaling less than three thousand (3,000) square feet on a single parcel, the minimum fire protection water supply shall be four thousand nine hundred (4,900) gallons. For development of structures totaling three thousand (3,000) square feet or more on a single parcel, the minimum fire protection water supply shall be nine thousand eight hundred (9,800) gallons. For development of structures totaling more than ten thousand (10,000) square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.

Q105.4 Fire hydrants and valves. (FIRE 015). A fire hydrant or fire valve is required. The hydrant or fire valve shall be eighteen (18) inches above grade, eight feet from flammable vegetation, no closer than four feet nor further than twelve (12) feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than fifty (50) feet and not more than one thousand (1,000) feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2-inch National Hose outlet supplied by a minimum four inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of three inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within three feet of the hydrant/valve, with the blue marker not less than three feet or greater than five feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

SECTION Q106 SETBACKS

Q106.1 Setbacks. (FIRE 016). Except as permitted by the fire code official, all parcels one acre and larger shall provide a minimum thirty (30) foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than one-acre, alternate fuel modification standards or other requirements may be imposed by the Fire Code Official to provide the same practical effect.

SECTION Q107 VEGETATION AND DEBRIS DISPOSAL

Q107.1 Disposition of vegetation and debris fuels. (FIRE 017). Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.

SECTION Q108 GREENBELTS

Q108.1 Greenbelts. (FIRE 018). Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wild land fuels and structures. The locations shall be approved by the Fire Code Official.

SECTION Q109 DEFENSIBLE SPACE

Q109.1 Standard defensible space requirements. (FIRE 019). Defensible space requirements shall meet Section 4291 of the Public Resources Code or the Monterey County Code, whichever is more restrictive. Additional or alternate fire protection approved by the Fire Code Official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the Fire Code Official and other jurisdictional authorities.

Q109.2 (RESERVED) (FIRE 020).

SECTION Q110 FIRE PROTECTION SYSTEMS

Q110.1 Residential fire sprinkler systems (Standard). (FIRE 021). The building(s) and attached structure(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.

Q110.2 (RESERVED) (FIRE 022).

Q110.3 (RESERVED) (FIRE 023).

Q110.4 Residential fire alarm systems. (FIRE 024). The residence shall be fully protected with an approved household fire warning system as defined by NFPA 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the California Residential Code shall meet the requirements of the California Residential Code.

Q110.5 (RESERVED) (FIRE 025).

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

**15.32.930 Appendix R adopted and added.
Appendix R is adopted and added to read:**

Appendix R Roofs

SECTION R101 GENERAL

R101.1 Scope. Applications for the construction or remodel of any buildings shall be subject to the roofing conditions of this Appendix when conditioned by the Fire Code Official.

R101.2 Conflicting Sections. Where provisions in this Appendix conflict with other sections of this Code or other appendices, the provisions of this Appendix shall prevail unless otherwise directed by the Fire Code Official.

SECTION R102 NEW BUILDINGS

R102.1 General. (FIRE 026). Roofing requirements for all new buildings shall be a minimum Class “B” roof assembly as defined by the International Building Code.

EXCEPTION: Greenhouses shall be exempt from the requirements of this Section.

R102.2 Very High Hazard Severity Zones. (FIRE 027). Roofing requirements for all new buildings in Very High Hazard Severity Zones shall be a minimum Class “A” roof assembly as defined by the International Building Code.

SECTION R103 EXISTING BUILDINGS

R103.1 General. (FIRE 026). Roofing requirements for existing buildings when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class “B” roof assembly as defined by the California Building Code. Where there is no permit issued, this section is applicable to buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

R103.2 Very High Hazard Severity Zone. (FIRE 027). Roofing requirements for existing buildings within a very high hazard severity zone when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class “A” roof assembly as defined by the International Building Code. Where there is no permit issued, this Section is applicable to such buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

SECTION R104 ADDITIONS TO EXISTING BUILDINGS

R104.1 General. The requirements of this Appendix shall apply to all additions to existing buildings, except that only the new portions of the roof shall be required to meet the requirements of this Appendix.

Members of the Marina
City Council

City Council Meeting
of November 15, 2022

**THE CITY COUNCIL OF THE CITY OF MARINA READ BY TITLE ONLY
AND APPROVE THE FIRST READING OF ORDINANCE 2022-, AMENDING
THE MARINA MUNICIPAL CODE ARTICLES 1, 2, AND 4, TITLE 17
PERTAINING TO SMALL AND LARGE FAMILY CHILD CARE HOMES, DAY
CARE CENTERS, SUPPORTIVE HOUSING, AND CONDITIONAL USE
PERMITS FOR MULTI-FAMILY HOUSING. THE ACTION IS EXEMPT FROM
CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.**

REQUEST: It is requested that the Marina City Council:

1. Read by title only and waive further reading and approve the first reading of Ordinance 2022-, approving Amendments to the following Sections of Title 17 of the Marina Municipal Code (MMC): 17.04.212, 17.04.213, 17.04.698, 17.06.020, 17.08.020, 17.12.020, 17.12.030, 17.16.020, 17.18.020, 17.20.020, 17.22.030, 17.22.050, 17.42.135, and 17.44.030; and
2. Find the action exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SUMMARY:

Proposed amendments will bring the City of Marina's ("City") Municipal Code ("MMC" or "Code") into compliance with current California child care and housing law and with the Implementation Program for the City's 5th Cycle Housing Element. Amendments are proposed to Sections 17.04.212, 17.04.213, 17.04.698, 17.06.020, 17.08.020, 17.12.020, 17.12.030, 17.16.020, 17.18.020, 17.20.020, 17.22.030, 17.22.050, 17.42.135, and 17.44.030 of the MMC. The Council's draft Resolution containing the proposed Ordinance amendment is included herein as "**Exhibit A**"

The Planning Commission, at a duly noticed public hearing on September 22, 2022, reviewed the proposed amendments and adopted Resolution 2022-15 ("**Exhibit B**") recommending that the Council approve the draft ordinance.

BACKGROUND:

Small and Large Family Child Care Homes

In 2019, Governor Gavin Newsom signed [Senate Bill \("SB"\) 234](#) into law. SB 234 went into effect January 1, 2020, and prohibits municipalities from restricting the use of home child care facilities in residential zones. Home child care facilities are regulated by [Division 12 of Title 22 of the California Code of Regulations](#). State regulations permit home child care facilities as a by-right use in residential zones subject to local zoning regulations. The City regulates the location and concentration of these facilities as well as required parking. Home child care facilities are also expected to meet minimum standards of operation related to noise, health and safety, and occupancy. These requirements are administered by the State licensing authority.

Updates to the MMC are required to bring regulations for small (up to 8 children) and large (9-14 children) family child care homes into compliance with State law. Recommended changes include:

- Updating references to maintain consistency with State definitions (“child care homes” as opposed to the current “day care”) and removing references to day care “centers”, which are a separate use type permitted only in commercial, mixed use, and multi-family residential zones.
- Updating health and safety requirements to reflect that fire safety clearance is required only of large family child care homes, consistent with state law.
- Including definitional references to the California Code of Regulations (“CCR”), which places a cap on the number of children allowed in small and large family child care homes.
- Shifting parking requirements for day care centers from their current location in 17.42.135 (“Large and small family child care homes”) to 17.44.030 (parking requirements for “commercial and mixed commercial and residential use”).

Supportive Housing

In 2018, Governor Jerry Brown signed [Assembly Bill \(“AB”\) 2162](#) into law. Since January 1, 2019, AB 2162 has required that supportive housing, defined as permanent housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives, be a use permitted by right in zones where multi-family and mixed-use development is permitted. Some changes to the MMC are necessary to bring the Code into compliance with State law. Recommended changes include:

- Removing supportive housing from the list of conditionally permitted uses in the Planned Commercial (PC) zoning district. Under AB 2162, supportive housing is a by-right use.
- Adding supportive housing to the list of permitted uses in the PC, Retail Business (C-1), and General Commercial (C-2) zoning districts, where multi-family and/or mixed-use developments are conditionally permitted land uses.
- Updating the definition of supportive housing to reference the definition in the California Health and Safety Code.

AB 2162 is not clear on whether supportive housing is a by-right use in zones where other residential uses are only conditionally permitted (e.g., PC, C-1, C-2). However, many communities are proffering by-right status for supportive housing in zones where other residential uses are only conditionally permitted. For example, [Pasadena](#) (in the Commercial Office and Commercial Limited districts), [Morro Bay](#) (in the Central Business District), and [Santa Monica](#) (in the General Commercial and Neighborhood Commercial districts) all allow supportive housing as a by-right use.

CUP for Multi-Family Housing Development

The Implementation Program for the City’s 5th Cycle Housing Element includes policies and programs intended to increase the supply of, and streamline the process for developing, housing within the City. Periodic monitoring of the Implementation Program revealed that some programs have not been implemented. One of these programs is Program 3.3, which proposes amending the Zoning Ordinance to remove the Conditional Use Permit (“CUP”) requirement for multi-family housing development in the R-4 zone. This program was intended for implementation in 2020/2021.

Updates to the MMC are necessary to accommodate the intent of Program 3.3. Recommended changes include:

- Simplifying the list of permitted uses to include all multiple dwellings and dwelling groups, regardless of density, in all zones permitting multi-family uses.
- Removing multiple dwellings and dwelling groups exceeding 25 units per acre from the list of conditional uses in all zones permitting multi-family uses.

While Program 3.3 is written to apply only to the R-4 zone, descriptive text explaining the rationale for Program 3.3 refers to multi-family development in commercial zones as well. In addition, recently approved State legislation is moving in the direction of by-right status for multi-family uses—regardless of density—in commercial zones, subject to some limitations. Staff will continue to follow State legislation to determine if future changes to the MMC are needed to accommodate the goals of the existing Housing Element and General Plan and TO maintain compliance with State law. These will be part of the conversation as the City moves forward with both the 6th Cycle Housing Element and the General Plan Update.

FISCAL IMPACT:

The adoption of these ordinances will have no impact on the City's General Fund.

ENVIRONMENTAL REVIEW:

The proposed amendments are not subject to California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

CONCLUSION:

This request is submitted for City Council consideration.

Respectfully submitted,

Alyson Hunter, AICP
Senior Planner, Community Development Dept.
City of Marina

REVIEWED/CONCUR:

Guido F. Persicone, AICP
Director, Community Development Dept.
City of Marina

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2022-

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-, ADOPTING AMENDMENTS TO ARTICLES 1, 2, AND 4 OF TITLE 17 OF THE MARINA MUNICIPAL CODE PERTAINING TO SMALL AND LARGE FAMILY CHILD CARE HOMES, DAY CARE CENTERS, SUPPORTIVE HOUSING, AND CONDITIONAL USE PERMITS FOR MULTI-FAMILY HOUSING. THE ACTION IS EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

WHEREAS, the legislature of the State of California adopted regulations for small and large family child care homes, which must be permitted as by-right uses subject to local zoning regulations; and

WHEREAS, updates to the City of Marina (“City”) Municipal Code (“MMC”) are necessary to bring regulations for small and large family child care homes into compliance with State law; and

WHEREAS, in 2018, Governor Jerry Brown signed Assembly Bill 2162 into law, which requires that Supportive Housing be a use permitted by-right in zones where multi-family and mixed-use development is permitted; and

WHEREAS, updates to the MMC are necessary to bring regulations for Supportive Housing into compliance with State law; and

WHEREAS, the Implementation Program for the City’s 5th Cycle Housing Element includes policies and programs intended to increase the supply of housing within the City; and

WHEREAS, updates to the MMC are necessary to accommodate the intent of Program 3.3 of the City’s 5th Cycle Housing Element; and

WHEREAS, the Planning Commission reviewed these items at a duly noticed public hearing on September 22, 2022, and October 13, 2022; and

WHEREAS, the proposed amendments to the aforementioned MMC Sections are included and referenced herein as **“Exhibit” 1**; and

WHEREAS, the City Council finds and determines, in accordance with the California Environmental Quality Act (CEQA), that the proposed amendments are not subject to CEQA pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance(s) are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

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

1. Adopt Resolution No. 2022-, adopting amendments to Articles 1, 2, and 4 of Title 17 of the Marina Municipal Code pertaining to small and large family child care homes, day care centers, supportive housing, and conditional use permits for multi-family housing; and
2. Find the action is exempt from CEQA pursuant to Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines.

Exhibit A

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of November 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

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ORDINANCE NO. 2022-__

AN ORDINANCE AMENDING ARTICLE 1 (SECTIONS 17.04.212, 17.04.213, 17.04.698),
ARTICLE 2 (SECTIONS 17.06.020, 17.08.020, 17.12.020, 17.12.030, 17.16.020, 17.18.020,
17.20.020, 17.22.030, 17.22.050), AND ARTICLE 4 (SECTIONS 17.42.135 AND 17.44.030)
OF THE MARINA MUNICIPAL CODE

-oOo-

THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS
FOLLOWS:

1. In 2019, Governor Gavin Newsom signed Senate Bill (SB) 234 into law prohibiting municipalities from restricting the use of home child care facilities in residential zones. This legislation is codified in the Health & Safety Code. In 2018, Governor Jerry Brown signed Assembly Bill (AB) 2162 into law requiring that Supportive Housing be a use that is permitted by right in zones where multi-family and mixed-use development is permitted. This legislation is codified in Government Code §50675.14. The Implementation Program for the City of Marina's ("City") 5th Cycle Housing Element includes policies and programs intended to increase the supply of housing within the City. Program 3.3 addresses Conditional Use Permits ("CUPs") for multi-family housing development in the R-4 zoning district.

2. An amendment to the City's Municipal Code ("MMC" or "Code") is needed to ensure compliance with State law.

3. Sections 17.04.212, 17.04.213, 17.06.020, 17.08.020, 17.10.020, 17.12.020, 17.16.020, and 17.42.135 are amended to revise language pertaining to small and large family child care homes; Section 17.44.030 is amended to revise language pertaining to day care centers; Sections 17.18.020, 17.20.020 and 17.22.030 are amended to allow Supportive Housing as a by-right use in commercial and mixed use zones where multi-family and mixed-use development is permitted; Section 17.22.050 is amended to eliminate Supportive Housing as a conditional use in the Planned Commercial (PC) zoning district; Section 17.04.698 is amended to include a reference to the State definition of Supportive Housing; and Sections 17.12.020 and

17.12.030 are amended to revise language pertaining to CUPs for multi-family housing development in the R-4 zoning district. These amendments are hereby made to the Code to read as set forth on the attached Exhibit “A,” and incorporated herein by this reference thereto.

5. The City of Marina Planning Commission, at a duly noticed public hearing on October 13, 2022, adopted Resolution 2022-15 recommending that the City Council amend the municipal code as proposed.

6. Environmental. In accordance with the California Environmental Quality Act (CEQA), staff finds that this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

7. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

8. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, 2022, and was passed and adopted at a regular meeting duly held on _____, 2022, by the following vote:

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AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

Exhibit “A”

Section 17.04.212 Day Child care home, large family.

“Large family day child care home” means a single-family dwelling in which the occupant provides care and supervision of twelve (12) to fourteen (14) children as specified by 22 CCR § 102416.5(d-f), as may be amended. ~~between nine to fourteen children, inclusive, at any time for periods of less than twenty four hours a day in accordance with a state license. Children under the age of ten years who reside in the home count as children served by the day care provider~~

Section 17.04.213 Day Child care home, small family.

“Small family day child care home” means a dwelling in which the occupant provides care and supervision for four (4) to eight (8) children as specified by 22 CCR 102416.5(b-c), as may be amended. ~~eight or fewer children or six or fewer adults for periods of less than twenty four hours a day in accordance with a state license. Children under the age of ten years who reside in the home count as children served by the day care provider~~

Section 17.04.698 Supportive housing.

“Supportive housing”, as defined in Section 50675.14 of the California Health and Safety Code, and further defined as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Section 17.06.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

A. One single-family dwelling per lot;

...

D. Large and small family day child care homes pursuant to Section [17.42.135](#);

...

H. Other uses accessory and incidental to residential use pursuant to Section [17.42.040](#) and those uses accessory and incidental to a residential use located

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within the R-1/C-P district, including but not limited to: ~~small family day care and foster home care~~; rooming and boarding of not more than two persons; the keeping of not

more than four dogs and/or cats; and the keeping of domestic chickens pursuant to Section [17.42.160](#).

Section 17.08.020
Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

A. Single-family dwellings;

...

D. Large and small family ~~day~~ child care homes pursuant to Section [17.42.135](#);

...

H. Other uses accessory and incidental to residential use pursuant to Section [17.08.040](#), including but not limited to: ~~small family day care and foster home care~~; rooming and boarding of not more than two persons; the keeping of not more than four dogs and/or cats; and the keeping of domestic chickens pursuant to Section [17.42.160](#).

Section 17.10.020
Permitted uses.

Uses permitted in the R-3 districts shall be the following:

A. Single-family dwellings;

...

D. Large and small family ~~day~~ child care homes pursuant to Section [17.42.135](#);

...

H. Other uses accessory and incidental to residential use pursuant to Section [17.10.040](#), including but not limited to: ~~small family day care and foster home care~~; rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management.

Section 17.12.020
Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

- A. Single-family dwellings constructed prior to January 1, 2005;
- B. Multiple dwellings and dwelling groups ~~not exceeding twenty-five units per acre;~~

...

- E. Large ~~and small family day child~~ care homes ~~and day care centers~~ pursuant to Section [17.42.135](#) ~~and day care centers~~;

...

- J. Other uses accessory and incidental to residential use pursuant to Section [17.12.050](#), including, but not limited to:

- ~~1. Small family day care and foster home care,~~
- ~~1.2.~~ Rooming and boarding of not more than two persons,
- ~~2.3.~~ On-site property management, and
- ~~3.4.~~ The keeping of not more than two cats and/or dogs per unit.

Section 17.12.030
Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-4 districts shall be as follows:

- A. Single-room occupancy housing;

...

- ~~E. Multiple dwellings and dwelling groups exceeding a density of twenty-five units per acre;~~

- ~~F.~~E. Condominium and/or planned development projects subject to the provisions of Chapter [17.66](#);

- ~~G.~~F. Single-family dwellings subject to compliance with the provisions of Section [17.12.190](#); and

- ~~H.~~G. Large residential care homes or facilities.

DRAFT**Section 17.16.020
Permitted uses.**

Uses permitted in the C-R districts shall be as follows:

A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items, radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

...

F. Large and small family day child care homes ~~and day care centers~~ pursuant to Section [17.42.135](#) and day care centers;

**Section 17.18.020
Permitted uses.**

Uses permitted in the C-1 districts shall be as follows:

A. Retail stores conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, furniture and millinery shops when incidental to the retail sales of such items, radio sales, restaurants, shoe shops, hardware stores and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

B. Professional and medical offices;

C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;

D. Studios—art, dance, martial arts, music, etc.; ~~and~~

E. Fitness and health establishments; and

F. Supportive Housing pursuant to Section 17.04.698.

Section 17.20.020
Permitted uses.

Uses permitted in the C-2 districts shall be as follows:

...

B. Auto laundries, auto repair shops, auto sales (except used cars), boarding kennels, bottling works, carpenter shops, dancing academies, lumber yards, pet shops, paint, paperhanging and decorator shops, plumbing shops, service stations (except those requiring a use permit under Section [17.20.030](#)), storage of household goods, tinsmith shops, undertaking establishments, wholesale stores or storage (except those requiring a use permit under Section [17.20.030](#)).

C. Supportive Housing pursuant to Section 17.04.698.

Section 17.22.030
Permitted uses.

Uses permitted in the PC district, subject to first securing a zoning permit in each case, shall be as follows:

...

B. Hotels, clubs, lodges, churches, and public and quasi-public uses and buildings, public utility uses and buildings, service stations, drive-in banks, dancing academies, retail plant nurseries, drive-in restaurants, undertaking establishments, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

C. Supportive housing pursuant to Section 17.04.698; and

GD. In the Coastal Zone the uses permitted shall be determined by the local coastal land use plan and a coastal development permit shall be required. Such uses shall include but not be limited to visitor-oriented retail and service uses, and accommodations and public access.

Section 17.22.050
Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

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- A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non- nuisance type;
- B. Residential uses, including transitional housing ~~and supportive housing~~, not exceeding ten percent of total floor area of all uses in the district;
- C. Cannabis retailer;
- D. Cannabis manufacturing, cannabis distribution and cannabis testing labs.

Section 17.42.135

Large and small family day child care homes and ~~day care centers~~.

A. Large and small family day child care homes ~~and day care centers~~ shall comply with the following standards:

1. *Location and Concentration.* Large and small family day child care homes ~~and day care centers~~ shall have vehicular access from a public street or a private street improved to city standards. No large or small family day child care home ~~or day care center~~ shall be located within a three-hundred-foot radius of an existing large or small family day child care home ~~or child day care center~~. This requirement may be waived by the community development director ~~(for large family day care homes) or by the planning commission (for child day care centers)~~ if it can be determined that certain physical conditions exist and if the waiver would not be detrimental to the public peace, health, safety and comfort of the affected neighborhood. Examples of physical conditions that may warrant granting of a waiver include the presence of major nonresidential structures or uses between child care facilities or the presence of an arterial between the facilities.

...

4. *Health and Safety.* Each large and small family day child care home ~~and day care center~~ shall comply with applicable building and fire codes, as well as with licensing requirements of the state social services department., and Each large family child care home shall receive fire safety clearance from the fire department prior to beginning operations. Consistent with 22 CCR Section 102371(b), as may be amended., fire clearance shall not be required for small family child care homes. from the fire and building divisions for use of the residential structure as a large family day care home.

~~B. Large family day care homes shall comply with the following additional standards:~~

~~4.5. *Conforming Use and Building.* The residence must be in compliance with the development standards for the zone, including, but not limited to, minimum building site area, lot coverage, parking, and fencing.~~

~~2.6. Occupancy Requirement/Property Owner Authorization.~~ The ~~day~~ large or small child care home shall be the principal residence of the provider. If the provider is not the owner of the principal residence, a letter authorizing the use of the residence and site for large or small family child day care use shall be obtained from the property owner.

~~3.7. Residential Use.~~ The facility shall be operated in a manner so as not to appear as a commercial operation. No structural changes shall be approved that will alter the character of the building as a residence.

8. Number of Children. The maximum number of children for whom care may be provided at any one time shall be regulated by 12 CCR Section 102416.5, as may be amended.

~~C. Day care centers shall comply with the following additional standard:~~

~~1. Employee parking.~~ Off street parking shall be a minimum of one space per employee on the largest shift, plus one space for each ten children authorized by the state license. Exceptions to this parking requirement may be approved where the community development director determines that the exception will not result in potentially unsafe conditions for either pedestrians or motorists.

Section 17.44.030 **Commercial and mixed commercial and residential use.**

Parking requirements for commercial use and residential use approved by use permit as pursuant to Section [17.18.030](#) or [17.20.030](#) shall be as follows:

A. Medical and dental offices: one parking space for each three hundred square feet of gross floor area plus one space for each office unit;

...

K. Day care centers: one space for every ten (1) children authorized by the state license. For centers with fifteen (15) or more children, one additional space per employee on the largest shift shall be required. Exceptions to this parking requirement may be approved if the community development director determines the exception will not result in potentially unsafe conditions for either pedestrians or motorists.

~~K.L.~~ One space per residential unit.

PLANNING COMMISSION RESOLUTION NO. 2022-15

PLANNING COMMISSION CONSIDER ADOPTING RESOLUTION NO. 2022-, RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO ARTICLES 1, 2, AND 4 OF TITLE 17 OF THE MARINA MUNICIPAL CODE PERTAINING TO SMALL AND LARGE FAMILY CHILD CARE HOMES, DAY CARE CENTERS, SUPPORTIVE HOUSING, AND CONDITIONAL USE PERMITS FOR MULTI-FAMILY HOUSING. THE ACTION IS EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

WHEREAS, the legislature of the State of California adopted regulations for small and large family child care homes, which must be permitted as by-right uses subject to local zoning regulations; and

WHEREAS, updates to the City of Marina (“City”) Municipal Code (“MMC”) are necessary to bring regulations for small and large family child care homes into compliance with State law; and

WHEREAS, in 2018, Governor Jerry Brown signed Assembly Bill 2162 into law, which requires that Supportive Housing be a use permitted by-right in zones where multi-family and mixed-use development is permitted; and

WHEREAS, updates to the MMC are necessary to bring regulations for Supportive Housing into compliance with State law; and

WHEREAS, the Implementation Program for the City’s 5th Cycle Housing Element includes policies and programs intended to increase the supply of housing within the City; and

WHEREAS, updates to the MMC are necessary to accommodate the intent of Program 3.3 of the City’s 5th Cycle Housing Element; and

WHEREAS, the Planning Commission reviewed these items at a duly noticed public hearing on September 22, 2022; and

WHEREAS, the proposed amendments to the aforementioned MMC Sections are included and referenced herein as “Exhibit” 1; and

WHEREAS, the Planning Commission finds and determines, in accordance with the California Environmental Quality Act (CEQA), that the proposed amendments are not subject to CEQA pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance(s) are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina does hereby:

1. Adopt Resolution No. 2022-15, recommending the City Council adopt amendments to Articles 1, 2, and 4 of Title 17 of the Marina Municipal Code pertaining to small and large family child care homes, day care centers, supportive housing, and conditional use permits for multi-family housing; and

2. Find the action is exempt from CEQA pursuant to Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 13th day of October, 2022, by the following vote:

AYES: WALTON, HUR, AMADEO, RANA, WOODSON, MCCARTHY, ST JOHN

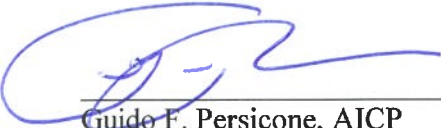
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


Nancy Amadeo (Oct 24, 2022 13:46 PDT)
Nancy Amadeo, Chair

ATTEST:



Guido F. Persicone, AICP
Director, Community Development Dept.

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ORDINANCE NO. 2022-__

AN ORDINANCE AMENDING ARTICLE 1 (SECTIONS 17.04.212, 17.04.213, 17.04.698),
 ARTICLE 2 (SECTIONS 17.06.020, 17.08.020, 17.12.020, 17.12.030, 17.16.020, 17.18.020,
 17.20.020, 17.22.030, 17.22.050), AND ARTICLE 4 (SECTIONS 17.42.135 AND 17.44.030)
 OF THE MARINA MUNICIPAL CODE

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THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS
 FOLLOWS:

1. In 2019, Governor Gavin Newsom signed Senate Bill (SB) 234 into law prohibiting municipalities from restricting the use of home child care facilities in residential zones. This legislation is codified in the Health & Safety Code. In 2018, Governor Jerry Brown signed Assembly Bill (AB) 2162 into law requiring that Supportive Housing be a use that is permitted by right in zones where multi-family and mixed-use development is permitted. This legislation is codified in Government Code §50675.14. The Implementation Program for the City of Marina's ("City") 5th Cycle Housing Element includes policies and programs intended to increase the supply of housing within the City. Program 3.3 addresses Conditional Use Permits ("CUPs") for multi-family housing development in the R-4 zoning district.

2. An amendment to the City's Municipal Code ("MMC" or "Code") is needed to ensure compliance with State law.

3. Sections 17.04.212, 17.04.213, 17.06.020, 17.08.020, 17.10.020, 17.12.020, 17.16.020, and 17.42.135 are amended to revise language pertaining to small and large family child care homes; Section 17.44.030 is amended to revise language pertaining to day care centers; Sections 17.18.020, 17.20.020 and 17.22.030 are amended to allow Supportive Housing as a by-right use in commercial and mixed use zones where multi-family and mixed-use development is permitted; Section 17.22.050 is amended to eliminate Supportive Housing as a conditional use in the Planned Commercial (PC) zoning district; Section 17.04.698 is amended to include a reference to the State definition of Supportive Housing; and Sections 17.12.020 and

17.12.030 are amended to revise language pertaining to CUPs for multi-family housing development in the R-4 zoning district. These amendments are hereby made to the Code to read as set forth on the attached Exhibit “A,” and incorporated herein by this reference thereto.

4. Environmental. In accordance with the California Environmental Quality Act (CEQA), staff finds that this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

5. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

7. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, 2022, and was passed and adopted at a regular meeting duly held on _____, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

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Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Exhibit “A”

Section 17.04.212 Day Child care home, large family.

“Large family day child care home” means a single-family dwelling in which the occupant provides care and supervision of twelve (12) to fourteen (14) children as specified by 22 CCR § 102416.5(d-f), as may be amended. ~~between nine to fourteen children, inclusive, at any time for periods of less than twenty four hours a day in accordance with a state license. Children under the age of ten years who reside in the home count as children served by the day care provider~~

Section 17.04.213 Day Child care home, small family.

“Small family day child care home” means a dwelling in which the occupant provides care and supervision for four (4) to eight (8) children as specified by 22 CCR 102416.5(b-c), as may be amended. ~~eight or fewer children or six or fewer adults for periods of less than twenty four hours a day in accordance with a state license. Children under the age of ten years who reside in the home count as children served by the day care provider~~

Section 17.04.698 Supportive housing.

“Supportive housing”, as defined in Section 50675.14 of the California Health and Safety Code, and further defined as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Section 17.06.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

A. One single-family dwelling per lot;

...

D. Large and small family day child care homes pursuant to Section 17.42.135;

...

H. Other uses accessory and incidental to residential use pursuant to Section 17.42.040 and those uses accessory and incidental to a residential use located within the R-1/C-P district, including but not limited to: ~~small family day care and foster home care~~; rooming and boarding of not more than two persons; the keeping of not

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more than four dogs and/or cats; and the keeping of domestic chickens pursuant to Section [17.42.160](#).

Section 17.08.020
Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

A. Single-family dwellings;

...

D. Large and small family ~~day~~ child care homes pursuant to Section [17.42.135](#);

...

H. Other uses accessory and incidental to residential use pursuant to Section [17.08.040](#), including but not limited to: ~~small family day care and foster home care~~; rooming and boarding of not more than two persons; the keeping of not more than four dogs and/or cats; and the keeping of domestic chickens pursuant to Section [17.42.160](#).

Section 17.10.020
Permitted uses.

Uses permitted in the R-3 districts shall be the following:

A. Single-family dwellings;

...

D. Large and small family ~~day~~ child care homes pursuant to Section [17.42.135](#);

...

H. Other uses accessory and incidental to residential use pursuant to Section [17.10.040](#), including but not limited to: ~~small family day care and foster home care~~; rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management.

Section 17.12.020
Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

- A. Single-family dwellings constructed prior to January 1, 2005;
- B. Multiple dwellings and dwelling groups ~~not exceeding twenty-five units per acre;~~

...

- E. Large and small family day child care homes and ~~day care centers~~ pursuant to Section [17.42.135](#) and day care centers;

...

- J. Other uses accessory and incidental to residential use pursuant to Section [17.12.050](#), including, but not limited to:

- ~~1. Small family day care and foster home care,~~
- ~~1.2. Rooming and boarding of not more than two persons,~~
- ~~2.3. On-site property management, and~~
- ~~3.4. The keeping of not more than two cats and/or dogs per unit.~~

Section 17.12.030
Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-4 districts shall be as follows:

- A. Single-room occupancy housing;

...

- ~~E. Multiple dwellings and dwelling groups exceeding a density of twenty-five units per acre;~~

- ~~F.~~ E. Condominium and/or planned development projects subject to the provisions of Chapter [17.66](#);

- ~~G.~~ F. Single-family dwellings subject to compliance with the provisions of Section [17.12.190](#); and

- ~~H.~~ G. Large residential care homes or facilities.

DRAFT**Section 17.16.020****Permitted uses.**

Uses permitted in the C-R districts shall be as follows:

A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items, radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

...

F. Large and small family day child care homes ~~and day care centers~~ pursuant to Section 17.42.135 and day care centers;

Section 17.18.020**Permitted uses.**

Uses permitted in the C-1 districts shall be as follows:

A. Retail stores conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, furniture and millinery shops when incidental to the retail sales of such items, radio sales, restaurants, shoe shops, hardware stores and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

B. Professional and medical offices;

C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;

D. Studios—art, dance, martial arts, music, etc.; ~~and~~

E. Fitness and health establishments; and

F. Supportive Housing pursuant to Section 17.04.698.

Section 17.20.020
Permitted uses.

Uses permitted in the C-2 districts shall be as follows:

...

B. Auto laundries, auto repair shops, auto sales (except used cars), boarding kennels, bottling works, carpenter shops, dancing academies, lumber yards, pet shops, paint, paperhanging and decorator shops, plumbing shops, service stations (except those requiring a use permit under Section [17.20.030](#)), storage of household goods, tinsmith shops, undertaking establishments, wholesale stores or storage (except those requiring a use permit under Section [17.20.030](#)).

C. Supportive Housing pursuant to Section 17.04.698.

Section 17.22.030
Permitted uses.

Uses permitted in the PC district, subject to first securing a zoning permit in each case, shall be as follows:

...

B. Hotels, clubs, lodges, churches, and public and quasi-public uses and buildings, public utility uses and buildings, service stations, drive-in banks, dancing academies, retail plant nurseries, drive-in restaurants, undertaking establishments, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

C. Supportive housing pursuant to Section 17.04.698; and

GD. In the Coastal Zone the uses permitted shall be determined by the local coastal land use plan and a coastal development permit shall be required. Such uses shall include but not be limited to visitor-oriented retail and service uses, and accommodations and public access.

Section 17.22.050
Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

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- A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non-nuisance type;
- B. Residential uses, including transitional housing and supportive housing, not exceeding ten percent of total floor area of all uses in the district;
- C. Cannabis retailer;
- D. Cannabis manufacturing, cannabis distribution and cannabis testing labs.

Section 17.42.135

Large and small family day child care homes and ~~day care centers~~.

A. Large ~~and small~~ family day child care homes and ~~day care centers~~ shall comply with the following standards:

1. *Location and Concentration.* Large ~~and small~~ family day child care homes and ~~day care centers~~ shall have vehicular access from a public street or a private street improved to city standards. No large ~~or small~~ family day child care home ~~or day care center~~ shall be located within a three-hundred-foot radius of an existing large ~~or small~~ family day child care home ~~or child day care center~~. This requirement may be waived by the community development director ~~(for large family day care homes) or by the planning commission (for child day care centers)~~ if it can be determined that certain physical conditions exist and if the waiver would not be detrimental to the public peace, health, safety and comfort of the affected neighborhood. Examples of physical conditions that may warrant granting of a waiver include the presence of major nonresidential structures or uses between child care facilities or the presence of an arterial between the facilities.

...

4. *Health and Safety.* Each large ~~and small~~ family day child care home and ~~day care center~~ shall comply with applicable building and fire codes, as well as with licensing requirements of the state social services department., ~~and~~ Each large family child care home shall receive fire safety clearance from the fire department prior to beginning operations. Consistent with 22 CCR Section 102371(b), as may be amended, fire clearance shall not be required for small family child care homes. from the fire and building divisions for use of the residential structure as a large family day care home.

~~B. Large family day care homes shall comply with the following additional standards:~~

~~4.5.~~ *Conforming Use and Building.* The residence must be in compliance with the development standards for the zone, including, but not limited to, minimum building site area, lot coverage, parking, and fencing.

~~2.6.~~ *Occupancy Requirement/Property Owner Authorization.* The ~~day~~ large or small

child care home shall be the principal residence of the provider. If the provider is not the owner of the principal residence, a letter authorizing the use of the residence and site for large or small family child day care use shall be obtained from the property owner.

~~3.7. Residential Use.~~ The facility shall be operated in a manner so as not to appear as a commercial operation. No structural changes shall be approved that will alter the character of the building as a residence.

8. Number of Children. The maximum number of children for whom care may be provided at any one time shall be regulated by 12 CCR Section 102416.5, as may be amended.

~~C. Day care centers shall comply with the following additional standard:~~

~~1. Employee parking.~~ Off street parking shall be a minimum of one space per employee on the largest shift, plus one space for each ten children authorized by the state license. Exceptions to this parking requirement may be approved where the community development director determines that the exception will not result in potentially unsafe conditions for either pedestrians or motorists.

Section 17.44.030

Commercial and mixed commercial and residential use.

Parking requirements for commercial use and residential use approved by use permit as pursuant to Section [17.18.030](#) or [17.20.030](#) shall be as follows:

A. Medical and dental offices: one parking space for each three hundred square feet of gross floor area plus one space for each office unit;

...

K. Day care centers: one space for every ten (1) children authorized by the state license. For centers with fifteen (15) or more children, one additional space per employee on the largest shift shall be required. Exceptions to this parking requirement may be approved if the community development director determines the exception will not result in potentially unsafe conditions for either pedestrians or motorists.

~~K.L.~~ One space per residential unit.

Members of the Marina
City Council

City Council Meeting
of November 15, 2022

THE CITY COUNCIL OF THE CITY OF MARINA READ BY TITLE ONLY AND APPROVE THE FIRST READING OF ORDINANCE 2022-, AMENDING THE MARINA MUNICIPAL CODE ARTICLE 2, TITLE 17, SECTION 17.12.060 PERTAINING TO THE HEIGHT LIMIT IN THE RESIDENTIAL MULTI-FAMILY (R-4) ZONING DISTRICT. THE ACTION IS EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

REQUEST: It is requested that the Marina City Council:

1. Read by title only and waive further reading and approve the first reading of Ordinance 2022-, approving an amendment to Section 17.12.060 of the Marina Municipal Code; and
2. Find the action exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SUMMARY:

It has come to the attention of Community Development Department (CDD) staff that the height limit for multi-family residential buildings has been replaced with only a height standard for Accessory Dwelling Units (ADUs). This likely inadvertently occurred during the review and adoption of the ADU Ordinance in 2020 (Ordinance 2020-06).

BACKGROUND:

The code section previously in effect, prior to the adoption of the ADU Ordinance, is reflected in Ordinance 2006-03 which specifies a height limit in the R-4 zones of 42' and three (3) stories. This establishing ordinance indicates that the changes to the Code were implementing the 2000 General Plan policies and programs for increased residential density, among other things.

Staff recommends that the City Council adopt a Resolution recommending that the City Council return the original height standard of 42' and three (3) stories so that the Code is clear for new development.

It should be noted that multi-family development standards such as height, Floor Area Ratio (FAR), massing, etc., will be part of the new Objective Design Standards (ODS) that will be coming to the public, Commission and City Council in the next several months.

FISCAL IMPACT:

The adoption of these ordinances will have no impact on the City's General Fund.

ENVIRONMENTAL REVIEW:

The proposed amendments are not subject to California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

CONCLUSION:

This request is submitted for City Council consideration.

Respectfully submitted,

Alyson Hunter, AICP
Senior Planner, Community Development Dept.
City of Marina

REVIEWED/CONCUR:

Guido F. Persicone, AICP
Director, Community Development Dept.
City of Marina

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ADOPTING AN AMENDMENT TO ARTICLE 2, TITLE 17 SECTION 17.12.060 OF THE MARINA MUNICIPAL CODE PERTAINING TO THE HEIGHT LIMIT IN THE MULTI-FAMILY RESIDENTIAL (R-4) ZONING DISTRICT. THE ACTION IS EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

WHEREAS, from time to time and through the course of daily use of the City of Marina (“City”) Municipal Code (“MMC”), errors are found that require correction;

WHEREAS, an error in the Residential Multi-Family (R-4) zoning district, Section 17.12.060 of the MMC, has been discovered which pertains to the allowed height limit in this zoning district;

WHEREAS, in 2020, the City adopted a new Accessory Dwelling Unit (ADU) ordinance that appears to have inadvertently removed the original height limit for buildings in this district and replaced it with only the height limit for ADUs;

WHEREAS, as such, staff has been required to default to the previous zoning code and the building height limit adopted by Ordinance 2006-03 which results in a lack of clarity and transparency when describing this requirement to customers;

WHEREAS, the adoption of a new amended ordinance will simply add the original development standard back into this section resulting in a separate standard for “buildings” and “ADUs”;

WHEREAS, the Planning Commission reviewed these items at a duly noticed public hearing on October 13, 2022;

WHEREAS, the proposed amendment to the aforementioned MMC Section is included and referenced herein as **Exhibit 1**; and

WHEREAS, the City Council finds and determines, in accordance with the California Environmental Quality Act (CEQA), that the proposed amendments are not subject to CEQA pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance(s) are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

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

1. Read by title only and waive further reading and approve the first reading of Ordinance 2022-, approving an amendment to Section 17.12.060 of the Marina Municipal Code; and
2. Find the action exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of November, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

DRAFT

ORDINANCE NO. 2022-__

AN ORDINANCE AMENDING ARTICLE 2, TITLE 17, SECTION 17.12.060 OF THE
MARINA MUNICIPAL CODE PERTAINING TO THE HEIGHT LIMIT IN THE
RESIDENTIAL MULTI-FAMILY (R-4) ZONING DISTRICT

-oOo-

THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS
FOLLOWS:

1. The Community Development Department (CDD), through its regular use and implementation of the Marina Municipal Code (MMC), discovered an error in Section 17.12.060 pertaining to the allowed height limit in the R-4 zoning district. It appears that, at the time of the adoption of the Accessory Dwelling Unit (ADU) Ordinance in 2020 (Ordinance 2020-06), the standard building height limit was inadvertently removed and only a height limit for ADUs was reflected in this Section.

2. An amendment to the City's Municipal Code is needed to provide clarity and transparency in this Section.

3. The previous MMC specified a 42' and three (3) story height limit for buildings in the R-4 zoning district (Ordinance 2006-03). This amendment returns this development standard in addition to the existing standard for ADUs as described and referenced herein as **Exhibit A**.

4. The City of Marina Planning Commission, at a duly noticed public hearing on October 13, 2022, adopted Resolution 2022-16 recommending that the City Council adopt the proposed amendment.

5. Environmental. In accordance with the California Environmental Quality Act (CEQA), staff finds that this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of

this ordinance is exempt from CEQA and no further environmental review is necessary.

6. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

7. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, 2022, and was passed and adopted at a regular meeting duly held on _____, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

DRAFT

Exhibit “A”

Section 17.12.060 Building height.

- A. The maximum building height limit in the R-4 district shall be 42 feet and three (3) stories.
- B. The maximum building heights for accessory dwelling units shall be governed by the provisions of Section 17.42.040.

PLANNING COMMISSION RESOLUTION NO. 2022-16

PLANNING COMMISSION CONSIDER ADOPTING RESOLUTION NO. 2022-, RECOMMENDING THE CITY COUNCIL ADOPT AN AMENDMENT TO ARTICLE 2, TITLE 17, SECTION 17.12.060 OF THE MARINA MUNICIPAL CODE PERTAINING TO THE ALLOWED HEIGHT LIMIT IN THE RESIDENTIAL MULTI-FAMILY (R-4) ZONING DISTRICT. THE ACTION IS EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

WHEREAS, from time to time and through the course of daily use of the City of Marina (“City”) Municipal Code (“MMC”), errors are found that require correction;

WHEREAS, an error in the Residential Multi-Family (R-4) zoning district, Section 17.12.060 of the MMC, has been discovered which pertains to the allowed height limit in this zoning district;

WHEREAS, in 2020, the City adopted a new Accessory Dwelling Unit (ADU) ordinance that appears to have inadvertently removed the original height limit for buildings in this district and replaced it with only the height limit for ADUs;

WHEREAS, as such, staff has been required to default to the previous zoning code and the building height limit adopted by Ordinance 2006-03 which results in a lack of clarity and transparency when describing this requirement to customers;

WHEREAS, the adoption of a new amended ordinance will simply add the original development standard back into this section resulting in a separate standard for “buildings” and “ADUs”;

WHEREAS, the Planning Commission reviewed these items at a duly noticed public hearing on October 13, 2022;

WHEREAS, the proposed amendment to the aforementioned MMC Section is included and referenced herein as **Exhibit 1**; and

WHEREAS, the Planning Commission finds and determines, in accordance with the California Environmental Quality Act (CEQA), that the proposed amendments are not subject to CEQA pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance(s) are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina does hereby:

1. Adopt Resolution No. 2022-16, recommending the City Council adopt an amendment to Article 2, Title 17, Section 17.12.060 of the Marina Municipal Code (MMC) pertaining to building height; and
2. Finding the action exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 13th day of October, 2022, by the following vote:

AYES: WALTON, MCCARTHY, WOODSON, HUR, ST JOHN, RANA, AMADEO
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Nancy Amadeo

Nancy Amadeo, Chair

ATTEST:

Guido F. Persicone

Guido F. Persicone, AICP
Director, Community Development Dept.

DRAFT

ORDINANCE NO. 2022-__

AN ORDINANCE AMENDING ARTICLE 2, TITLE 17, SECTION 17.12.060 OF THE MARINA MUNICIPAL CODE PERTAINING TO THE HEIGHT LIMIT IN THE RESIDENTIAL MULTI-FAMILY (R-4) ZONING DISTRICT

-oOo-

THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS FOLLOWS:

1. The Community Development Department (CDD), through its regular use and implementation of the Marina Municipal Code (MMC), discovered an error in Section 17.12.060 pertaining to the allowed height limit in the R-4 zoning district. It appears that, at the time of the adoption of the Accessory Dwelling Unit (ADU) Ordinance in 2020 (Ordinance 2020-06), the standard building height limit was inadvertently removed and only a height limit for ADUs was reflected in this Section.

2. An amendment to the City's Municipal Code is needed to provide clarity and transparency in this Section.

3. The previous MMC specified a 42' and three (3) story height limit for buildings in the R-4 zoning district (Ordinance 2006-03). This amendment returns this development standard in addition to the existing standard for ADUs as described and referenced herein as **Exhibit A**.

4. Environmental. In accordance with the California Environmental Quality Act (CEQA), staff finds that this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

5. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this

Ordinance regardless of the absence of any such invalid part.

7. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, 2022, and was passed and adopted at a regular meeting duly held on _____, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

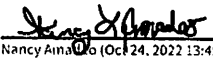
Anita Sharp, Deputy City Clerk

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Exhibit "A"

Section 17.12.060 Building height.

- A. The maximum building height limit in the R-4 district shall be 42 feet and three (3) stories.
- B. The maximum building heights for accessory dwelling units shall be governed by the provisions of Section 17.42.040.

Signature: 
Nancy Amadio (Oct 24, 2022 13:45 PDT)
Email: nancyamadeo@gmail.com

Signature: 
Email: gpersicone@cityofmarina.org

Honorable Mayor and Members of the
City Council

City Council Meeting
of November 15, 2022

CITY COUNCIL TO OPEN A PUBLIC HEARING, TAKE TESTIMONY FROM THE PUBLIC, AND CONSIDER APPROVING OR DENYING THE MODIFICATIONS TO REMOVE THE REQUIRED FAÇADE IMPROVEMENTS AND GRANT AN EXTENSION FOR COMPLETION OF THE SITE IMPROVEMENTS IN CITY COUNCIL RESOLUTION 2020-65 TO JANUARY 3, 2024, FOR THE COMBINED MEDICAL/ADULT CANNABIS DISPENSARY USE AT 3100 DEL MONTE BOULEVARD (APN 032-192-018-000).

RECOMMENDATION:

Staff recommends that the City Council take one the following action:

a) **Staff Recommendation (Exhibit A):**

Open a Public Hearing, take testimony from the public and adopt a resolution with the required findings to approve the modifications to remove the required façade improvements and grant an extension for completion of the site improvements in City Council Resolution 2020-65 to April 3, 2023, as conditioned herein in with additional amendments, for the combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Boulevard (APN 032-192-018-000) and find the project as described and conditioned exempt from environmental review per Section 15301 of the CEQA Guidelines.

b) **Alternative recommendation (Exhibit B):**

Open a Public Hearing, take testimony from the public and adopt a resolution with the required findings to deny the modifications to remove the required façade improvements and deny an extension for completion of the site improvements in City Council Resolution 2020-65 to April 3, 2023, for the combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Boulevard (APN 032-192-018-000) and find the project would be exempt from environmental review under Statutory Exemptions per Section 15270 (Projects which are Disapproved) of the CEQA Guidelines.

BACKGROUND:

On May 14, 2020, the Planning Commission approved Resolution No. 2020-07 recommending the City Council approve Conditional Use Permit (CUP) 2021-02 for commercial cannabis at 3100 Del Monte Blvd to the City Council.

On June 10, 2020, the City Council adopted Resolution No. 2020-65 approving a Cannabis Conditional Use Permit (CUP) to allow a combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Blvd. The applicant, Pacific Roots Marina, LLC (Pacific Roots or applicant) has until January 3, 2023, to complete all Conditions of Approval (COA). To be in compliance with COA #10 *Permit Expiration*, which gives the applicant one year to complete all conditions after the date of occupancy, the following three (3) COAs below need to be completed:

1. *Substantial Compliance* – The project shall be constructed in substantial compliance with the plans submitted to the Planning Office on January 7, 2020, except as conditioned herein.

6. *Public Improvements* – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. *Parking* – Subject to approval by the Community Development Director, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

On August 17, 2021, the City Council granted a 120-day extension, in addition to the previous 90-day extension granted by the City Manager. This extended the tenant improvements building permit deadline to January 6, 2022.

On January 3, 2022, Pacific Roots finalized their tenant improvements building permit including security and safety measures and minor exterior improvements such as signs and wheelchair access. The Pacific Roots group partnered with a management company and opened the business as Catalyst Cannabis Dispensary (Catalyst).

Pacific Roots was required to enter into a Development/Operating Agreement prior to commencing commercial operations, per MMC Section 5.76.030 and COA #4 in Resolution No. 2020-65. A primary component of the Agreement was the public improvements required by MMC 15.36. Due to the fact that the City was still working on right of way dimensions for the DVSP and therefore not prepared to provide Pacific Roots with required dimensions for the offsite sidewalk, curb, gutter and landscaping requirements, staff agreed to allow Pacific Roots to open business on January 3, 2022, pending the finalization of the Development/Operating Agreement and Del Monte right of way designs. Staff and Pacific Roots staff worked consistently from January 2022 to July on defining the public improvements and the implementation of the improvements in the draft Development/Operating Agreement. Pacific Roots then set a course to complete the improvements by December 31, 2022, prior to the one-year renewal of their Cannabis Conditional Use Permit and clearing the way for the Development/Operating Agreement to be entered. Unfortunately, Pacific Roots was unable to fund and construct the public improvements in that period, which now limits staff's ability to administratively approve the Annual Conditional Use Permit that expires on December 31, 2022.

On September 1, 2022, the applicant applied to amend COA #1 to remove the façade changes and to request a one-year extension of COAs #6 and #7 until January 3, 2024. The applicant's letter lists multiple reasons for the changes as detailed in the analysis below.

On October 13, 2022, the Planning Commission held a public hearing and made a recommendation to the City Council, because this is the same procedure that the original CUP went through. The Planning Commission made the following recommendation:

The Planning Commission recommends to the City Council that it deny modifications to remove the required façade improvements and deny an extension of the site improvements in City Council Resolution 2020-65.

On November 7, 2022, Pacific Roots updated their request for the extension of the public improvements from one (1) year to three (3) months.

The background documents discussed above are attached for reference.

PROJECT ANALYSIS:

The applicant is requesting to modify the Conditions of Approval to remove façade improvements and to request a three (3) month extension of the public improvements due to the financial burdens. The City Council has the authority to approve, approve with additional findings and conditions or deny the application with required findings regarding consistency with the General Plan (Policies 2.37, 2.38 and 2.39), Zoning (Chapter 17.58 Use Permits) and the Cannabis Ordinance (Section 4 of the 2018 Cannabis Ordinance) and determine consistency with the Conditions of Approval.

General Plan Consistency

The project is consistent with General Plan Policies 2.37, 2.38, and 2.39 as listed in the Findings provided in **EXHIBIT A**, which encourage the City of Marina (City) to provide for the shopping and service needs of residents.

Modification to Condition of Approval (COA) #1

The applicant proposes to modify the plans that are referenced in COA #1 by removing the façade changes on page A4.12 of the plan set. All interior improvements have been completed. Further, the applicant has removed the legal non-conforming Mortimer's monument sign and has installed signs for the tenant space. The remaining required improvements are to the exterior and parking areas.

The exterior changes for the tenant space would replace the existing wooden siding finishes with stucco and the wood shingle roof with Spanish tile. The applicant knew from the beginning that this would result in a different façade than the five neighboring businesses, which are located on the same property and under one (1) ownership. Further, the applicant lists the multiple financial hardship reasons for requesting the removal of the façade changes.

The applicant is willing to "[...] work with the City to properly beautify the property. Such efforts may include landscaping, adding planters, repainting, or any other project that would please the City." Staff has worked closely with the applicant and has included draft COA #30 and #31 to the resolution, to amend the original COAs, to reflect their commitments to beautify the site. These proposed new conditions are intended to require minor cosmetic improvements to the building including repairs, paint, and planter boxes to the front.

Off-Site Improvements

The applicant has updated their request from one (1) year to a ninety (90) day extension, which would make the completion date on or before April 3, 2023. The extension would be for the off-site improvements along Carmel Avenue and the reasons for the request are outlined in the application materials. The applicant is responsible for off-site improvements on Carmel Avenue including installing new sidewalk, curb, and gutter. Due to the City's future Del Monte Boulevard improvement plans, the Public Works Department is not requiring the applicant to complete the improvements on Del Monte Boulevard.

Changes to Parking

The applicant prepared a parking study on January 12, 2021, based on installing sidewalks along both Del Monte Boulevard and Carmel Avenue. As stated above, the applicant is only responsible for the changes to Carmel Avenue. The most recent proposal was submitted to Public Works Engineering in June of 2022 with the sidewalk along Carmel Avenue circled in red to show the proposed improvements at the end of Attachment 4.

The improvements to Carmel Avenue are separate from the Del Monte Boulevard improvements. The Carmel Avenue improvements will result in the removal of twelve (12) existing nonconforming parking spaces, which are in the public right-of-way. These spaces cannot be counted as on-site parking and were not included in the parking study. Future parking reductions with the improvements to Del Monte Boulevard can also be accommodated on-site with the

implementation of a shared parking agreement between the Motel and the commercial store fronts. To ensure this will occur, Staff has included Condition of Approval (COA) #33. Therefore, all the needed parking can be accommodated on-site with an additional five (5) newly created parallel parking spaces in the public right-of-way along Carmel Avenue.

Staff has also prepared an alternative resolution as “**EXHIBIT B**” denying the application. Should the City Council choose to deny the application, the Annual Cannabis Conditional User Permit for Pacific Roots will expire on December 31, 2022 and will not be able to be renewed by staff because the business will not be meeting the Conditions of Approval set forth in City Council Resolution No. 2020-65.

Please note that as of November 3, 2022, City staff has not received any complaints regarding lack of parking at project site at 3100 Del Monte Boulevard.

CORRESPONDENCE

Staff has not received correspondence applicable to this permit as of November 3, 2022.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. Staff has determined that the exemption applies in this case because the modifications to the CUP under consideration would be minor alterations to an existing structure or facility and would involve negligible or no expansion of use. If the City Council denies the project, then the project would be exempt from environmental review under Statutory Exemptions per Section 15270 (Projects which are Disapproved) of the CEQA Guidelines.

CONCLUSION:

This request is submitted for City Council consideration and action.

Respectfully submitted,

Nicholas McIlroy
Associate Planner
Community Development Department
City of Marina

REVIEWED/CONCUR:

Guido Persicone, AICP
Community Development Director
City of Marina

Layne Long
City Manager
City of Marina

Background Information Attachments:

1. Planning Commission Resolution 2020-07
2. City Council Resolution 2020-65
3. September 1, 2022, Application Materials and Modified Plan Set
4. October 13, 2022, Planning Commission Minutes
5. January 12, 2021, Traffic Study and June 2022 Site Improvements
6. Letter from Property Owner
7. Letter from Pacific Roots

RESOLUTION NO. 2022-

A CITY COUNCIL RESOLUTION APPROVING THE MODIFICATIONS TO REMOVE THE REQUIRED FAÇADE IMPROVEMENTS AND GRANT AN EXTENSION FOR COMPLETION OF THE SITE IMPROVEMENTS IN CITY COUNCIL RESOLUTION 2020-65 TO JANUARY 3, 2024, FOR THE COMBINED MEDICAL/ADULT CANNABIS DISPENSARY USE AT 3100 DEL MONTE BOULEVARD (APN 032-192-018-000).

WHEREAS, on June 10, 2020, the City Council adopted Resolution No. 2020-65 approving a Cannabis Conditional Use Permit (CUP) to allow a combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Blvd. The applicant, Pacific Roots Marina, LLC (Pacific Roots or applicant) has until January 3, 2023, to complete all Conditions of Approval (COA). To be in compliance with COA #10 *Permit Expiration*, which gives the applicant, Pacific Roots, LLC (Pacific Roots or Marina) one year to complete all conditions after the date of occupancy, the following three (3) COAs below need to be completed:

1. *Substantial Compliance* – The project shall be constructed in substantial compliance with the plans submitted to the Planning Office on January 7, 2020, except as conditioned herein.
6. *Public Improvements* – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. *Parking* – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

WHEREAS, on January 3, 2022, Pacific Roots finalized their tenant improvements building permit including security and safety measures and minor exterior improvements such as signs and wheelchair access. The Pacific Roots group partnered with a management company and opened as Catalyst Cannabis Dispensary (Catalyst);

WHEREAS, on September 1, 2022, the applicant applied to amend Condition of Approval #1 by removing the façade changes as shown on “**Exhibit 1**” and to request an extension of Conditions of Approval (COA) #6 and #7 for one additional year until January 3, 2024;

WHEREAS, on October 13, 2022, the Planning Commission made the following recommendation:

The Planning Commission recommends to the City Council that it DENY modifications to remove the required façade improvements and not grant an extension of the site improvements in City Council Resolution 2020-65.

WHEREAS, on November 7, 2022, Pacific Roots Marina updated their request for the extension of the public improvements from one (1) year to three (3) months;

WHEREAS, the proposed project is exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. Staff has determined that the exemption applies in this case because the modifications to the CUP under consideration would be minor alterations to an existing structure or facility and would involve negligible or no expansion of use; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina hereby approves the modifications to remove the required façade improvements and grant an extension for completion of the site improvements in City Council Resolution 2020-65 to April 3, 2023, as conditioned herein for the combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Boulevard (APN 032-192-018-000) and find the project as described and conditioned exempt from environmental review per Section 15301 of the CEQA Guidelines.

FINDINGS FOR APPROVAL

The City Council finds that the proposed amendments are in compliance with the General Plan:

General Plan Compliance

1) General Plan Policy 2.37

“The intent of the General Plan’s commercial land use policies is as follows: (1) to provide for the shopping and service needs of local residents, businesses, and persons employed within the City; (2) to attract commercial development that will strengthen the City’s fiscal base; and (3) to enhance employment and other economic opportunities for local residents. The General Plan establishes four commercial categories: Retail and Personal Services; Visitor-Serving Retail and Services; Multiple-Use Commercial; and Office and Research and Development.”

Evidence: The modifications to the approved Conditions of Approval to remove the façade changes and the one-year extension on the site improvements to Carmel Avenue will allow this business to continue to employ union employees and improve their commercial space, add site improvements along Carmel Avenue, and make minor improvements to building overall.

2) General Plan Policy 2.38

“The land use policies of this section serve to promote the development and location of retail and other commercial personal services which adhere to the General Plan’s principal goals. This entails providing locations for retail and service uses that will permit capture of a significant share of locally and regionally generated sales. It also entails providing locations that make access to such uses by foot and public transit viable and attractive as an alternative to access by private automobile, especially in the case of multi-purpose trips.”

Evidence: The project amendments will permit the retail establishment to continue to operate in a central location with walkable access from the neighborhoods, easy access from the freeway, several bus stops, and the future Bus Rapid Transit SURF! line will be located across Del Monte Boulevard. This ensures that this location will be able to capture a significant share of locally and regionally generated sales with multiple transit options available.

3) General Plan Policy 2.39

“A “strip” form of commercial development shall be avoided, and future retail, personal-service, and business-service uses shall be concentrated to infill the Del Monte Boulevard and Reservation Road core retail areas and create more pedestrian-oriented complexes. Wherever possible, commercial development outside of these areas shall be planned more to complement rather than directly compete with commercial activity in the Del Monte Boulevard and Reservation Road areas. Marina’s core retail area is defined as those areas designated for “Commercial Retail/Personal Services” uses along the east side of Del Monte Boulevard from Carmel Avenue to Reservation Road [...].”

Evidence: The adult cannabis use and site improvements will both support the core area on Del Monte Boulevard and Carmel Avenue and integrate into Del Monte Boulevard with the future street and pedestrian improvements. Further, the changes to the parking lot to add sidewalks and integrate with the new Del Monte Boulevard improvements means that it will transition from a strip mall with nonconforming parking and no sidewalks to an improved site with shared parking with the Motel and safer pedestrian access. Therefore, the project and the improvements will integrate with the proposed commercial core of the Downtown as the transition happens over time.

Zoning Compliance

4) Compliance with Section 17.58.040.B

“The appropriate authority may designate such conditions in connection with the use permit as it deems necessary to secure the purposes of this title. Such conditions may include, but are not limited to, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The appropriate authority may also require such bonds and guarantees as it deems appropriate to assure the compliance of the conditions.”

Evidence: The project will be in substantial compliance with COA #1 with the removal of the façade changes.

Modification to Condition of Approval (COA) #1

Applicant requests to remove the required façade changes from the approved site improvements.

Evidence: The removal of the façade changes will allow the building to retain a consistent front across all five commercial tenants. Further, the ‘beautifying’ improvements will help the overall site, which includes adding plants on the front along Del Monte Boulevard, re-planting planters on the Carmel Avenue side and some minor repairs such as repainting and repairing broken aspects of the building.

Off Site Improvements

The applicant has requested a ninety (90) day extension of the off-site improvements.

Evidence: The extension will result in off-site improvements along Carmel Avenue including removing the existing nonconforming parking and installing curb, gutter, sidewalk, and on-street parking in conformance with City standards. This will improve pedestrian safety and walkability for the site.

AMENDED CONDITIONS OF APPROVAL

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. 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 photo-metric 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.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.
9. Substantial Action Time Limit – If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit by January 6, 2022, this permit shall be deemed revoked. A one-time 30-day administrative extension may be granted by staff if, by January 6, 2022, the business is ready for final inspections.
10. Permit Expiration – This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
11. 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 applicant of its obligations under this condition.
12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.

13. Business License – The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses – The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access – At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.

25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

Proposed Amendments to the Conditions of Approval

29. Amend COA #1 – Revise the plan set submitted on January 7, 2020, to remove the building’s façade changes on page A4.12 as submitted on September 1, 2022, as shown on “**Exhibit 1**”.
30. Beautifying – Within sixty (60) days of the approval of the Conditional Use Permit Amendment by the City Council, the applicant agrees to replant and update planters along the Carmel Ave side of the building. Install plants as planter boxes, potted plants and/or hanging plants on the Del Monte Avenue frontage of their commercial space that does not obstruct access.
31. Building Minor Repairs – Within sixty (60) days of the approval of the Conditional Use Permit Amendment by the City Council the applicant agrees to make minor repairs to the front of the building overall by replacing missing wood, touching up paint and making minor repairs as needed to beautify the building overall.
32. Public Improvements Extension – Extend COA #6 *Public improvements* to the Carmel Avenue frontage and COA #7 *Parking* along Carmel Avenue for ninety (90) days from the date of expiration of January 3, 2023, to April 3, 2023.
33. Shared Parking with the Motel – Within thirty (30) days of the completion of off-site improvements along Del Monte Boulevard, the applicant shall provide the City with an executed shared parking agreement with the property owner detailing that eleven (11) parking spaces shall be shared. Further, all corresponding signs and striping must be installed within thirty (30) days of the executed shared parking agreement.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of November 2022, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

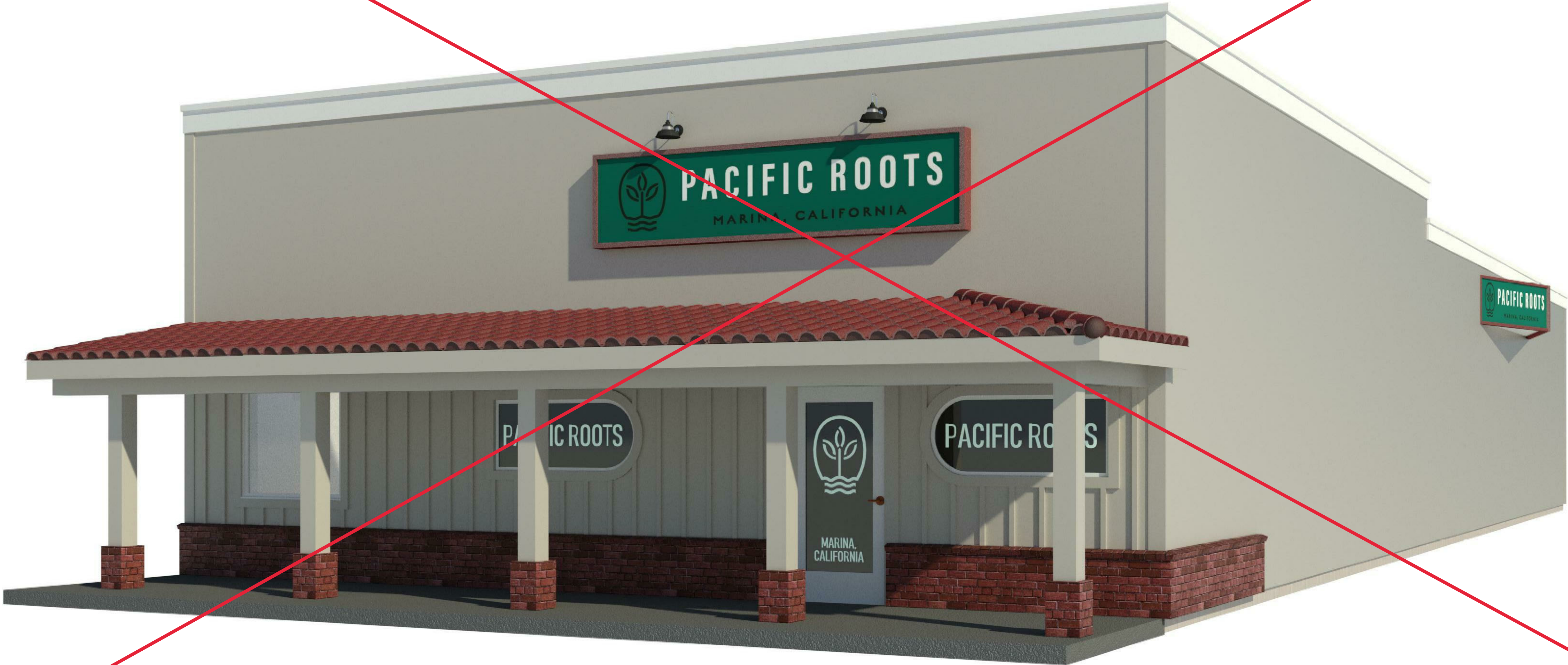
ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



2 (N) EXTERIOR PERSPECTIVE VIEW
SCALE: 12" = 1'-0"



1 (N) EXTERIOR ELEVATIONS - FRONT
SCALE: 1" = 10'-0"

SEAN
FREITAS
ARCHITECT

(916) 580-9981
Sean@SeanFreitas.com
SEANFREITAS.COM

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PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 10/24/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL



THIS PROJECT IS NOT APPROVED FOR CONSTRUCTION
UNLESS THE DRAWINGS ARE STAMPED AND WET SIGNED BY
THE ARCHITECT AND THE BUILDING AUTHORITY HAVING
JURISDICTION OVER THE PROJECT.

SHEET:

A4.12

SHEET: OF SHEETS

RESOLUTION NO. 2022-

A CITY COUNCIL RESOLUTION DENYING THE MODIFICATIONS TO REMOVE THE REQUIRED FAÇADE IMPROVEMENTS AND DENY AN EXTENSION FOR COMPLETION OF THE SITE IMPROVEMENTS IN CITY COUNCIL RESOLUTION 2020-65 TO JANUARY 3, 2024, FOR THE COMBINED MEDICAL/ADULT CANNABIS DISPENSARY USE AT 3100 DEL MONTE BOULEVARD (APN 032-192-018-000).

WHEREAS, on June 10, 2020, the City Council adopted Resolution No. 2020-65 approving a Cannabis CUP to allow a combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Blvd. The applicant has until January 3, 2023, to complete all Conditions of Approval (COA). To be in compliance with COA #10 *Permit Expiration*, which gives the applicant one year to complete all conditions after the date of occupancy, the following three (3) COAs below need to be completed:

1. *Substantial Compliance* – The project shall be constructed in substantial compliance with the plans submitted to the Planning Office on January 7, 2020, except as conditioned herein.
6. *Public Improvements* – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. *Parking* – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

WHEREAS, on August 17, 2021, the City Council granted a 120-day extension, in addition to the previous 90-day extension granted by the City Manager. This extended the tenant improvements building permit deadline to January 6, 2022;

WHEREAS, on January 3, 2022, Pacific Roots finalized their tenant improvements building permit including security and safety measures and minor exterior improvements such as signs and wheelchair access. The Pacific Roots group partnered with a management company and opened as Catalyst Cannabis Dispensary (Catalyst); and

WHEREAS, on September 1, 2022, the applicant applied to amend Condition of Approval #1 and to request an extension of Conditions of Approval (COA) #6 and #7 for one additional year until January 3, 2024; and

WHEREAS, on October 13, 2022, the Planning Commission made the following recommendation:

The Planning Commission recommends to the City Council that it DENY modifications to remove the required façade improvements and not grant an extension of the site improvements in City Council Resolution 2020-65.

WHEREAS, on November 7, 2022, Pacific Roots updated their request for the extension of the public improvements from one (1) year to three (3) months.

WHEREAS the proposed project is exempt from environmental review under Statutory Exemptions per Section 15270 (Projects which are Disapproved) of the CEQA Guidelines.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina hereby adopts a resolution to deny the modifications to remove the required façade improvements and deny an extension for completion of the site improvements in City Council Resolution 2020-65 to January 3, 2024, for the combined Medical/Adult Cannabis Dispensary Use at 3100 Del Monte Boulevard (APN 032-192-018-000) and find the project would be exempt from environmental review under Statutory Exemptions per Section 15270 (Projects which are Disapproved) of the CEQA Guidelines.

FINDINGS FOR DENIAL

The City Council finds that the proposed amendments are not in compliance with the General Plan:

General Plan Consistency

1) General Plan Policy 2.37

“The intent of the General Plan’s commercial land use policies is as follows: (1) to provide for the shopping and service needs of local residents, businesses, and persons employed within the City; (2) to attract commercial development that will strengthen the City's fiscal base; and (3) to enhance employment and other economic opportunities for local residents. The General Plan establishes four commercial categories: Retail and Personal Services; Visitor-Serving Retail and Services; Multiple-Use Commercial; and Office and Research and Development.”

Evidence: The proposed modifications will remove the required façade improvements that would help improve the commercial retail corridor along Del Monte Boulevard. Further, the one-year extension of the required site improvements would prolong the needed improvements without justification.

2) General Plan Policy 2.38

“The land use policies of this section serve to promote the development and location of retail and other commercial personal services which adhere to the General Plan's principal goals. This entails providing locations for retail and service uses that will permit capture of a significant share of locally and regionally generated sales. It also entails providing locations that make access to such uses by foot and public transit viable and attractive as an alternative to access by private automobile, especially in the case of multi-purpose trips.”

Evidence: The project extension will result in an additional year with no safety improvements along Carmel Avenue. Therefore, accessing the site will continue to not meet current standards.

Cannabis Ordinance Consistency

3) **Section 4: Use Permit.** of the 2018 Cannabis Ordinance

“Use permits for cannabis and cannabis related uses are for one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager or designee subject to Section 19.09 of Marina Municipal Code shall include the following: All Use Permit holders shall also execute a Development/Operating Agreement annually agreeing to abide to all conditions of approval at all times. The City Manager or designee can terminate a Development/Operating Agreement at any time with or without reason.”

Evidence: The applicant is not in substantial compliance with COA #1 and COA #6. Pursuant to COA #10, the applicant has one year after occupancy, before the permit expires if it is not in substantial compliance with all of the conditions of approval. The applicant received their building permit final and occupied the commercial space on January 3, 2022. Therefore, they have until January 3, 2023, to complete all required conditions of approval.

4) Compliance with Section 17.58.040.B

“The appropriate authority may designate such conditions in connection with the use permit as it deems necessary to secure the purposes of this title. Such conditions may include, but are not limited to, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The appropriate authority may also require such bonds and guarantees as it deems appropriate to assure the compliance of the conditions.”

Evidence: The applicant has until January 3, 2023, to comply with time limitations as stated in the original City Council approved the Conditional Use Permit. Further, two items remain unfinished including the public improvements and the exterior façade changes so the applicant is not in substantial compliance with COA #1 or COA #6. The City Council cannot remove the façade changes, because then the building will not meet the architectural improvements.

Modification to Condition of Approval (COA) #1

Applicant requests to remove the required façade changes from the approved site improvements.

Evidence: The exterior façade improvements are part of the original requirements of the original project and the reasons for removing are not thoroughly justified beyond cost. Therefore, the City Council cannot make findings to support the changes to the project.

Off Site Improvements

The applicant requests a ninety (90) day extension of the off-site improvements along Carmel Avenue.

Evidence: The extension for the off-site improvements along Carmel Avenue cannot be supported due to the risk to pedestrian safety.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of November 2022, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2020-07

A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE
PERMIT TO ALLOW A MEDICAL/ADULT USE CANNABIS DISPENSARY
LOCATED AT 3100 DEL MONTE BOULEVARD (APN 032-192-018) IN THE C-1
(RETAIL BUSINESS) ZONING DISTRICT.

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting;

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends City Council approval of a conditional use permit for Pacific Roots Marina, LLC at 3100 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. 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 photo-metric 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.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.
9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.
10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
11. 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 applicant of its obligations under this condition.

12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.

23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 14th day of May 2020, by the following vote:

AYES, COMMISSIONERS: Biala, Burnett, McCarthy, Amadeo, Mann, Jacobsen, Bielsker

NOES, COMMISSIONERS: None

ABSENT, COMMISSIONERS: None

ABSTAIN, COMMISSIONERS: None

David Burnett, Chair

ATTEST:

Christy Hopper
Planning Services Manager
City of Marina

RESOLUTION NO. 2020-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3100 DEL MONTE
BOULEVARD (APN 032-192-018) IN THE C-1 (RETAIL BUSINESS) ZONING DISTRICT.

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Pacific Roots Marina, LLC at 3100 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “EXHIBIT A”, submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. 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.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. **Public Improvements** – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

7. **Parking** – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. **Right to Operate** – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.

9. **Substantial Action Time Limit** - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

10. **Permit Expiration** - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

11. **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 applicant of its obligations under this condition.

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Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at an adjourned regular meeting duly held on the 10th day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS: Berkley, Urrutia, Morton, Delgado

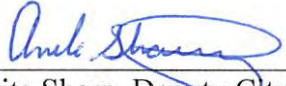
NOES, COUNCIL MEMBERS: O’Connell

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None


Bruce C. Delgado, Mayor

ATTEST:


Anita Sharp, Deputy City Clerk

PACIFIC ROOTS MARINA, LLC**ATTN: BRANDON GESICKI, COMMUNITY LIASON****965 Briar Cliff Dr. Santa Maria, CA 93455****Phone: (831) 206-6460 I****Email: capitolconsultingcorp@gmail.com**

August 25, 2022

City of Marina
ATTN: Christy Hopper,
Planning Services
Manager
211 Hillcrest Avenue
Marina, CA 93933
Phone: (831) 884-1238
Email: chopper@cityofmarina.org

**RE: Request to Modify the Cannabis Conditional Use Permit for Pacific Roots Marina, LLC,
at 3100 Del Monte Blvd., Marina, CA 93933**

Dear Planning Services Manager Hopper:

By way of introduction, my name is Brandon Gesicki, the Community Liaison for Pacific Roots Marina, LLC ("**Pacific Roots**"), which operates a dispensary in the City of Marina (the "**City**") at 3100 Del Monte Blvd., Marina, CA 93933 ("**310 Del Monte**"). I am writing to you today as part of our requirement to submit our annual planning application and to humbly request your approval to modify the Cannabis Conditional Use Permit ("**CUP**"). More specifically, I am asking that the CUP be modified to find that our project is in "*substantial compliance*" with our previous proposed plans and to allow for the further deferral of public works improvements required for 310 Del Monte.

Background.

As you are well aware, we were awarded our CUP on June 10, 2020, and immediately began work to bring a beautiful dispensary to the City. After almost year and a half, and over \$900,000.00 in improvements later, we were able to open our doors for business on January 3, 2022 fully stocked with product, workforce comprising exclusively of union employees, and with great optimism for the rewards that were sure to come.

Unfortunately, due to rising operating costs, and weakening legal market, and the proliferation of the illegal market, those rewards never came. And it saddens me to say that the store has never seen a monthly profit. To date, the store carries over \$300,000.00 in operational losses and are finding it difficult to see when a profit will be made.

In addition to these significant financial burdens, we are now facing the pressure to commit to, and pay for: 1) the exterior improvements to the building, and 2) the public improvements by the end of the year. These improvements are estimated to be an additional \$300,000 to

\$400,000.00 of expenses that we simply cannot afford. We are now forced to decide whether it's better to shut down our operations or to keep our lights on.

We would never dream of not fulfilling the promises we made and want to make these improvements and continue to become a mainstay in the community. We have a dedicated union workforce, and every one of our them feels that they have become a part of the vibrant City. Absent these improvements, we would be willing to continue to operate at a loss in hopes that we are able to turn things around for the sake of our business and our union employees.

However, we simply need more time for the business to grow and become financially solvent before making the commitment to put another \$300,000-\$400,000 dollars into this project. To that end, we humbly request the following:

Deem us in Substantial Compliance with respect with the plans attached as Exhibit A to our CUP.

Pursuant to our CUP, the City required that our project be constructed in substantial compliance with the plans attached as Exhibit A to the CUP. Exhibit A outlines the plans submitted to the Planning Commission for the interior and exterior designs required to operate a compliant and functional cannabis dispensary. In addition, the plans also included exterior - or "cosmetic" – improvement to the façade of the unit occupied by the dispensary.

With respect to those design plans, we have complied in every aspect with the interior designs of those plans, including the security and safety requirements. The only aspect of those plans that remain are the cosmetic façade changes – and, as it stands, it will cost nearly \$180,000.00 to change the façade of the storefront.

Our issue, in this case, is both a financial matter and a practical challenge of aesthetics. Specifically, the exterior design, while pleasant in isolation, does little to beautify the property where Pacific Roots is located. While it is true that Pacific Roots proposed an upgrade to the façade of the building in hopes of amplifying the aesthetic look of its retail dispensary, the reality is that absent a change to the entire shopping center where Pacific Roots sits, the aesthetic improvements would result in an otherwise disjointed "look" to the shopping center.

Our concerns our not just our own. Notably, during the May 14, 2020 Planning Commission Meeting, Vice Chair Biala foresaw this issue and inquired whether "[the façade improvements] would pose a challenge in that the building would then look different from the attached establishments and create a disjointed look."

In addition, the purpose of any improvement is to inure to the benefit of the City. In this case, these improvements only benefit the landowner and in no way directly benefit the health and general welfare of the City.

We therefore humbly request that the City deem us in substantial compliance with respect to the plans attached as Exhibit A in our CUP. Doing so would allow us to forgo the requirement for the "cosmetic" improvement and would save us significant financial burden and remove a fruitless undertaking that fails to benefit the City.

We understand that the City does have an interest in promoting the development of aesthetically pleasing commercial establishments. Although the exterior improvements highlighted in Exhibit A would do little to beautify the City, we are happy to work with the City to properly beautify the property. Such efforts may include landscaping, adding planters, repainting, or any other project that would please the City. We only ask that such effort is substantially less burdensome than the original plans.

Postpone the Public Improvements Requirement.

Due to the financial burdens we face, we humbly request that you postpone the public improvements requirement until next year.

Conclusion.

This approval to modify the CUP to eliminate or get a deferral on the improvements from the City will allow us to keep the doors open, employees employed, and vendors paid for a business that is struggling and in need of a helping hand.

As a show of good faith, we are happy to provide updated information of our financials each quarter to demonstrate our financial abilities.

Of course, our Community Liaison, Brandon Gesicki continues to be available to all the community's questions and concerns.

Thank you in advance for any time taken in consideration of this appeal.

Respectfully Submitted,

DocuSigned by:
BRANDON GESICKI
030EE1700E3348E

Brandon Gesicki
Pacific Roots Marina, LLC

GENERAL BUILDING NOTES

SCOPE:

1.01

THE CONSTRUCTION CONTRACT RELATED TO THE WORK OF THIS PROJECT IS HEREBY MADE A PART OF THESE DRAWINGS AS THOUGH FULLY CONTAINED THEREIN.

1.02

THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL COMPLETE ALL WORK REQUIRED TO RECEIVE A CERTIFICATE OF OCCUPANCY FROM THE BUILDING OFFICIAL HAVING JURISDICTION OVER THIS PROJECT. THE SCOPE OF PERMIT COMPLIANCE WORK IS INCLUDED IN THE GENERAL CONTRACT FOR CONSTRUCTION OF THIS PROJECT. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR AND GOVERNED BY ALL OF THE REQUIREMENTS THEREUNDER.

1.03

PRIOR TO CONTRACT APPROVAL, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VISIT THE PROJECT SITE, AND BY THEIR OWN INVESTIGATION, DETERMINE EXISTING SITE CONDITIONS AS TO THE QUANTITIES OF MATERIALS, LABOR HOURS, AND ANY OTHER COST ASSOCIATED WITH WORK THAT IS TO BE DONE UNDER THEIR CONTRACT AND AS REQUIRED TO PASS ALL BUILDING PERMIT INSPECTIONS. ALL MODIFICATIONS REQUIRED BY THE INSPECTION AUTHORITY SHALL BE MADE BY EACH SUBCONTRACTOR AT THEIR EXPENSE.

1.04

PRIOR TO CONTRACT APPROVAL, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VERIFY AND CONFIRM THE DESIGN REQUIREMENTS OF ALL NEW AND EXISTING ARCHITECTURAL, STRUCTURAL, PLUMBING, MECHANICAL, AND ELECTRICAL SYSTEMS AND REPORT ANY AMBIGUITIES OR DISCREPANCIES CONTAINED IN THE CONTRACT TO THE OWNER IN WRITING. ALL MODIFICATIONS REQUIRED TO COMPLETE THE CONTRACT RESULTING FROM AMBIGUITIES OR DISCREPANCIES NOT REPORTED PRIOR TO CONTRACT APPROVAL SHALL BE MADE BY EACH SUBCONTRACTOR AT THEIR EXPENSE.

APPLICABLE LAWS, ORDINANCES, REGULATIONS AND STANDARDS

2.01

THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL CONFORM TO THE LATEST APPLICABLE, ADOPTED EDITION OF THE CALIFORNIA CODE OF REGULATIONS, TITLE-24, CALIFORNIA BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA ELECTRICAL CODE, AND ALL LOCAL CODES AND ORDINANCES REQUIRED TO RECEIVE A CERTIFICATE OF OCCUPANCY FROM THE BUILDING OFFICIAL HAVING JURISDICTION OVER THE PROJECT.

2.02

THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL PERFORM ALL WORK REQUIRED BY APPLICABLE BUILDING CODES AND REGULATIONS TO PASS ALL REQUIRED BUILDING INSPECTIONS.

PERMITS, LICENSES, INSPECTIONS AND FEES

3.01

THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PLAN REVIEW, PERMIT, LICENSE, AND INSPECTION APPROVALS. ALL FEES REQUIRED FOR APPROVAL SHALL BE PAID BY THE OWNER.

GUARANTEE

4.01

THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL GUARANTEE THAT ALL WORK REQUIRED TO CONSTRUCT THE PROJECT BE A COMPLETE WORKING SYSTEM AND SHALL OPERATE FREE FROM DEFECTS IN WORKMANSHIP AND MATERIALS. THE CONTRACTOR AGREES TO REPLACE, WITHOUT EXPENSE TO THE OWNER, ANY PROJECT COMPONENTS WHICH THE OWNER DETERMINES TO BE DEFECTIVE WITHIN ONE (1) CALENDAR YEAR FROM THE DATE OF FINAL CONTRACT ACCEPTANCE.

DATA AND MEASUREMENTS:

5.01

DRAWING DATA CONTAINED HEREIN IS AS EXACT AS COULD BE DETERMINED WITHIN THE PROJECT DESIGNER'S DESIGN SCOPE OF SERVICES RENDERED. AS SUCH THE ABSOLUTE ACCURACY OF THE DESIGN DATA IS NOT GUARANTEED. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL ENDEAVOR TO OBTAIN, VERIFY AND CONFIRM EXACT DESIGN DATA ON SITE AND SUITABLY ADAPT THE WORK TO CONFORM TO EXACT CONDITIONS ON SITE. THE CONTRACTOR SHALL REPORT ANY DESIGN DATA AMBIGUITIES OR DISCREPANCIES CONTAINED IN THE CONTRACT TO THE OWNER IN WRITING. ALL MODIFICATIONS REQUIRED TO ADAPT THE WORK SHALL BE MADE BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.

5.02

DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS AND ACTUAL BUILDING MEASUREMENTS TAKE PRECEDENCE OVER SCALED DRAWING INFORMATION.

5.03

DIMENSIONS TO DOORS, WINDOWS, AND OPENINGS ARE NOMINAL WIDTHS. REFER TO THE MANUFACTURER FOR ACTUAL ROUGH OPENINGS.

5.04

ALL WALL DIMENSIONS ARE NOMINAL, FACE OF STUD TO FACE OF STUD. WALL FINISH DIMENSIONS ARE NOT TAKEN INTO ACCOUNT AND ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SUBCONTRACTORS TO DETERMINE PROPER CLEARANCES.

SUBSTITUTIONS FOR SPECIFIED MATERIALS:

6.01

SPECIFIC TRADE NAMES MENTIONED IN THE DRAWINGS ARE FOR THE PURPOSES OF ESTABLISHING MINIMUM STANDARDS OF QUALITY, STYLE OR TYPE, AND SHALL NOT BE CONSTRUED TO RESTRICT SUBSTITUTIONS. ALL SUBSTITUTIONS SHALL BE SUBMITTED TO AND APPROVED BY THE OWNER IN WRITING WITHIN A SUFFICIENT TIME FRAME AS NOT TO DELAY PROJECT COMPLETION.

CLEAN UP AND START UP RESPONSIBILITIES

7.01

AFTER COMPLETION OF THE WORK DESCRIBED IN THEIR RESPECTIVE CONTRACTS AND PRIOR TO ACCEPTANCE, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL THOROUGHLY CLEAN ALL EXPOSED SURFACES OF THEIR RESPECTIVE WORK COMPLETED.

7.02

AFTER COMPLETION OF THE WORK DESCRIBED IN THEIR RESPECTIVE CONTRACTS AND PRIOR TO PROJECT ACCEPTANCE, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL THOROUGHLY TEST AND PROPERLY START UP ALL PROJECT EQUIPMENT AS REQUIRED TO SECURE AND MAINTAIN SPECIFIED EQUIPMENT WARRANTIES. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL REVIEW ALL MANUFACTURER'S RECOMMENDED OPERATIONS PROCEDURE WITH THE OWNER PRIOR TO PROJECT ACCEPTANCE.

7.03

THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL TAKE REASONABLE MEASURES TO ENSURE THAT SITE IS PREPPED AND MAINTAINED SO THAT NO EROSION TO STREET, NEIGHBORS, AND REAR LOT DRAIN OCCURS.

AREA OF WORK

10.01

THE GENERAL ENGINEERING CONTRACTOR SHALL REMOVE ALL EXISTING LANDSCAPE MATERIAL NOT PROTECTED, CONCRETE PATIOS/WALKWAYS, YARD FENCING AND POST FOOTINGS, GARAGE STRUCTURE AND FOUNDATION, AND ALL ABANDONED UTILITIES. THE CONTRACTOR SHALL REMOVE EXISTING SITE LIGHTING AND IRRIGATION SYSTEM WITHIN THE AREA OF WORK, TERMINATE/CAP-OFF DISCONNECTION POINTS, AND TURN OVER ALL EXISTING SYSTEM COMPONENTS TO THE OWNER FOR FUTURE USE. ALL TOP SOIL SHALL BE REMOVED AND STORED FOR USE IN FINISH GRADING.

HOURS OF CONSTRUCTION

11.01

NORMAL AND CUSTOMARY CONSTRUCTION ACTIVITY SHALL INCLUDE ANY CONSTRUCTION ACTIVITY CONDUCTED MONDAY THROUGH FRIDAY, 6:00 A.M. TO 8:00 P.M., AND SATURDAYS 8:00 A.M. TO 6:00 P.M., EXCLUDING FEDERAL HOLIDAYS PER CCR 6.14b.

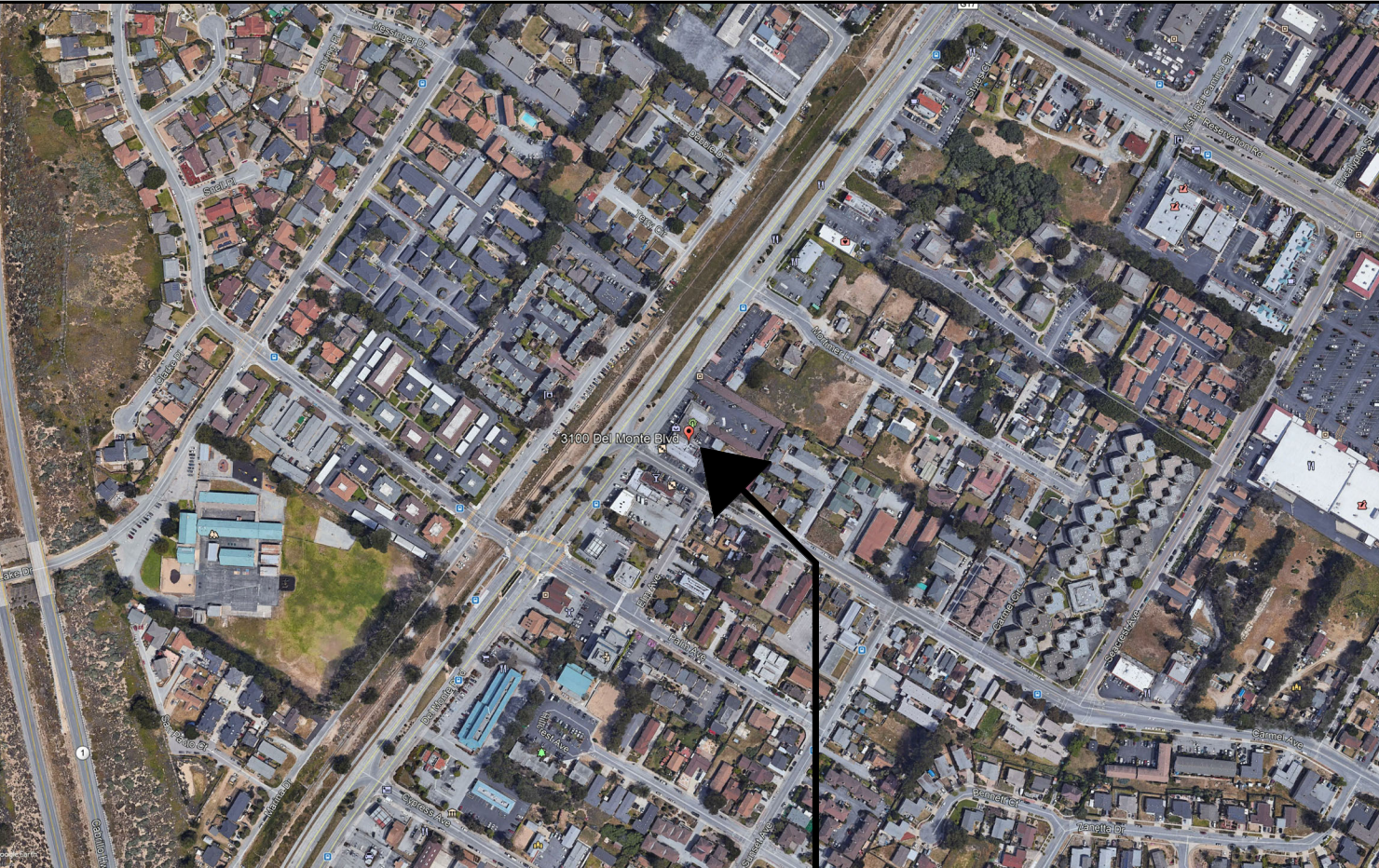
DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933



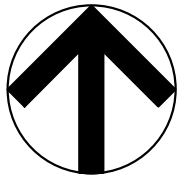
BUILDING SHEET ABBREVIATIONS

AB	ANCHOR BOLT	FF	FINISH FLOOR	N	NORTH	T	TREAD
ADJ	ADJACENT	FIX	FIXTURE	O/	OVER	TEMP	TEMPERED
ALUM	ALUMINUM	FLUOR	FLUORESCENT	OC	ON CENTER	TOC	TOP OF CONCRETE
BM	BEAM	FP	FIRE PLACE	OFCl	OWNER FURNISHED CONTRACTOR INSTALLED	TOG	TOP OF GRADE
BOW	BOTTOM OF WALL					TOF	TOP OF FLOOR
BLKG	BLOCKING	GA	GAUGE			TOP	TOP OF PAVEMENT
BRD	BOARD	GFCI	GROUND FAULT INTERRUPTER	PB	PUSH BUTTON	TOS	TOP OF SLAB
CC	CENTER TO CENTER	GALV	GALVANIZED	PH	PHONE	TOW	TOP OF WALL
CL	CENTERLINE	GL	GLASS	PL	PLATE	TV	TELEVISION
CEM	CEMENT					TYP	TYPICAL
CER	CERAMIC	GYP	GYPSPUM	POC	POINT OF CONNECTION	UCR	UNDER COUNTER REFRIG.
CJ	CONTROL JOINT	H	HIGH OR HEIGHT	PT	PRESSURE TREATED		
CLG	CEILING	HB	HOSE BIBB	R	RISER	W	WEST
CLR	CLEAR	JTS	JOIST	REF	REFRIGERATOR	W/	WITH
						WC	WATER CLOSET
CLO	CLOSET	LAV	LAVATORY	REINF	REINFORCED	WD	WOOD
CO	CLEANOUT	LB	POUND	RM	ROOM		
CONC	CONCRETE	LIN	LINEN	RWD	REDWOOD	WH	WATER HEATER
CONTIN	CONTINUOUS	LT	LIGHT	S	SOUTH	WP	WATER PROOF
						WWM	WELDED WIRE MESH
DBL	DOUBLE	MANF	MANUFACTURER	SB	SET BACK		
DF	DOUGLAS FIR	MAX	MAXIMUM	SF	SQUARE FOOT		
DI	DRAIN INLET	MC	MEDICINE CABINET	SHTHG	SHEATHING		
DIA	DIAMETER	MIN	MINIMUM	SHWR	SHOWER		
DR	DOOR	MTL	METAL	SIM	SIMILAR		
DW	DISH WASHER			SIMP	'SIMPSON'		
E	EAST			SLD	SLIDING		
EL	ELEVATION			SB&P	SHELF & POLE		
EQ	EQUAL			STRUCT	STRUCTURAL		

PROJECT VICINITY MAP



REFERENCE NORTH



PROJECT LOCATION:

APN:032-192-018-000

3100 DEL MONTE BOULEVARD

MARINA, CA 93933

SHEET INDEX

Sheet #	Sheet Title
A1.11	COVER SHEET
A2.11	SITE PLAN
A3.00	AS-BUILT/DEMOLITION PLAN
A3.01	PROPOSED FLOOR PLAN
A3.11	FLOOR PLAN SECURITY PLAN
A4.11	ELEVATIONS EXTERIOR
A4.12	ELEVATIONS EXTERIOR
A5.11	ROOF PLAN & ROOF SECURITY PLAN
A7.11	INTERIOR RENDERINGS
A7.12	INTERIOR RENDERINGS
A7.13	INTERIOR RENDERINGS
A8.11	MATERIALS & COLOR SAMPLES

PROJECT DATA

APPLICABLE BUILDING CODE:	2016 CBC, CEC, CMC, CPC, CEC, CEC (ENERGY CODE), CFC, & CGBC
OCCUPANCY GROUP:	M (MERCHANTILE) - DISPENSARY
OCCUPANCY LOAD CALCULATION: 2016 CBC, TABLE 1004.1.2	TENANT SPACE SQUARE FOOTAGE: 1977 SQFT 33 OCCUPANTS
CONSTRUCTION TYPE:	TYPE VB ONE STORY NON FIRE-SPRINKLED
REQUIRED EXIT CALCULATION:	2 REQUIRED EXITS (2 SUPPLIED)
PROJECT SCOPE:	DESIGN REVIEW FOR NEW DISPENSARY LOCATED AT 3100 DEL MONTE BLVD IN MARINA, CA. INCLUDES TENANT IMPROVEMENT.

PROPERTY PROJECT DATA TABLE

BUILDING HEIGHT:	22'-6" (MAX. BUILDING HEIGHT) - EXISTING 18'-0" (AT PROPOSED PROJECT) - EXISTING
BUILDING SITE AREA:	57,656 SQUARE FEET
SITE WIDTH:	253'-2" (MAX.) 133'-2" (MIN.)
FRONT SETBACK:	25'-8" (MIN. AT MAIN BUILDING) - EXISTING 41'-4" (AT PROPOSED PROJECT) - EXISTING 5'-6" (AT MOTEL) - EXISTING
SIDE SETBACK:	9'-0" (AT MOTEL) - EXISTING 14'-9" (AT PROPOSED PROJECT) - EXISTING
REAR SETBACK:	9'-0" (AT MOTEL) - EXISTING 35'-8" (AT PROPOSED PROJECT) - EXISTING
FLOOR AREA RATIO:	22,490 SF - (E) BUILDING / 57,656 SF - SITE = 0.39 RATIO
PARKING CALCULATION:	REQUIREMENT: 1 SPACE PER 275 SF 22,490 SF / 275 = 82 SPACES (REQUIRED) 86 SPACES (EXISTING)

NOTES

THIS PROJECT TO BE COMPLAINT WITH MONTEREY COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR CANNABIS RETAIL FACILITIES.

SEAN FREITAS, ARCHITECT LIMITS ITS RESPONSIBILITY TO INFORMATION REPRESENTED THEREIN AND THE INTENDED USE THEREOF AND ASSUMES NO RESPONSIBILITY FOR ACTUAL AS-BUILT CONDITIONS.

Attachment 3 continued

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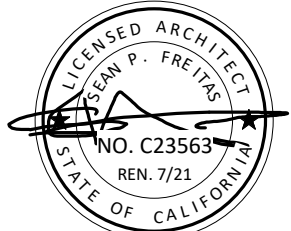
PROJECT: 20190505

CIENT:
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

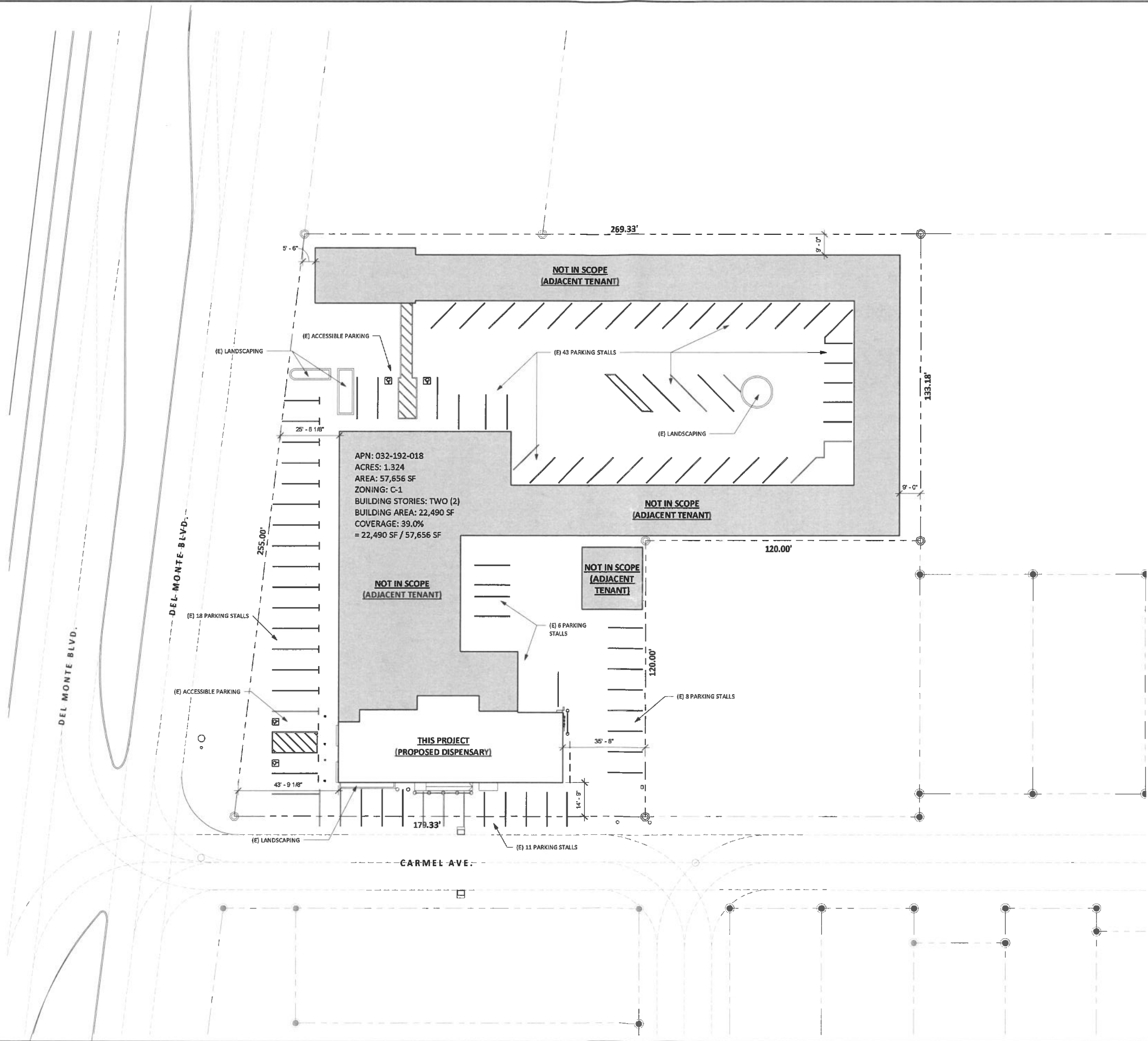
TITLE:
COVER SHEET

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-27-2019
Revision Number:
Revision Date:

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SHEET:
A1.11
SHEET: OF SHEETS

3



1 SITE PLAN
SCALE: 1" = 20'-0"



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DESIGN REVIEW FOR
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3100 DEL MONTE BOULEVARD
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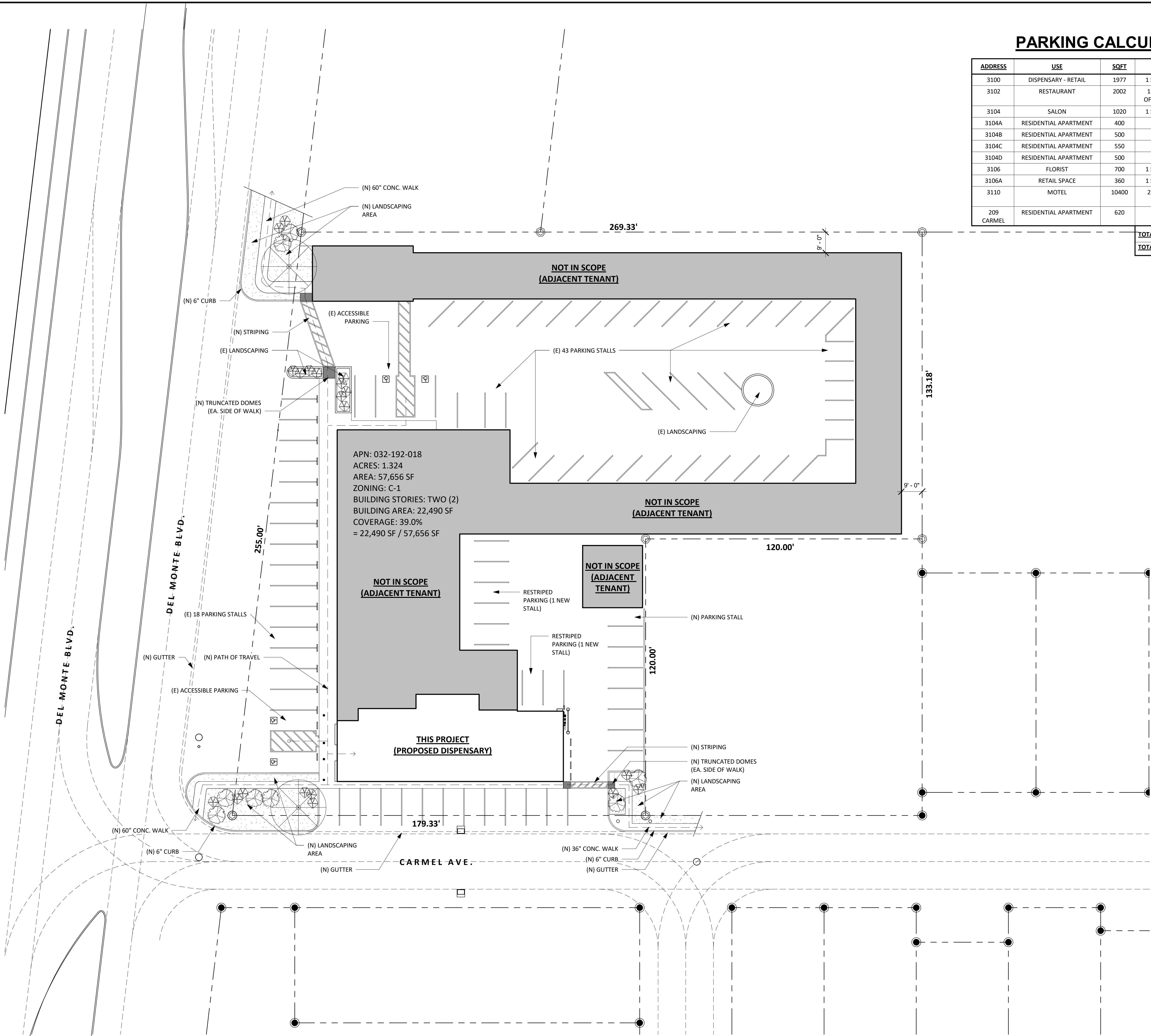
TITLE: SITE PLAN	
ISSUES:	
Project Issue Date: 05-31-2018	
Project Status: DESIGN REVIEW	
Sheet Issue Date: 05-01-2019	
Revision Number: 1	
Revision Date:	

ARCHITECT'S APPROVAL



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SHEET:
A2.11
SHEET: OF SHEETS



PARKING CALCULATIONS:

ADDRESS	USE	SQFT	SPACE CRITERIA	REQUIRED SPACES
3100	DISPENSARY - RETAIL	1977	1 SPACE PER 275 SQFT	7 SPACES
3102	RESTAURANT	2002	1 SPACE PER 60 SQFT OF DINING AREA (1200)	20 SPACES
3104	SALON	1020	1 SPACE PER 300 SQFT	3 SPACES
3104A	RESIDENTIAL APARTMENT	400	1 SPACE PER UNIT	1 SPACE
3104B	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3104C	RESIDENTIAL APARTMENT	550	1 SPACE PER UNIT	1 SPACE
3104D	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3106	FLORIST	700	1 SPACE PER 275 SQFT	3 SPACES
3106A	RETAIL SPACE	360	1 SPACE PER 275 SQFT	1 SPACE
3110	MOTEL	10400	2 SPACES PLUS 1 PER UNIT (25)	27 SPACES
209 CARMEL	RESIDENTIAL APARTMENT	620	1 SPACE PER UNIT	1 SPACE
TOTAL SPACES REQUIRED:				66 SPACES
TOTAL SPACES PROVIDED:				84 SPACES

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
SITE PLAN - ALT1

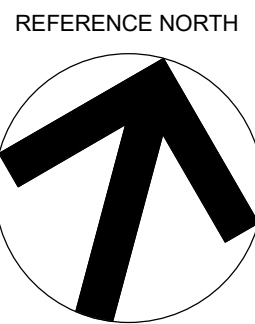
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Sheet Issue Date: 01/07/20
Revision Number:
Revision Date:

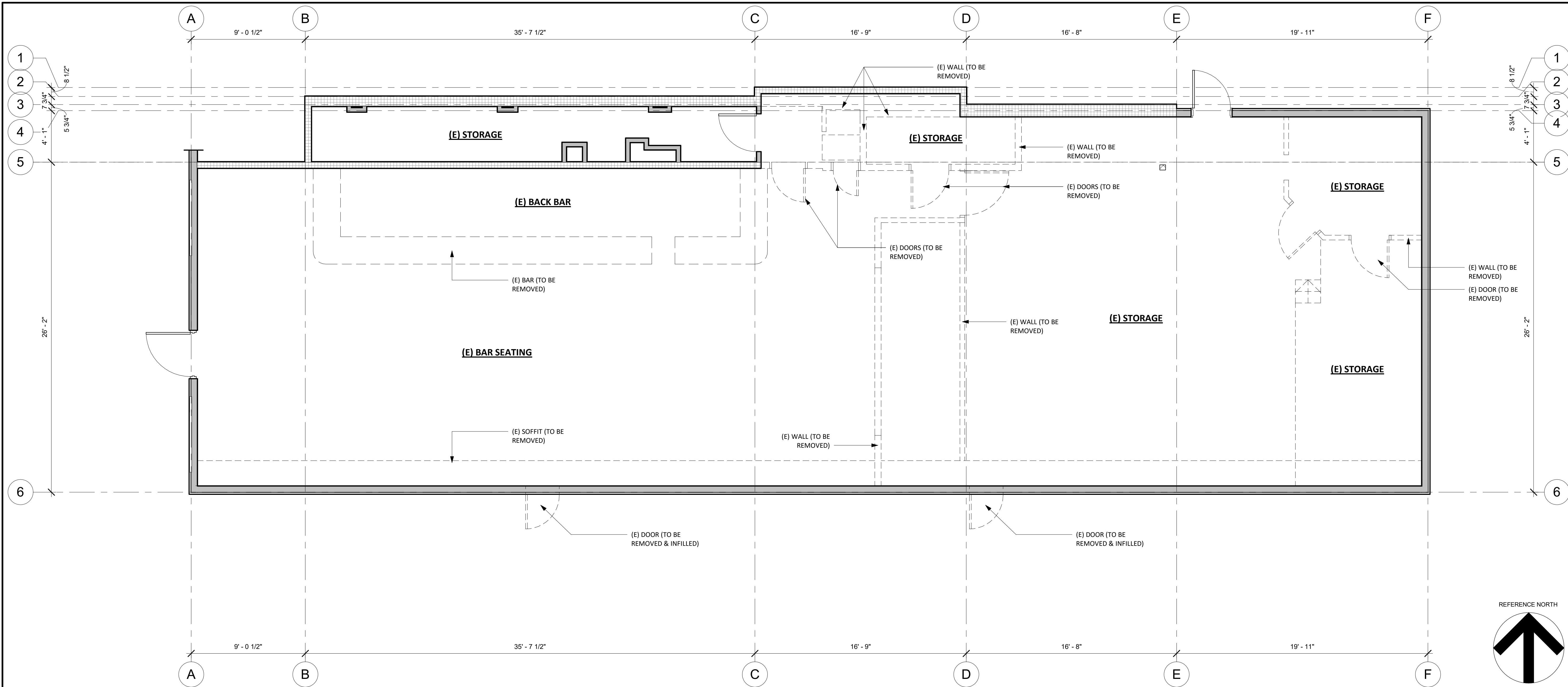
ARCHITECT'S APPROVAL

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NO. C23563
REN. 7/21
STATE OF CALIFORNIA

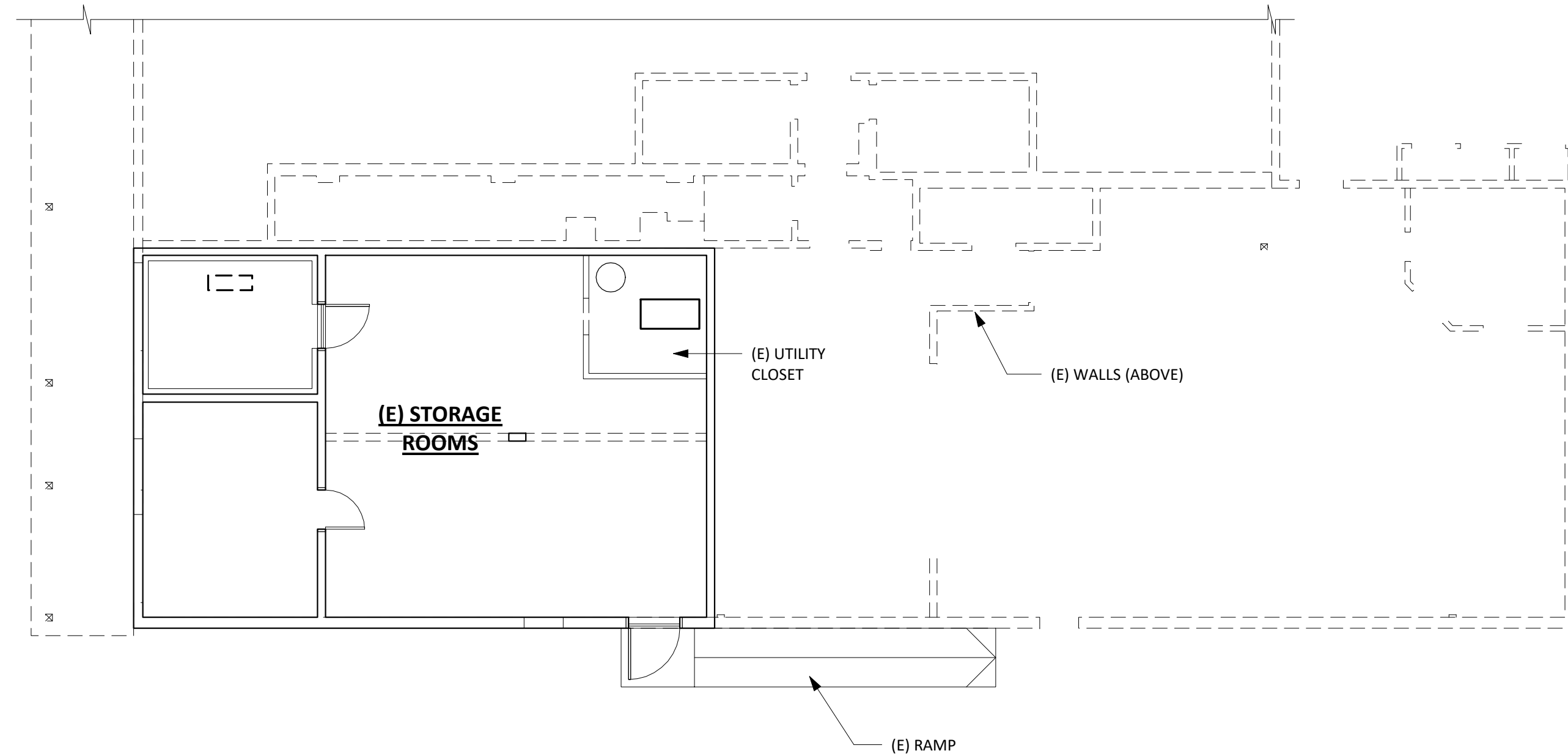
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SHEET:
A2.12
SHEET: OF SHEETS





1 AS-BUILT/DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



2 EXISTING AS-BUILT (BASEMENT LEVEL)
SCALE: 1/8" = 1'-0"

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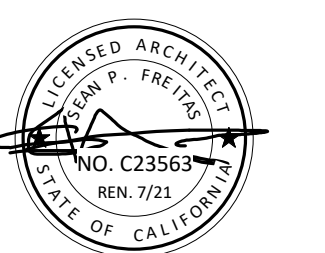
PROJECT: 20190505

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
AS-BUILT/DEMOLITION PLAN
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

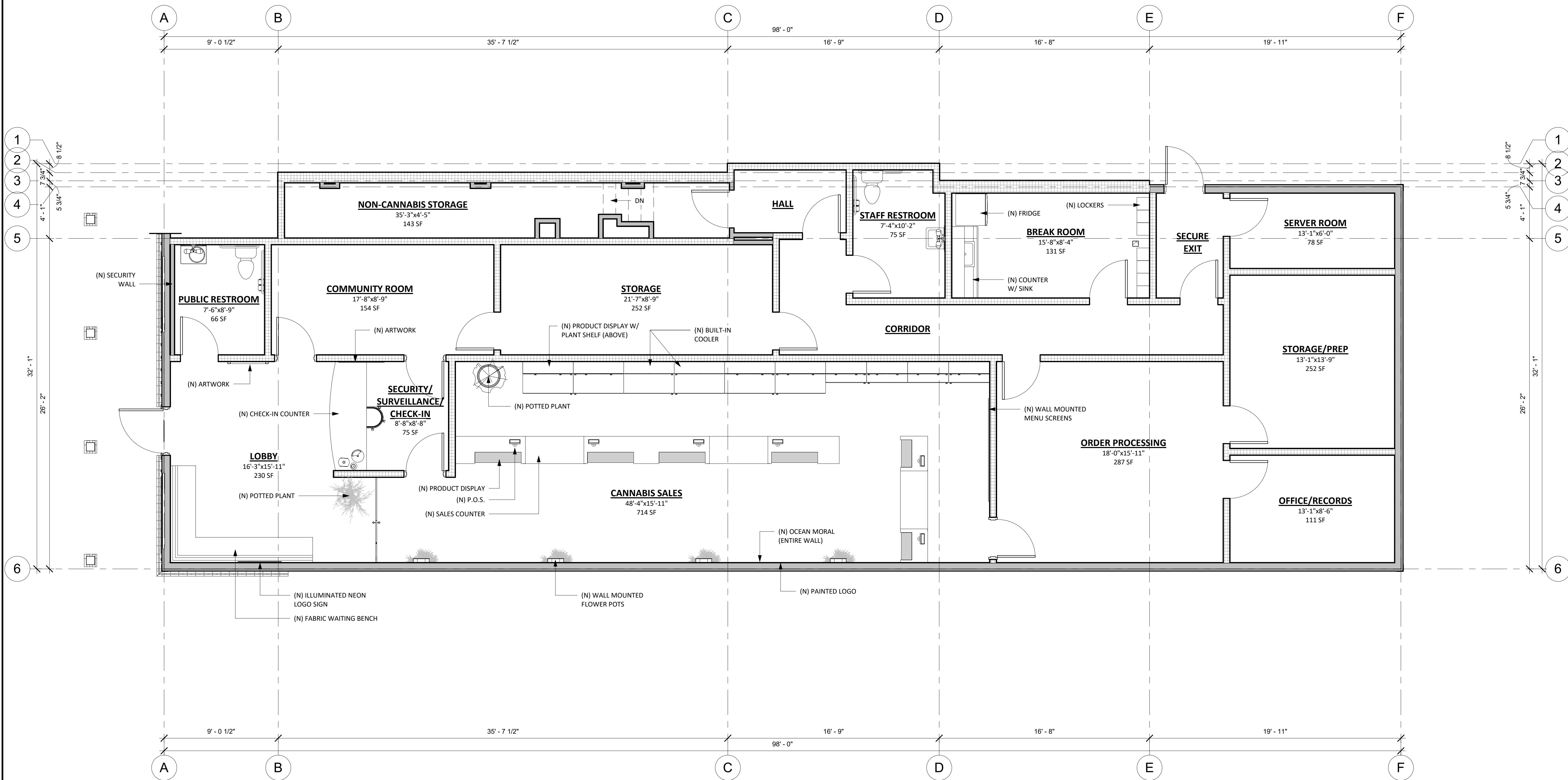


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A3.00

SHEET: OF SHEETS



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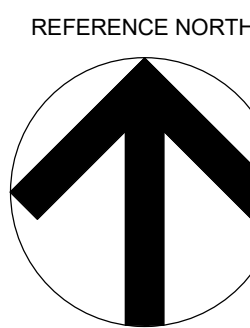
DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
PROPOSED FLOOR PLAN
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL
SEAN P. FREITAS
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STATE OF CALIFORNIA

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SHEET:
A3.01
SHEET: OF SHEETS



SCALE: 0 2' 4' 8'

1

PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

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PROJECT: 20190505

CLIENT:

NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLES:
FLOOR PLAN - LEVEL 1

DATE: 5/24/2019

DESIGN REVIEW DRAWING

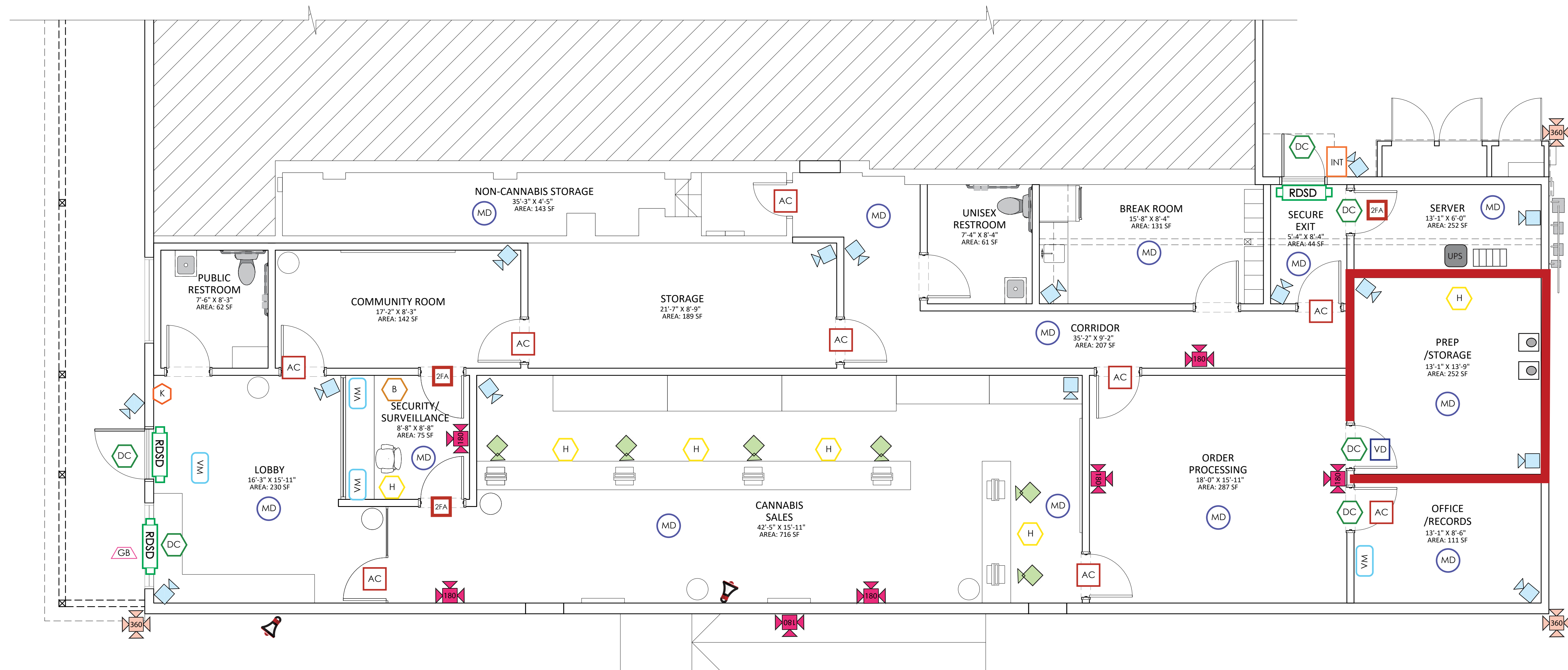
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SHEET:

A3.11

SHEET: OF SHEETS



FLOOR PLAN - LEVEL 1

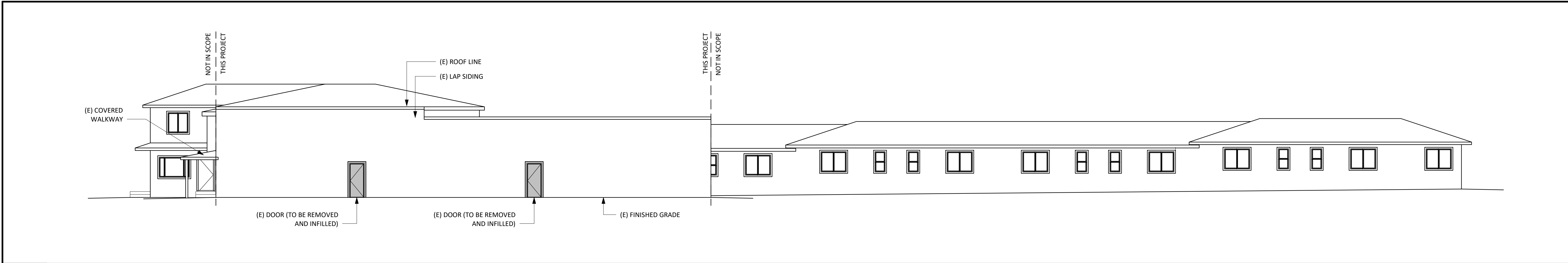
SCALE: 0 4'

1

	2MP POS Overhead Camera	6
	2 MP Indoor Fixed IP/IR Camera	15
	5 MP Panoramic 180-degree IP/IR Camera	7
	5 MP Fisheye 360-degree IP/IR Camera	3
	Video Surveillance Camera Monitor	4
	Alarm Arming Keypad	1
	PIR Alarm Motion Sensor	13
	Door Buzzer for Remote Entry	1

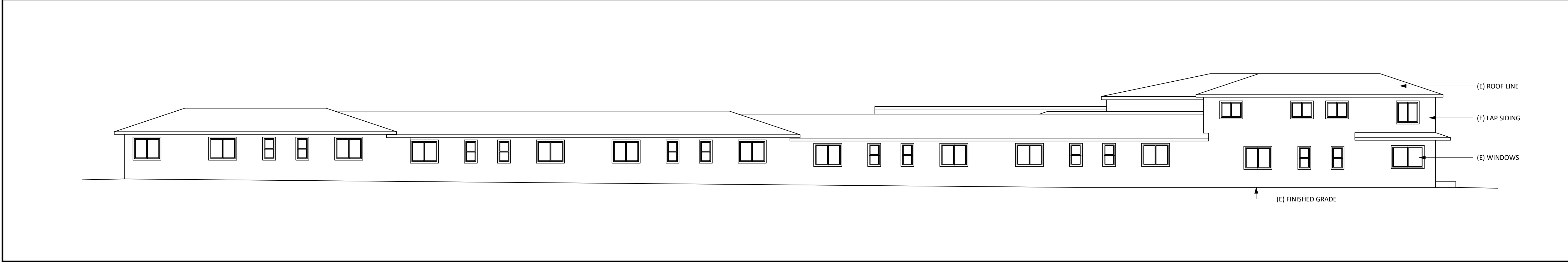
	Two-Factor Authentication AC Device	3
	UL Rated Vault Door with Group 1 Lock	1
	UL Rated Burglary-Resistant Fireproof Safe	2
	Security Equipment Storage Rack	1
	100 Decibels Audible Interior/Exterior Siren	2
	Video/Intercom System	1
	Uninterruptible Power Supply	1

	Access Control Device (Keycard PIN Biometric)	9
	Emergency Holdup/Duress Alarm Button	6
	Magnetic Door Alarm Contact	6
	Glass Break Alarm Sensor	1
	Vault Wall	1
	Roll Down Security Door	3



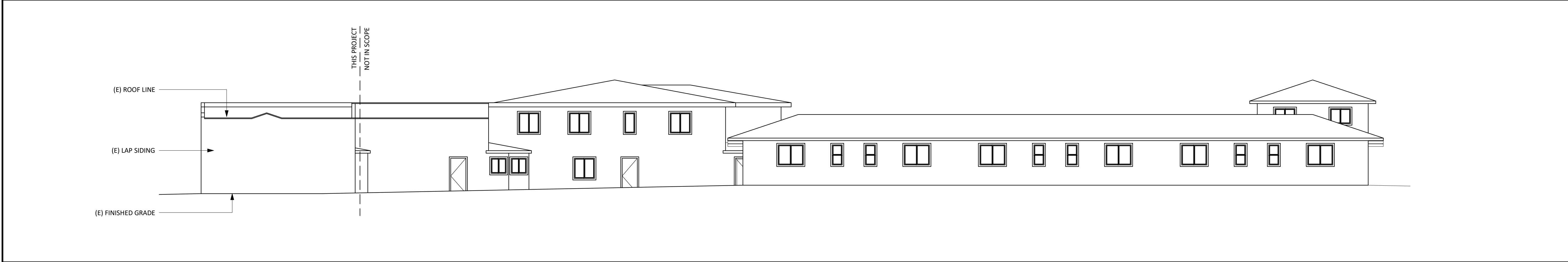
4 (E) EXTERIOR ELEVATIONS - RIGHT

SCALE: 1" = 10'-0"



3 (E) EXTERIOR ELEVATIONS - LEFT

SCALE: 1" = 10'-0"



2 (E) EXTERIOR ELEVATIONS - REAR

SCALE: 1" = 10'-0"



1 (E) EXTERIOR ELEVATIONS - FRONT

SCALE: 1" = 10'-0"

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PROJECT: 20190505

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

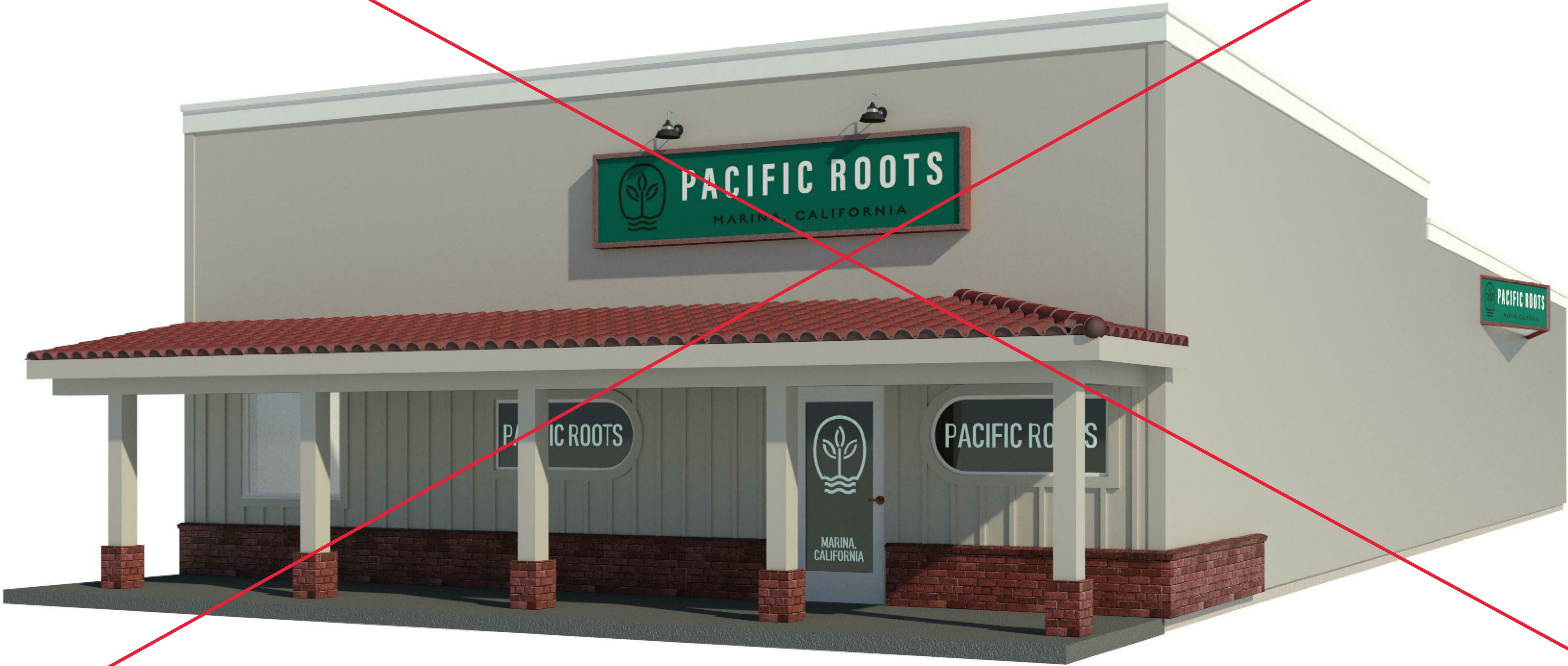
ARCHITECT'S APPROVAL

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SHEET:

A4.11

SHEET: OF SHEETS



2 (N) EXTERIOR PERSPECTIVE VIEW
SCALE: 12" = 1'-0"



1 (N) EXTERIOR ELEVATIONS - FRONT
SCALE: 1" = 10'-0"

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PROJECT: 20190505

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 10/24/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

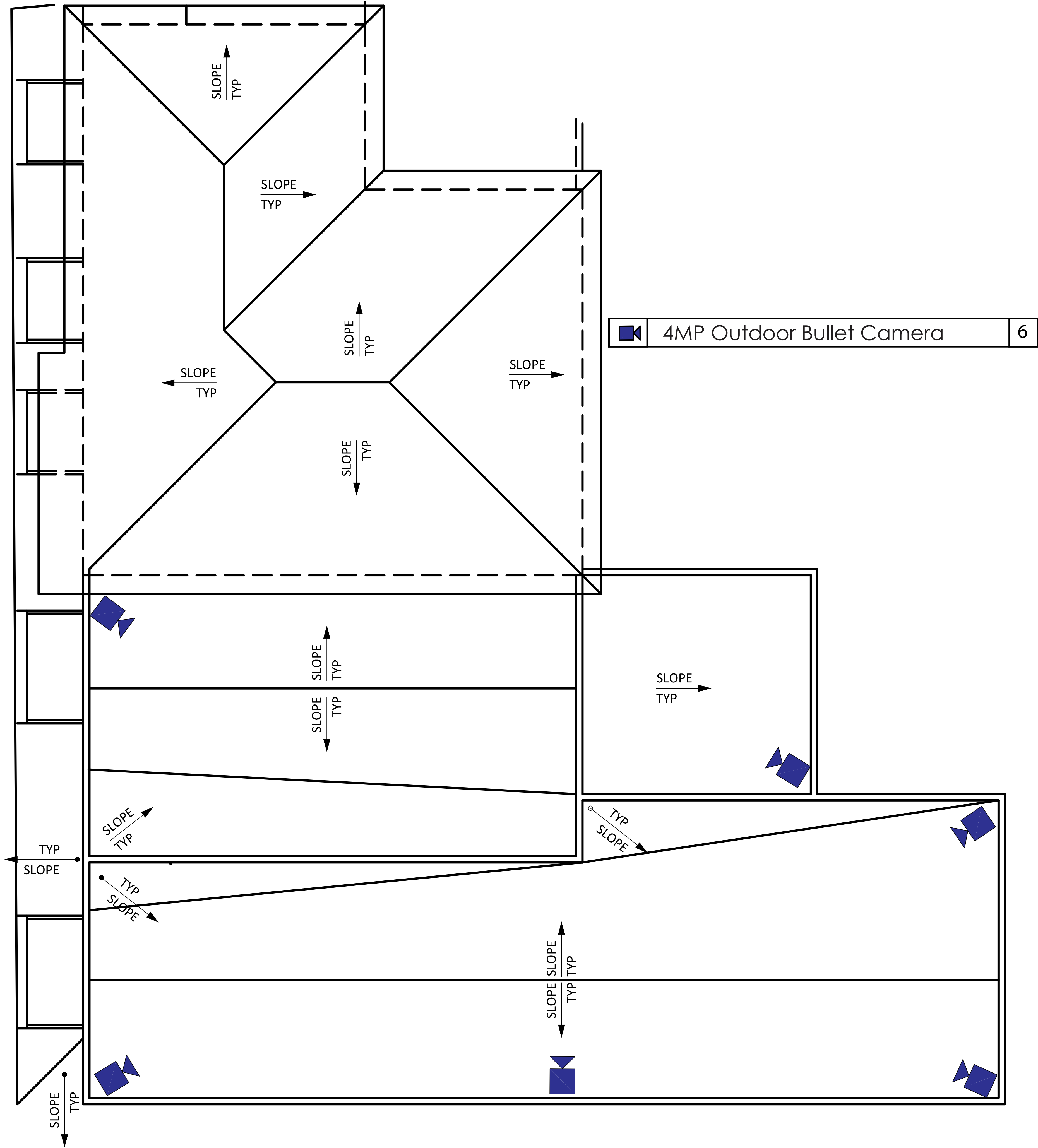


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SHEET:

A4.12

SHEET: OF SHEETS



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PROJECT: 20190505

CLIENT:

NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLES:
PROJECT - ROOF PLAN

DATE: 5/23/2019

DESIGN REVIEW DRAWING

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SHEET:

A5.11

SHEET: OF SHEETS



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

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REN. 7/21
STATE OF CALIFORNIA

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SHEET:
A7.11
SHEET: OF SHEETS



SALES VIEW (TOWARDS LOBBY)



SALES VIEW (FROM SALES ENTRY DOOR)



SALES COUNTER VIEW (TOWARDS SECURITY OFFICE)



SALES COUNTER VIEW (REAR OF SALES ROOM)

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS

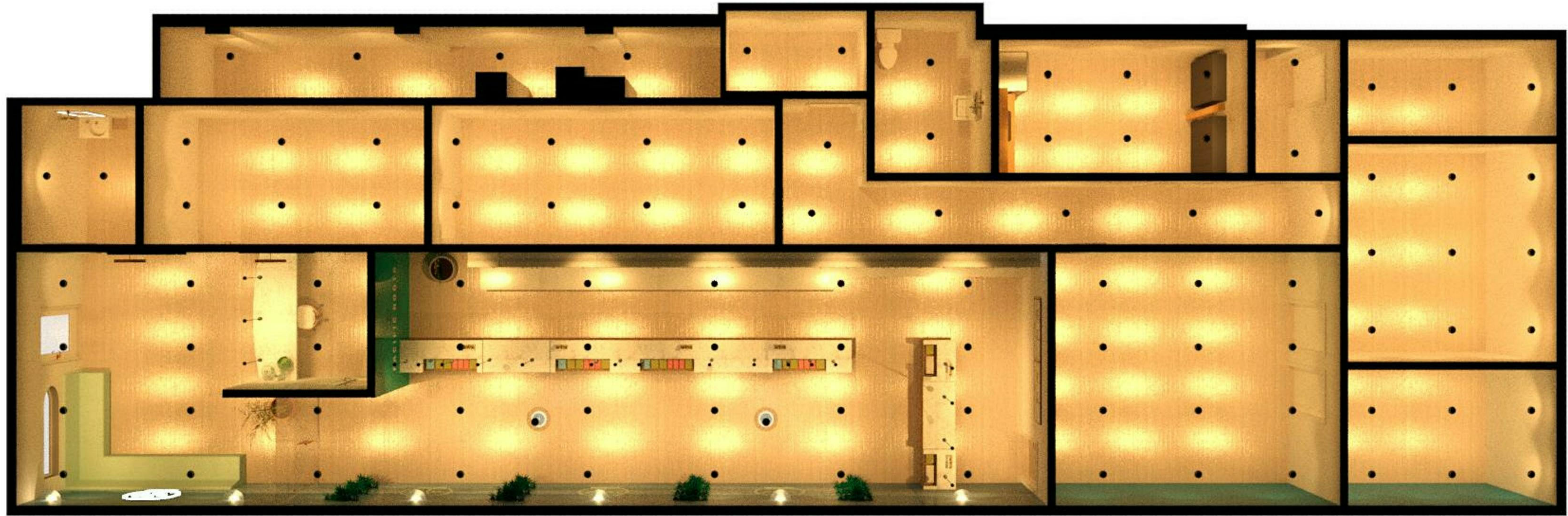
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

SEAN P. FREITAS
NO. C23563
REN. 7/21
STATE OF CALIFORNIA

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SHEET:
A7.12
SHEET: OF SHEETS



OVERHEAD PERSPECTIVE VIEW



OVERHEAD PERSPECTIVE VIEW (ENLARGED SALES AND LOBBY)

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ARCHITECT

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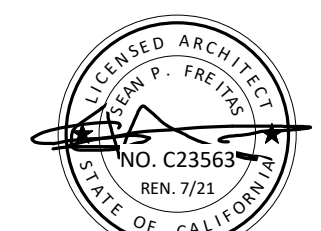
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PROJECT: 20190505

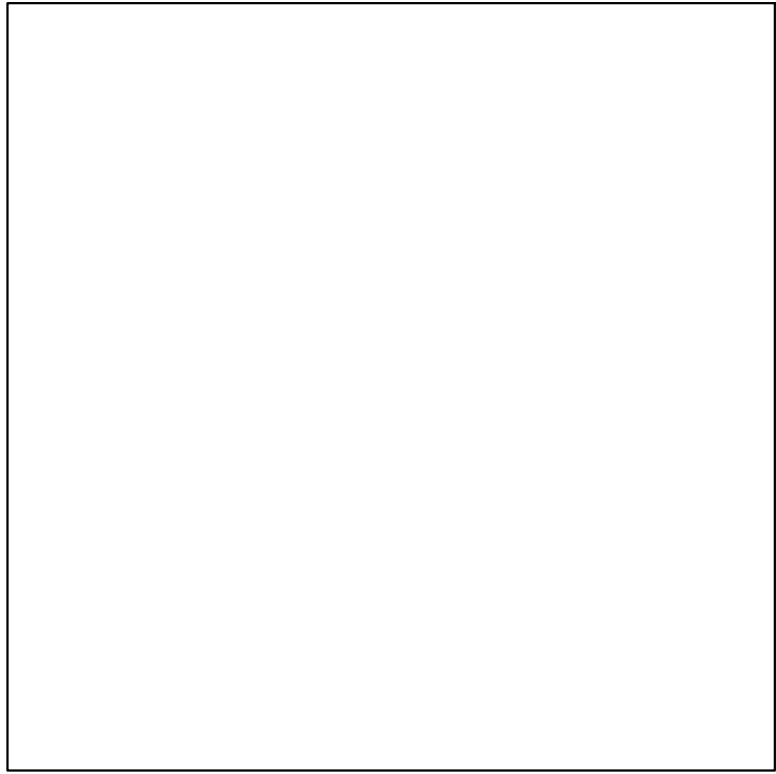
CLIENT:
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LOS ANGELES, CA 90015
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

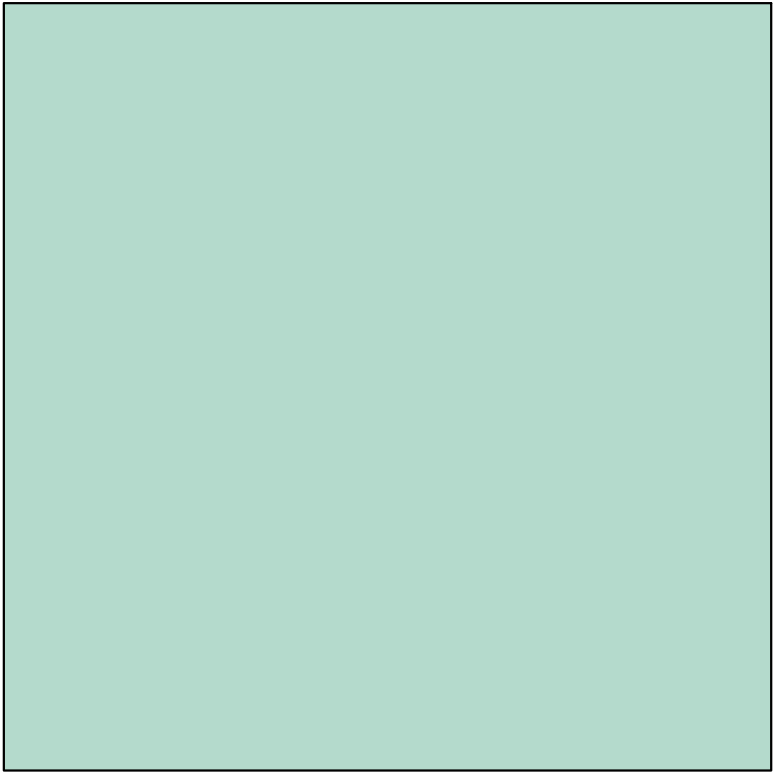
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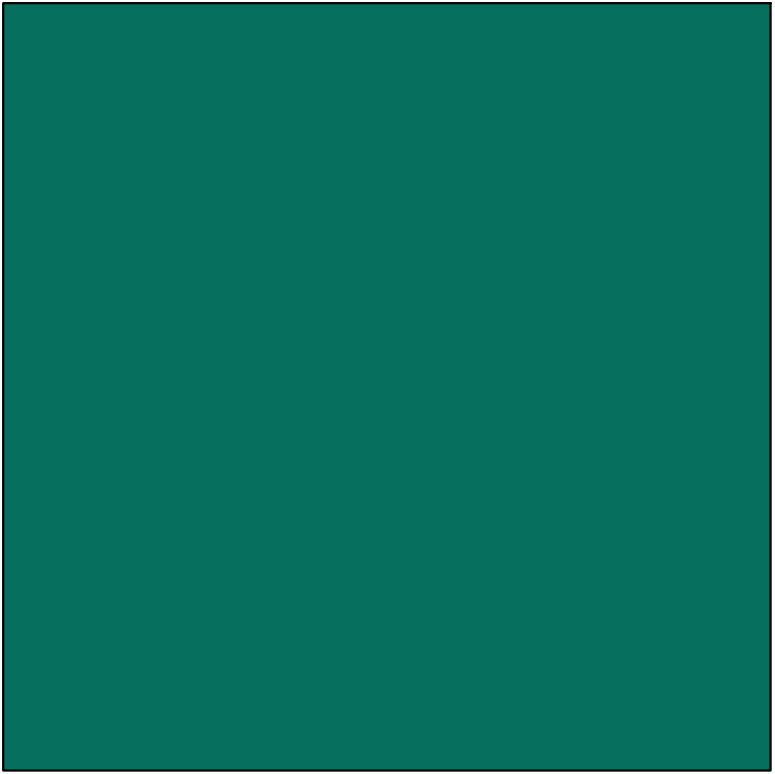
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SHEET: OF SHEETS



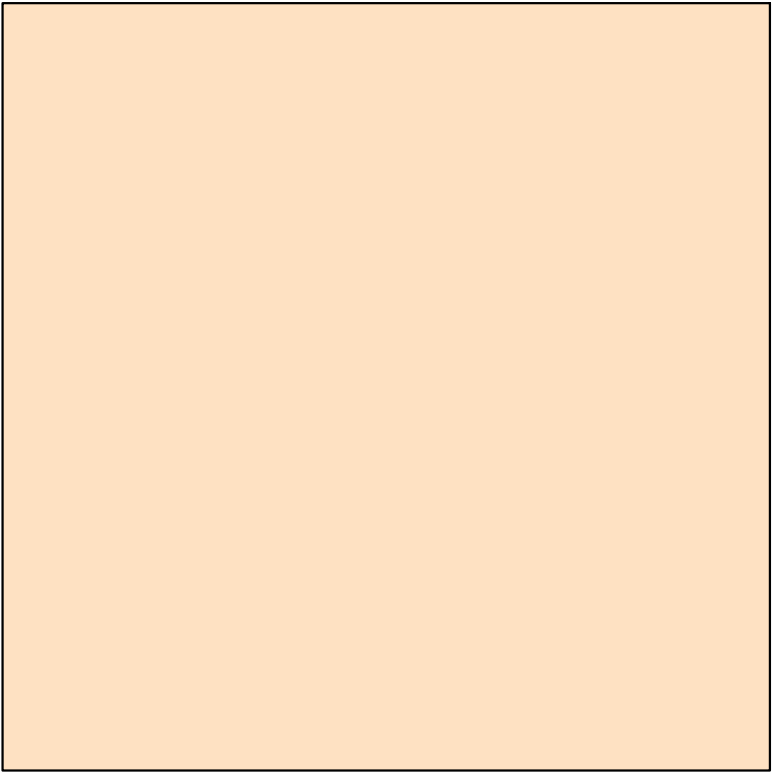
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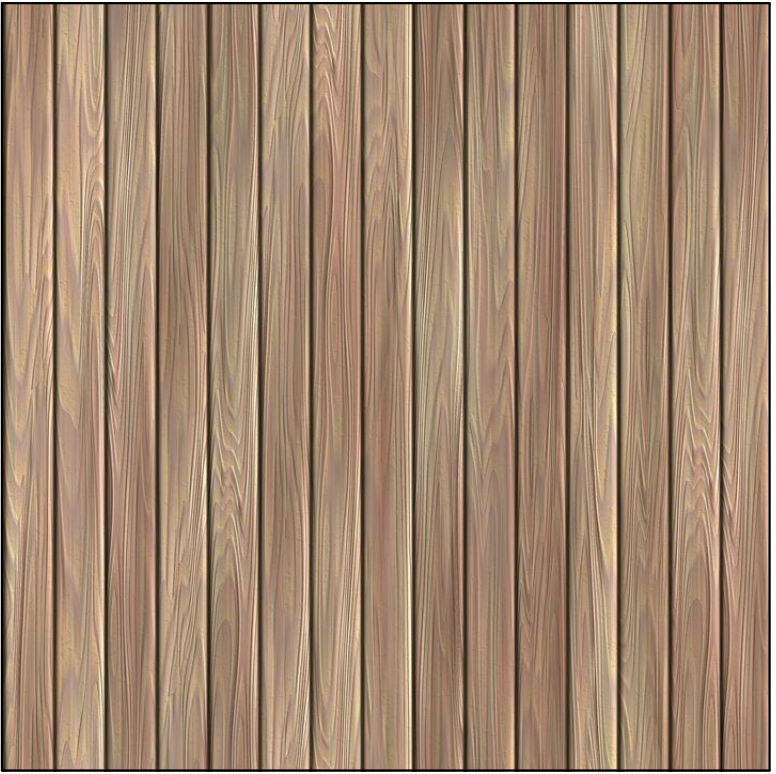
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(OBJECTS & WALLS)



ACCENT COLOR
(OBJECTS & WALLS)



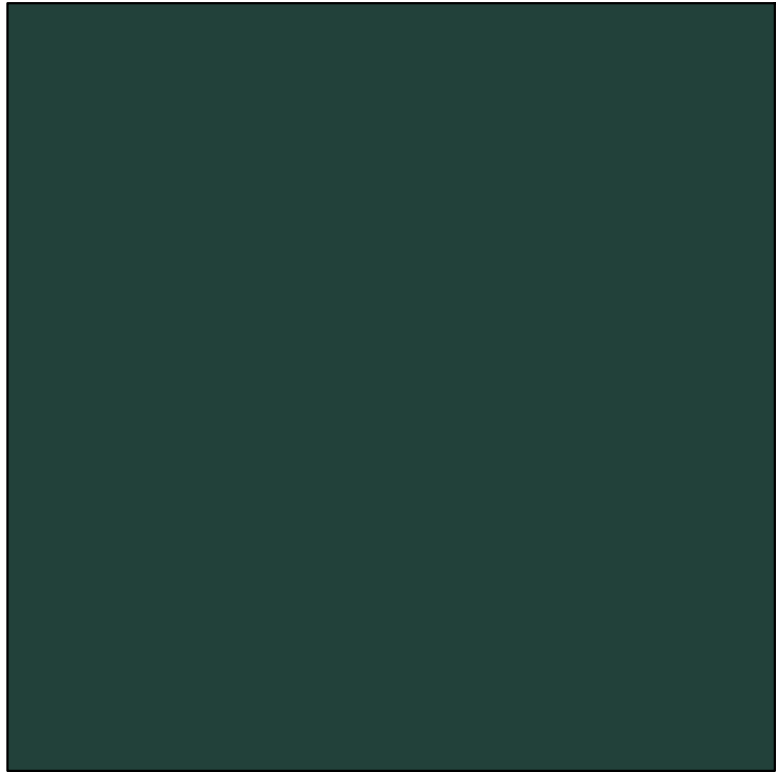
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(OBJECTS & WALLS)



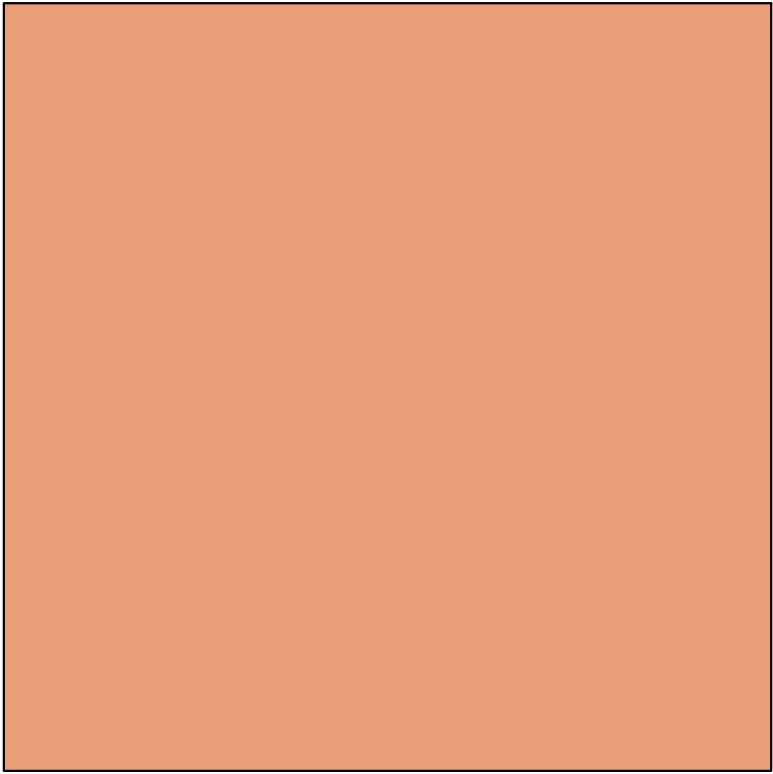
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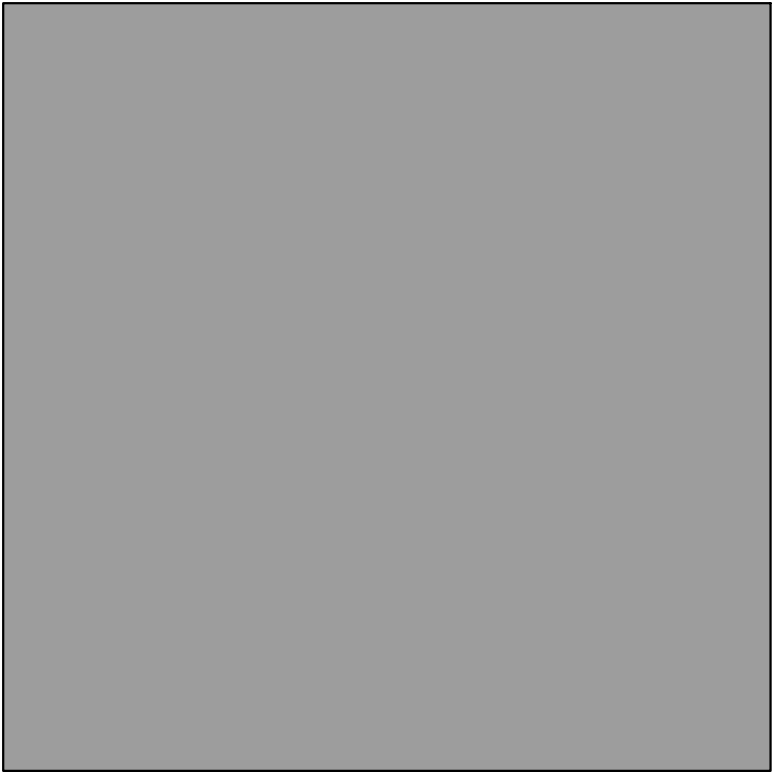
METALS



ACCENT COLOR
(OBJECTS)



ACCENT COLOR
(OBJECTS)



ACCENT COLOR
(OBJECTS)



TILE
(CHECK-IN COUNTER)



FLOORING



COUNTERTOPS



RECESSED LIGHTING



WALL SCONCE LIGHTING



PENDANT LIGHTING
(SALES ROOM)



PENDANT LIGHTING
(COUNTERS)



ART LIGHTING
(LOBBY)

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PROJECT: 20190505

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DESIGN REVIEW FOR

PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
MATERIALS & COLOR SAMPLES

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

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SHEET:

A8.11

SHEET: OF SHEETS



Thursday, October 13, 2022

6:30 P.M.

**DRAFT
REGULAR MEETING MINUTES OF
PLANNING COMMISSION**

Marina City Council Chambers
211 Hillcrest Avenue
Marina, CA

1. Call To Order

Meeting started at 6:30pm

2. Roll Call & Establishment of Quorum

Present: Chair Nancy Amadeo, Vice Chair Brian McCarthy, Hyunsoo Hur, Surinder Rana, Richard St. John, Audra Walton, Glenn Woodson

3. Moment Of Silence & Pledge of Allegiance

Chair Amado gave the 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. Ex Parte Communication Disclosures

In the context of any public hearing or action items that come before the Planning Commission (PC), ex parte communications are those which occur outside the formal hearing process. If such contacts do occur, the substance of the communication must be disclosed to all interested parties in advance of any public hearing or testimony to allow rebuttal. Written ex parte communications must be forwarded to the Community Development Director so that they can be disclosed to the entire Commission and the public.

6. Informational Items

7. **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.

A. Planning Commission Action Minutes

September 22, 2022

Motion (Chair McCarthy/Rana) Motion to approve the Action Minutes for August 25, 2022.

The motion was then put to a vote.

Ayes (7):

Noes (0): None

Recuse (0): None

Absent (0):

Abstain (0): None

The motion passes with 7-0-0-0-0 vote

- B. Open a Public Hearing, take public testimony, and consider a recommendation to the City Council to adopt a resolution approving amendments to Article 2, Title 17, Sec. 17.12.060 of the Marina Municipal Code (MMC) pertaining to height limits in the Residential Multi-Family (R-4) zoning district. The proposed amendment is exempt from environmental review per Section 15061(b)(3) of the CEQA Guidelines Presented by Senior Planner Alyson Hunter.

Open Commissioner comments-none

Opened Public hearing-none

Motion (St.John/Walton) Motion to approve the height limit and the number of stories be restored as stated in the code.

The motion was then put to a vote.

Ayes (7):

Noes (0): None

Recuse (0): None

Absent (0):

Abstain (0): None

The motion passes with 7-0-0-0-0 vote

- C. Open a Public Hearing, take public testimony, and re-consider adopting a corrected Resolution recommending City Council approval of amendments to Articles 1, 2, and 4 of Title 17 of the Marina Municipal Code (MMC) pertaining to Small and Large Family Child Care Homes, Day Care Centers, Supportive Housing, and Conditional Use Permits for Multi-Family Housing. No

other changes are proposed. The proposed amendments are exempt from environmental review per Section 15061(b)(3) of the CEQA Guidelines Presented by Senior Planner Alyson Hunter

Commissioner comments-non
Public Hearing-none

Motion (Walton/Hur) Motion to accept the staff report for supportive housing and go along with staff recommendations.

The motion was then put to a vote.

Ayes (7):

Noes (0): None

Recuse (0); None

Absent (0):

Abstain (0): None

The motion passes with 7-0-0-0 vote

8. **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. Open a Public Hearing, take public testimony, and consider making a recommendation to the City Council that it approve the proposed modifications to remove or extend exterior improvement requirements from the Conditional Use Permit 2019-03 and City Council Resolution 2020-65 allowing a medical/adult use cannabis dispensary at 3100 Del Monte Blvd (APN 032-192-018-000). This project is exempt from environmental review per Article 19, Section 15301 of the CEQA Guidelines Presented by Associate Planner Nick McIlroy

Questions from the commission

Vice Chair McCarthy: Question about parking that states that there will be an employee parking agreement. Will customers be able to park in the motel and does code differentiate between customers and employees or is this just for the agreement?

Associate Planner Nick McIlroy responded: It does specify whether it will be shared for commercial tenants. The assumption is that it will be for customers or employees or anyone that needs to park there. All corresponding signs and striping must be installed withing thirty days of the executed parking agreement.

Vice Chair McCarthy: The space to the right of the Honda. Did the city sign off on the two additional spots that were created?

Associate Planner Nick McIlroy responded; The space will be removed because there will be a sidewalk there. We only required the two handicapped spaces.

Vice Chair McCarthy: If the license were to expire is staff aware of anyone else who wants participate in this license procedure?

Associate Planner Nick McIlroy responded: The city council makes the final action of this item. The planning commission makes a recommendation to the city council to deny or modify staff recommendations of use permit then that will go to the city council. If the city council decides to deny this amendment, it will mean that city manager will not be able to affirm that they are in full compliance with conditions of approval of their use permit.

CDD Persicone responded: If the commission makes a recommendation one way or the other and the council sustains or overturns it and doesn't give an extension, then the applicant would not be in compliance. Then the ordinance has a detailed policy that the applicant would go through the process and a lottery process as to who would get the license. The city council is the deciding body.

Commissioner Walton recused herself from this item as she was involved in one of the cannabis submittals a few years ago. If a commissioner does this, they need to shut off their video and mute themselves.

Chair Amadeo: Can Commissioner Walton speak at the public hearing as long as she is not trying to persuade anyone?

CDD Persicone responded: If we were in person, Commissioner Walton could come up to the dais and say I am speaking as the public not as a commissioner, but it is better just to leave the building all together.

Applicant Blake Hogan Project Manager for Pacific Roots Marina gave a presentation on the item.

Commissioner Rana: How is the beautification improvements related to the profit of the business?

Applicant Blake Hogan responded: Façade improvements would be costly to us as we are already at a loss. Facade improvements would be a hinderance. By adding additional costs, it would hinder the ability to move forward in the business.

Commissioner Rana: What is the proposed timeline to complete the revised improvements and how much extension are you needing in your conditional use permit?

Associate Planner Nick McIlroy responded: They are allowed 60 days from the decision of city council for beautification, minor repairs and planters. Site/public improvements would be until January 3, 2024 which is one year from their original deadline but it depends on when City Council approves it.

Applicant Blake Hogan responded: We will go with staff recommendations to complete both facade improvement within the 60 day timeline and public works improvements by January 3, 2024.

Vice Chair McCarthy: Condition 20 talks about transfer of permit and no permit shall be transferred without consent of the city. When this body first approved design review of this, it was a Pacific Roots brand with an ocean theme and blue colors throughout and a lot has changed, so what happened? Was there a transfer that went through the city?

Applicant Blake Hogan responded: The owners of Pacific roots Marina LLC decided to partner with management and brought on Catalyst to help out management with day to day operations and work with a management agreement in terms of using our branding as well as using our knowledge of catalyst but there was no ownership change came. I am a project manager and catalyst is a management company that works with all three owners and they agreed to work with a name change. No ownership changed just came on as a management company.

Vice Chair McCarthy: When we approved pacific roots, we had a talk about what their logo meant. What is the meaning behind the catalyst logo?

Applicant Blake Hogan responded: Not much. The delta symbol means change; Catalyst is just the logo and marketing liked the upside-down A.

Vice Chair McCarthy: Delta 8 and 9 are different descriptors.

Applicant Blake Hogan responded: Yes its coincidental, but the delta was more of a symbol of change because this business is a change of how things have been for a long time.

Open Public hearing 7:18pm, closed at 7:18pm

Back to Commissioner comments

Vice Chair McCarthy: With the transfer of permit and through no fault of Catalyst, it is extremely disingenuous the way this has happened and maybe this is a fault in our ordinance and maybe we need to come back and look at what a transfer really means and how when we approve a business where we say that it cannot transfer but send us something different than what was approved. Maybe we need to have a discussion with staff to a second look at our ordinance.

The staff reports stated that all the interior improvements were completed. The body approved a design that had an ocean theme and different colors. The business has their door open a majority of the time and the window have no treatments on them and you can see right into the business. The interior just has white walls and this is not what this body approved. The concerns are that when the city council approved this lottery process of businesses applying for the 3 valuable cannabis dispensary licenses, we try very hard to be fair and have a level playing field and now we are telling a business who has gotten a 120 day extension and then has gotten a year extension that they will basically not be held to those commitments and were just discussed in the public realm. The hope is that if we deny this tonight, if the business would find the funding to make

the improvements they promised the community and that we could move forward as a community and that the business would stay. But if they are not able to do that, Vice Chair McCarthy is not personally prepared to approve a motion that allows improvements to be kicked down the road another year. This process is years in the making from the time the city started talking about cannabis dispensaries and applicants started showing interest. That is a long time and is interested in businesses that want to contribute to that community and he hopes it is catalyst and they can make do on the improvements that were originally discussed and if not, then he hopes that the city can open it up and see if anyone can do that. Or maybe catalyst will come back with new improvements that are not as robust.

Commissioner Hur: Vice Chair McCarthy touched on what she wanted to say. When we gave an extension to the cannabis dispensary there were a lot of applicants present who did not get selected and the applicant talked about favoritism to other. Wants to make the commissioners and public aware that we are not doing a favor to the existing owners. Has similar concerns as Vice Chair McCarthy about all the extensions that we have given and what is our limit so that we will be seen as fair to everyone

Commissioner Rana: Agrees with McCarthy that we need to be more deliberate on this

Commissioner Woodson: Is not disturbed with the process. He is concerned with the whole façade. The concern is that linking improvements to development of the bigger revitalization are we not setting a precedent for any change for any facilities. If we are accepting it here, then why aren't we accepting it for other facilities and issues that came before the planning commission and city council over the last year. Why are we making an exception here and put our foot down in other places. The revitalization plan is not in place, so we have no driver. Is it because it is a maintenance improvement or this is not driven by any development laws. So why are we are allowing to do it, if changes are only going to be made to half of the facility, then what are we trying to present on this corridor? What are we trying to achieve by allowing a delay? If we are allowing a delay which will bring us into an overall more compliant facility that will meet what we want or the overall revitalization of the entire corridor, then he is more willing to agreeing to a delay. If we are just doing it to create a delay to provide a better business environment while making improvements, then he's not sure that he agrees with that. If this delay going to allow us to bring us into compliance with what we are trying to put into place with the new revitalization plan, is this delay going to allow us to do that?

CDD Persicone responded: As planners we can only enforce what is on the books. Commissioner Woodson has pointed out that the downtown plan has been going on for quite a while. It would be challenging to make the customer comply with the plan when it hasn't even been adopted yet and probably won't get adopted for at least another year to year and a half depending on how much outreach we need to do. The plan might change because there are a lot of subjective elements to the plan that must be removed by state and big chunks to the plan that have to be rewritten. It would be hard for him to tell the customer that you must comply with this document that will have substantial changes made to it.

Commissioner Woodson: If we approve a delay which will now take it out another year, and the customer is ready to make the changes, would the intent of the developer be that we know that we are asking for a waiver again and the new revitalization plan will be in

place and if it is in place, the customer will agree to meet the revitalization efforts. He will not agree to the delay if they fall back on the old standards. He wants a change made to the façade and want them to meet the long-term goals of the revitalization.

CDD Persicone responded: There are two parts to this problem, the road improvements which are more tied to the downtown plan and then there are the improvements to the actual building. How do we modify it but do it in a way that is respectful of the building. We are trying to make recommendations that are consistent with the general plan. We want to encourage small businesses in Marina, but it is tied to a downtown plan that hasn't been adopted yet.

Commissioner St. John; There is a significant material change in the design that was proposed years ago by the Pacific Roots owner to what has already been build and interior design by the catalyst management group. It is not new ownership, but it is definitely not what was approved years ago. Adding a year delay is due to current economic conditions of the business. He voiced his non-support of this type of extension

Chair Amadeo: Concerns about asking for an extension because they have business issues making profit in a business takes a long time and understands that but is concerned about lack of site improvements. What are we actually approving and why? She does not share the same concerns of the interior. Planning commission was told that they could consider the interior design unless the interior had an impact on the exterior of the building like an open space. It has to have an impact to health and welfare. And now the changes do not have an impact to the health and welfare of the public. The Planning Commission is concerned with land use and is it compliant with the general plan and the site plan, is it compliant with what has already been approved and what will happen at the end of that year. If they are already having financial difficulty, is extending it a year actually allowing them to make the changes or are we just extending the eventual demise of a business. When the council looked at cannabis businesses in Marina, before coming up with an ordinance, we hired HDL to see how many dispensaries would be successful in our community and they said one, but we actually approved three. The response from the Mayor was, "well, some are going to go out of business". Through this process, we are setting ourselves up for losing multiple businesses and allowing someone to stay in business when they are requested to make these changes in their permit for strictly financial reasons does not make sense. We are not here to support local businesses so they can stay open a little bit longer. There is a time where every business has to cut their losses and what is the best way for them to do it. That is not our decision, but it is our decision to allow them to go forward.

Vice Chair McCarthy: Ongoing concern about the interior design. Maybe staff can come back with more legal advice and education for the commissioners on what the law says we can do. It is very nuanced; the ordinance might say no signs outside the building but you have the big sign inside the building that has the same affect. Can you control that? Would like to learn more about that.

Motion (McCarthy/Rana) Motion that the planning commission make a recommendation to the city council that it deny the modifications to remove the required façade improvements and grant an extension of the site improvements and the city council

resolution 2020-65. And have staff come back and let commission know if having the sign approved at staff level was by mistake or by design.

The motion was then put to a vote.

Ayes (6):

Noes (1): Woodson

Recuse (1): Walton

Absent (0):

Abstain (0): None

The motion passes with 6-0-1-0-0 vote

Commissioner Woodson: Spoke on why he voted no. If he had wanted to make an amendment to it or requested additional information and he asked a question and applicant Blake Hogan it did not get to respond. Procedurally woodson has two questions. 1, if he had an amendment, how would he apply that and 2. The applicant never got a chance to reply

Chair Amadeo responded: If you have an amendment, you just literally jump in and say you have a friendly amendment.

CDD Persicone responded: Since this is a potential loss of someone's license, Karen will be doing detailed minutes and Commissioner Woodson's comments will be in the minutes

Chair Amadeo: Concerned that the applicant never got to respond to the question

CDD Persicone responded: The motion has already been voted on and approved, but we can go back and have the applicant answer the question.

Commissioner Woodson: If we approve the delay and that then took us into when it came up for construction that the building support plan of that is in place, would they meet the new revitalization guidelines or would they then try to meet the requirements that are in place today when the extension was approved?

Applicant Blake Hogan responded: The issue that we will work on is that if it gets approved at the same time to your point, is working with landlord at that time because we are a corner of it and Del Monte is the complete other side and there are other tenants in there so if one side is being combined to the other that would be the goal. The reason that he cannot answer at this time what would that look like in terms of our side of the improvements vs the whole part of the del Monte side. We are a tenant of one section of Mortimer center the hope is that a year later we would have to work with the landlord and changing the parking as well as other things.

Commissioner Woodson: For the planning commission, the question would then become if the landlord has a tenant facility change and we have the new plan in place and approved for the redevelopment of the facility side. Who becomes responsible that is stays in conforming use, the tenant or the landlord? If catalyst is one of 5 tenants in the space but we have a new conforming use in the developmental plan, how do we enforce that?

CDD Persicone responded: Some of this will get hashed out with the downtown plan and how the language in the downtown plan is written. Needs to get the affordable housing overlay done through council first.

- B. Open a Public Hearing, take public testimony, and consider adopting a Resolution of the Planning Commission approving SG 2022-05 for the installation of signs at the new Starbucks store located at 200 Reservation Road (APN: 032-181-019). This project is exempt from environmental review per article 19, Section 15311 of the CEQA Guidelines presented by Contract Planner Alec Barton

Open questions from the commission at 7:57pm - none

Applicant David Ford spoke; He is her on behalf of Superior Electrical Contracting which is the sign company. He agrees with all items in the staff report and the conditions of approval. No presentation as the drawings speak for themselves.

Doug Murphy with Starbuck spoke. Excited about the project. This is the last set of permits they will need to finish the project. It's a good looking site with good signage.

Open public hearing a 7:59 and closed at 7:59pm

Questions from commissioners

Commissioner Woodson; Clarification that we are reusing the old sign. The main square will be translucent white with standard green Starbucks logo and a rectangle underneath that say drive through and that will be the same translucent with the green letters.

Applicant Doug Murphy responded Drive through letters are black and at night the lights will illuminate as white. So it will be reversed.

Commissioner Woodson; that is a lot of white. Usually the drive through sign is black with white letters. This is not consistent with signs in the rest of the country. From a consistency perspective, wonders why you decided to go with something that does not seem to be traditional across the rest of the country. Is frustrated that a developer that has deep enough pockets, when they started the construction of this, and in between transition period when the old burger closed and the day you started construction and there was significant pushback from the community that was posted online, you just allowed that entire facility to get run down and overgrown. It was suggested that you put up fencing but that request was ignored. Finally you put up fencing, but like every other contractor in our city who has put up fencing and some kind of screen around it to hide the construction, you have just allowed the entire thing to be seen. As you just stated, this is a key entry way to our city and you have allowed it for 4 months to sit and look the exact way it is and that is very distressing that you say one thing about it being the gateway to our city but then have treated that property and the city, in a terrible position for the last 4 months since you closed Burger King and started the construction.

Applicant murphy responded; Addressed the fencing first. We didn't take possession of the site. There was a transfer not ownership but of possession of the site, not ownership. We did not have possession for 4 months. He was not aware that the city was concerned about

the well being of the site. Mayor Bruce Delgado reached out to Murphy in early august via email. Murphy responded that same day and they got their construction crew out there as soon as possible to put a fence up in about a week turn around. He apologized that they were not aware of the condition of the site. For some of the time it was Starbucks who was in charge and some of the time it was Burger King. The simply were not aware. Not sure if Bruce Delgado relayed some of the information to the planning department or not. He apologized and said they are happy to be where they are now. Its been a long process.

Commissioner Woodson spoke; the turn around was quick but there was no privacy screening put up. On the drive through sign, why is the coloring reversed from the traditional Starbucks sign,

Applicant murphy responded; design standards are constantly changing and sometimes we get it wrong. There isn't a standard of dark or light. We just want to emphasize the signage so we draw customers and provide direction to them. The previous Burger King sign was predominantly white in the background. So the Starbucks sign is closer to that and more reflective of emphasizing the Starbucks brand rather than a national standard.

Vice Chair McCarthy; if this was a new site, a rounded style sign would have been used. Why choose to retrofit the sign is it cheaper or is that sign what you really want?

Applicant murphy responded: Does not have the background on why the sign was used. His thoughts are that they kept the sign because it was already existing. If they were to remove it, he's not sure if they would get another monument sign there. Signage reflects what the code of the city is. It depends on the square footage of the sign. Likely they kept the sign because they didn't want to risk losing the sign.

Motion (Woodson/McCarthy) Motion to approve as written by the staff

The motion was then put to a vote.

Ayes (7):

Noes (0): None

Recuse (0); None

Absent (0):

Abstain (0): None

The motion passes with 7-0-0-0-0 vote

9. **Action Items**

10. **Staff Updates**

Vice Chair McCarthy attended the League of California cities Planning Department meeting. He hopes that one of the commissioners will start attending the meetings. ADU laws are going from 16 to 18ft.

A bill was passed for school district to develop underutilized land into teacher housing

Chair Amadeo- league of California Cities. Commissioners should attend.

CDD Persicone; October 27, 2022 meeting no planning commission meeting. Next meeting will be November 10, 2022. There is a Cal Am Meeting on October 27, 2022. One meeting in November and one in December. Maybe December 1st might work for the commissioners. December 8, 2022 city attorney to give update to commission on new laws

Commissioner Hur; Cal am meeting will be on October 27th from 6-8pm at marina library

Commissioner Woodson; cancelling the October 27th so we can attend the Cal Am meeting and thank you for setting up the discussion for the developers and planners for cypress knolls. Should have received an invite to talk to the APA members.

11. **Correspondence**

12. **Adjournment**

Meeting was adjourned at 8:17PM

Keith Higgins

Traffic Engineer

January 12, 2021

Trinh Retterer, Land Use Specialist
JRG Attorneys at Law
318 Cayuga Street
Salinas, CA 93901

Re: Pacific Roots Parking Demand Management Analysis - With Conversion of Restaurant to Retail, Marina CA

Dear Trinh,

As you requested, this letter is an update to the October 19, 2020 letter that summarized a parking demand/supply analysis for the proposed Pacific Roots Cannabis in Marina, California. The project will be located in an existing building at the northeast corner of the Del Monte Boulevard / Carmel Avenue intersection in a space that is currently occupied by a restaurant/night club. Other existing uses in the building include a restaurant, hair salon, florist, liquor store and other retail space. Five apartments are also located on the study property. A 24-room motel is located immediately to the north that is a part of the subject parcel under the same ownership as the retail building and apartments. **Exhibit 1** shows the location of the project site. **Exhibit 2** shows the current project site plan. The update involves the conversion of the 2,002 square-foot restaurant to a retail use in order to reduce the overall parking demand.

As a part of any Use Permit at the property, the City of Marina is requiring implementation of standard frontage improvements including curb, gutter, and sidewalk along the project frontages of both Carmel Avenue and Del Monte Boulevard. These improvements, incorporated into the total on-site parking supply discussed earlier, would result in the removal of existing on-street perpendicular parking spaces along both streets. The resulting project site plan with frontage improvements and elimination of existing perpendicular parking spaces is included as **Exhibit 3**.

This letter analyzes the adequacy of the parking supply and recommends methods to address it.

A. PROJECT COMPONENTS

The proposed project is a 1,977 square foot marijuana dispensary. The other existing uses in the project building are as follows:

1. Restaurant – 2,002 square feet
2. Salon – 1,020 square feet
3. Apartments – 5 units
4. Florist – 700 square feet
5. Retail – 360 square feet
6. Liquor Store – 2,770 square feet

In addition, a 24-room motel plus manager's unit is located directly north of the project building.

B. PROPOSED AND REQUIRED PARKING SUPPLY

A total of 19 perpendicular parking spaces are currently located within the project site along the project's Del Monte Boulevard frontage. However, the parking aisle is located entirely within the public right of way. In order to comply with the City of Marina requirement to construct standard curb, gutter, and sidewalk along this frontage with on-site parking separated from the public street, these spaces will be eliminated. They will be replaced by 8 on-site parallel parking spaces, resulting in a loss of 11 parking spaces. The 8 on-site spaces along Del Monte Boulevard would be accessed via a new driveway on Carmel Avenue adjacent to the Del Monte Boulevard / Carmel Avenue intersection that connects to a new parking aisle parallel to Del Monte Boulevard that also connects to the existing motel parking driveway.

A total of 12 perpendicular spaces are also currently located partially within public right of way along Carmel Avenue adjacent to the project site. The City of Marina is requiring their conversion to 5 parallel spaces within the public right of way as part of standard curb, gutter, and sidewalk improvements.

A total of 14 spaces are currently provided in the parking area east of the existing mixed-use building. They include 12 spaces in a parking lot and two spaces within a two-car garage underneath one of the apartments. They are accessed via an existing driveway on Carmel Avenue. These spaces would not be affected by the required frontage improvements.

The 38-space motel parking lot is a separate parking area accessed directly off Del Monte Boulevard. The City of Marina improvements would not affect the total number of spaces at the motel.

A total supply of 60 on-site spaces, which is a net reduction of 11 on-site parking spaces serving the project area, will result from the implementation of City-required frontage improvements as summarized in **Table 1** below.

Location	Existing	After City-Required Frontage Improvements	Net Change
1. On-Site Supply			
a. Along Del Monte	19	8	-11
b. East of Building	14	14	0
2. Motel Supply	38	38	0
On-Site Total	71	60	-11
3. On-Street (Carmel) - Not Included in Project Parking Supply	12	5	-7
Total Available	83	65	-18

Table 1 – Project Parking Supply Summary

C. GROSS PARKING REQUIREMENT

Exhibit 4 summarizes the gross required parking spaces per the City of Marina municipal code (Section 17.44). The estimated parking requirement for the most recent uses at the site would include a restaurant/night club in the proposed Pacific Roots spaces, which would require 20 spaces. The other site uses (i.e., other restaurant, retail, and apartments) would require an additional 43 spaces. The adjacent motel would require an additional 26 spaces. A gross total of 88 spaces are required for the project area with no credit for hourly variations in peak parking demand for the existing mix of uses in the project area.

A total of 7 spaces would be required for Pacific Roots, which is a reduction of 13 spaces from the 20 spaces required for the restaurant/night club. A gross total of 75 spaces would be required for the project area with the replacement of the restaurant/nightclub with the cannabis dispensary.

The building owner is proposing to restrict the remaining restaurant space, which is currently vacant, to retail use only. This would further reduce the parking requirement for that space from 20 spaces to 7 spaces. The gross parking requirement would have a corresponding reduction from 75 spaces to 62 spaces. **Exhibit 4** indicates that the parking deficit would be reduced to 3 spaces. Assuming that the 5 parallel spaces that will be provided along Carmel Avenue are available, a surplus of 2 spaces would occur in gross parking supply in the immediate project vicinity.

Table 2 below summarizes the required number of spaces with the existing perpendicular parking along Del Monte Boulevard and current and recent uses at the project site, the deficit in on-street parking supply is 17 spaces. With the conversion of the restaurant/nightclub to Pacific Roots the deficit would be reduced to 4 spaces. The conversion of both restaurant spaces to retail would result in a gross surplus of 9 spaces.

Parking Supply Option	Gross Required Spaces	With City Frontage Improvements		Existing On-Site Parking Supply	
		Provided Spaces	Surplus/Deficit	Provided Spaces	Surplus/Deficit
Project Site with Existing Night Club					
On-Site Supply Including Motel	88	60	-28	71	-17
Project Site with Proposed Pacific Roots					
On-Site Supply Including Motel	75	60	-15	71	-4
Project Site with Proposed Pacific Roots and Conversion of Restaurant to Retail					
On-Site Supply Including Motel	62	60	-2	71	9

Notes:

1. Gross Required Spaces are the total number of parking spaces required per City of Marina parking standards as indicated on **Exhibit 3**.
2. "With City Frontage Improvements" refers to frontage improvements required by the City of Marina.

Table 2 – Gross Parking Adequacy Summary

If the required City frontage improvements were implemented with the existing land uses a gross deficit of 28 spaces would be experienced. The conversion of the restaurant/nightclub to the proposed Pacific Roots cannabis dispensary would reduce the gross deficit to 15 spaces. Although this still would not provide adequate parking, the cannabis dispensary will result in lower parking demand that will better facilitate the City's objective of incorporating standard street improvements along the project frontage. Finally, limiting the second restaurant space to retail only as described above would result in a deficit of 2 spaces. This would be a significant improvement in parking operations but would still represent a slight deficit based on gross parking requirements.

D. SHARED PARKING ANALYSIS

The gross parking requirement described in Section C does not account for varying peak parking demand by the complementary uses in the project area. For example, the peak parking demands for the motel and apartments occur at night when the retail and restaurant spaces are closed. Similarly, the peak retail and restaurant parking demands occur during the day when very few people are at home or in a motel room.

To better assess the potential peak parking demands of the project site, a shared parking analysis has been prepared for the project. A shared parking analysis assesses parking demand on a project site assuming that most or all parking spaces are shared by the various mixed uses throughout the day.

The shared parking analysis assumes that the maximum parking demand for each use corresponds with the current City of Marina municipal code. The hourly variations in parking occupancy for each use corresponds with the default hourly parking demand percentages quoted in *Parking Generation*, 5th Edition, Institute of Transportation Engineers, 2019.

Five of the six apartment spaces, including the two spaces in the garage, are assumed to be dedicated for apartment occupant use only. Thus, the share parking analysis assumes that these five apartment spaces are occupied throughout the day and not available for shared parking by the other site uses. The sixth space, as a visitor space, would be open for use by non-apartment users.

In addition, the 25 motel parking spaces required by the City of Marina Municipal Code are also assumed to be reserved in the 38-space motel parking lot. These are therefore designated as 100% occupied throughout the day and not available for shared use by on-site retail spaces including Pacific Roots. This is a worst-case assumption. The remaining 13 parking spaces will primarily be utilized as retail employee parking with incidental retail customer parking.

The motel operator may prefer to have the entire 38 spaces in the motel parking lot as a shared parking lot between motel guests and retail employees and occasional customers. If this is the case, there will be a greater number of surplus parking spaces because the motel will have little or no parking demand in the afternoon when there is peak retail demand.

Exhibit 5 contains the 24-hour parking demand by hour for each of the site uses. This is based on the percentage occupancies tabulated in **Appendix A**. The upper third shows the total parking demand for each hour of a typical day including the existing restaurant/night club. The middle third shows comparable

data including the proposed project (dispensary). The lower third also shows comparable data, but with the existing restaurant space converted to general retail space.

With the existing restaurant/nightclub continuing to occupy the proposed Pacific Roots space and loss of on-street parking from the proposed frontage improvements along Carmel Avenue and Del Monte Boulevard there would be a deficit of about 27 spaces at 6pm, which is the time of peak parking demand.

As indicated by the spreadsheet in the middle third of **Exhibit 5**, the proposed cannabis dispensary would reduce on-site peak parking demand by 14 spaces (from 87 to 73). This would more than offset the net loss of 11 parking spaces resulting from the elimination of parking along the project area street frontages. However, there would be a deficit of 13 on-site spaces at 6pm.

The conversion of the second restaurant to general retail space would further reduce on-site peak parking demand by 14 spaces (from 73 to 59). This would result in a peak parking surplus of 1 space. Peak on-site parking demand can be fully accommodated on the project site during all 24 hours of the day. No off-site or on-street parking would be required to fully accommodate the project parking demand. Again, this assumes that the motel has 25 reserved parking spaces. If the motel spaces can be shared with retail uses, the surplus would be much greater.

E. CONCLUSION

The proposed cannabis dispensary will nearly substantially mitigate the loss of parking serving the study project resulting from the loss of parking along the frontage that is being required by the City of Marina. However, the parking supply would not be adequate even with the sharing of parking spaces between the cannabis dispensary, the other retail and residential uses, and the adjacent motel. However, if the second on-site restaurant space is restricted to general retail space, the entire on-site parking demand can be accommodated by the proposed on-site parking spaces with one surplus space. No additional parking supply would be required.

F. RECOMMENDATIONS

It is recommended that parking be designated as illustrated on **Exhibit 6** as described below.

1. Parking Area A – East of Retail Building

The 14 spaces in Parking Area A (East of Retail Building) should include 5 parking spaces reserved for the existing apartments in the parking area east of the retail building. Two of these spaces are in the existing garage in the separate apartment building. Three spaces are recommended to be located adjacent to the retail building near the entrance to the stairs that provide access to the second-floor apartments. The remaining space along the east side of the retail building should be reserved for a retail employee where it is not readily apparent from Carmel Avenue and unlikely to be used by retail customers. The remaining 8 spaces should be shared between retail employees, customers, and apartment visitors.

Trinh Retterer
January 12, 2021

2. Parking Area B – On-Site Along Del Monte Boulevard

All 8 spaces in Parking Area B, between the retail building and Del Monte Boulevard, should be reserved for retail customers.

3. Parking Area C - Motel Parking Lot

The Motel parking lot should include 25 spaces reserved for the motel, including one space for each of the 24 motel rooms plus one space for retail uses. Retail employees should be required to park in Parking Area C so that the parking spaces most convenient to the retail uses in Parking Area B are available for retail customers. Some retail customers may also park in the motel parking lot.

G. SUMMARY

The project area would have ample parking with the existing parking configuration. However, the requirement by the City of Marina to implement standard frontage improvements along Del Monte Boulevard and Carmel Avenue will result in a parking shortfall in the project area. The proposed Pacific Roots cannabis dispensary will almost fully mitigate this parking impact. The project site can completely accommodate its parking demand if the remaining 2,002 square-foot restaurant space is limited to general retail. With this change, the parking supply will fully accommodate the parking demand for all uses at the project site. A parking plan indicating the recommended designated parking spaces for the apartments, retail uses, and motel is included as **Exhibit 6**.

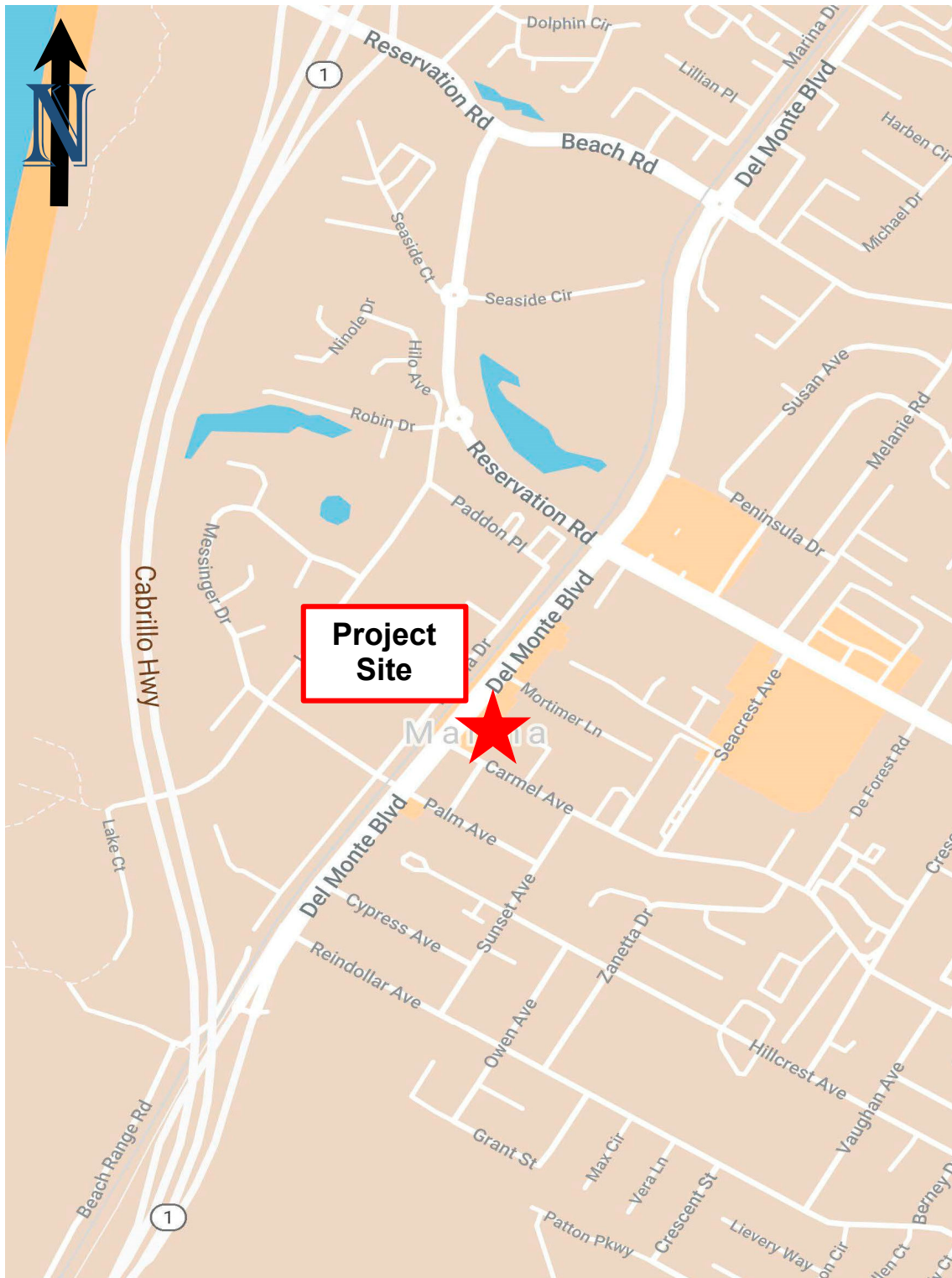
If you have any questions regarding the contents of this letter or need additional information, please do not hesitate to contact me at your convenience. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

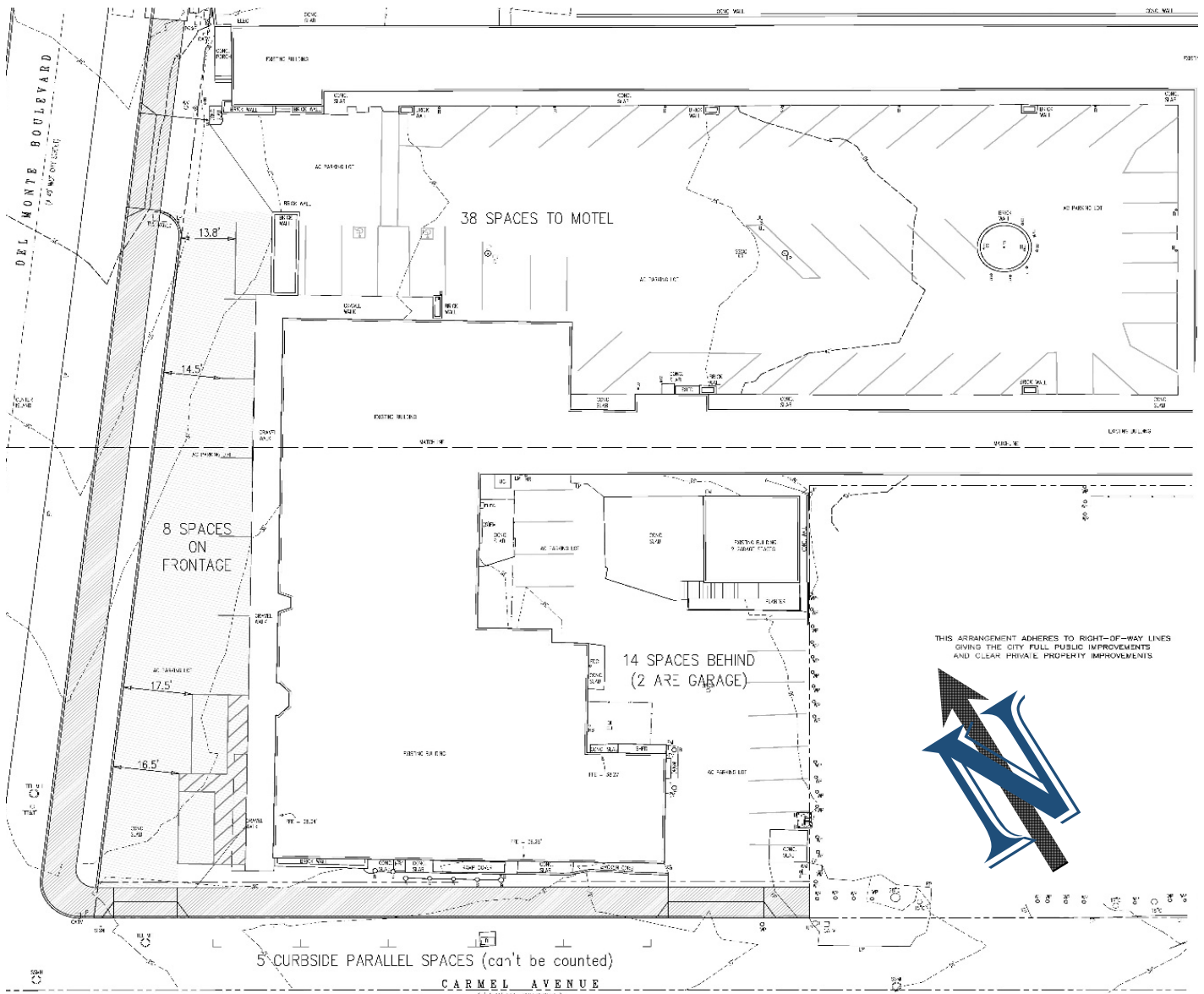
Keith Higgins

Keith B. Higgins, PE, TE

enclosures



Basemap Source: Google Maps, 2020.



Source: Monterey Bay Engineers, August 2020.

Keith Higgins
Traffic Engineer

Exhibit 3
Project Site Plan With
Frontage Improvements 63

Existing Uses:

Use	Size	City Parking Standard	Required Spaces
<u>Current Use of Project Space:</u> Restaurant/Night Club	1,977 s.f.	1 per 60 s.f. of dining area	20
<u>Other Site Uses:</u> Restaurant	2,002 s.f.	1 per 60 s.f. of dining area	20
Salon	1,020 s.f.	1 per 300 s.f.	3
Apartments	5 units	1 per unit + 1 per 5 units	6
Florist	700 s.f.	1 per 275 s.f.	3
Retail	360 s.f.	1 per 275 s.f.	1
Liquor Store	2,770 s.f.	1 per 275 s.f.	10
Motel	24 rooms	1 + 1 per room	25
Gross Total:			88

With Proposed Dispensary:

Use	Size	City Parking Standard	Required Spaces
<u>Proposed Project:</u> Dispensary	1,977 s.f.	1 per 275 s.f.	7
<u>Other Site Uses:</u> Restaurant	2,002 s.f.	1 per 60 s.f. of dining area	20
Salon	1,020 s.f.	1 per 300 s.f.	3
Apartments	5 units	1 per unit + 1 per 5 units	6
Florist	700 s.f.	1 per 275 s.f.	3
Retail	360 s.f.	1 per 275 s.f.	1
Liquor Store	2,770 s.f.	1 per 275 s.f.	10
Motel	24 rooms	1 + 1 per room	25
Gross Total (Study Project plus Other Site and Adjacent Uses):			75

With Proposed Dispensary and Conversion of Restaurant to Retail:

Use	Size	City Parking Standard	Required Spaces
<u>Proposed Project:</u> Dispensary	1,977 s.f.	1 per 275 s.f.	7
<u>Other Site Uses:</u> Retail rather than Restaurant	2,002 s.f.	1 per 275 s.f.	7
Salon	1,020 s.f.	1 per 300 s.f.	3
Apartments	5 units	1 per unit + 1 per 5 units	6
Florist	700 s.f.	1 per 275 s.f.	3
Retail	360 s.f.	1 per 275 s.f.	1
Liquor Store	2,770 s.f.	1 per 275 s.f.	10
Motel	24 rooms	1 + 1 per room	25
Gross Total (Study Project plus Other Site and Adjacent Uses):			62

Notes:

1. s.f. = square feet.
2. City of Marina parking standards per City Municipal Code Section 17.44.

Land Use	Parking Demand (vehicles)															
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM
Project Site with City Frontage Improvements and Existing Night Club																
Existing Use	17	10	6	0	0	0	0	0	0	0	0	0	0	0	3	5
Restaurant/ Night Club																
Other Site Uses:																
Restaurant	0	0	0	0	0	0	0	0	0	0	3	5	19	19	10	8
Salon	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	3
Apartments	6	6	6	6	6	6	5	5	5	5	5	5	5	5	5	5
Florist	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	3
Retail	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1
Liquor Store	1	1	0	0	0	1	3	3	3	3	6	8	5	5	8	9
Adjacent Uses:																
Motel	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25

Total Demand	49	42	37	31	31	32	33	33	34	37	44	48	59	62	58	60
Total Existing Supply	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
Deficit/Surplus	11	18	23	29	29	28	27	27	26	23	16	12	1	-2	2	0

Land Use	Parking Demand (vehicles)															
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM
Project Site with Proposed Pacific Roots																

Proposed Project:	0	0	0	0	0	0	0	0	1	2	3	5	6	6	6	6
Other Site Uses:																
Dispensary																
Restaurant	0	0	0	0	0	0	0	0	0	0	3	5	19	19	10	8
Salon	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	3
Apartments	6	6	6	6	6	6	5	5	5	5	5	5	5	5	5	5
Florist	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	3
Retail	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1
Liquor Store	1	1	0	0	0	1	3	3	3	3	6	8	5	5	8	9
Adjacent Uses:																
Motel	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25

Total Demand	32	32	31	31	31	32	33	34	36	40	49	54	65	65	60	58
Total Supply	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
Deficit/Surplus	28	28	29	29	29	28	27	26	24	20	11	6	-5	-5	0	2

Land Use	Parking Demand (vehicles)															
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM
Project Site with Proposed Pacific Roots and Restaurant Conversion to Retail																

Proposed Project:	0	0	0	0	0	0	0	0	1	2	3	5	6	6	6	6
Other Site Uses:																
Dispensary																
Retail (1)	0	0	0	0	0	0	0	0	1	4	4	4	5	5	5	5
Salon	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	3
Apartments	6	6	6	6	6	6	5	5	5	5	5	5	5	5	5	5
Florist	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	3
Retail (2)	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1
Liquor Store	1	1	0	0	0	1	3	3	3	3	6	8	5	5	8	9
Adjacent Uses:																
Motel	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25

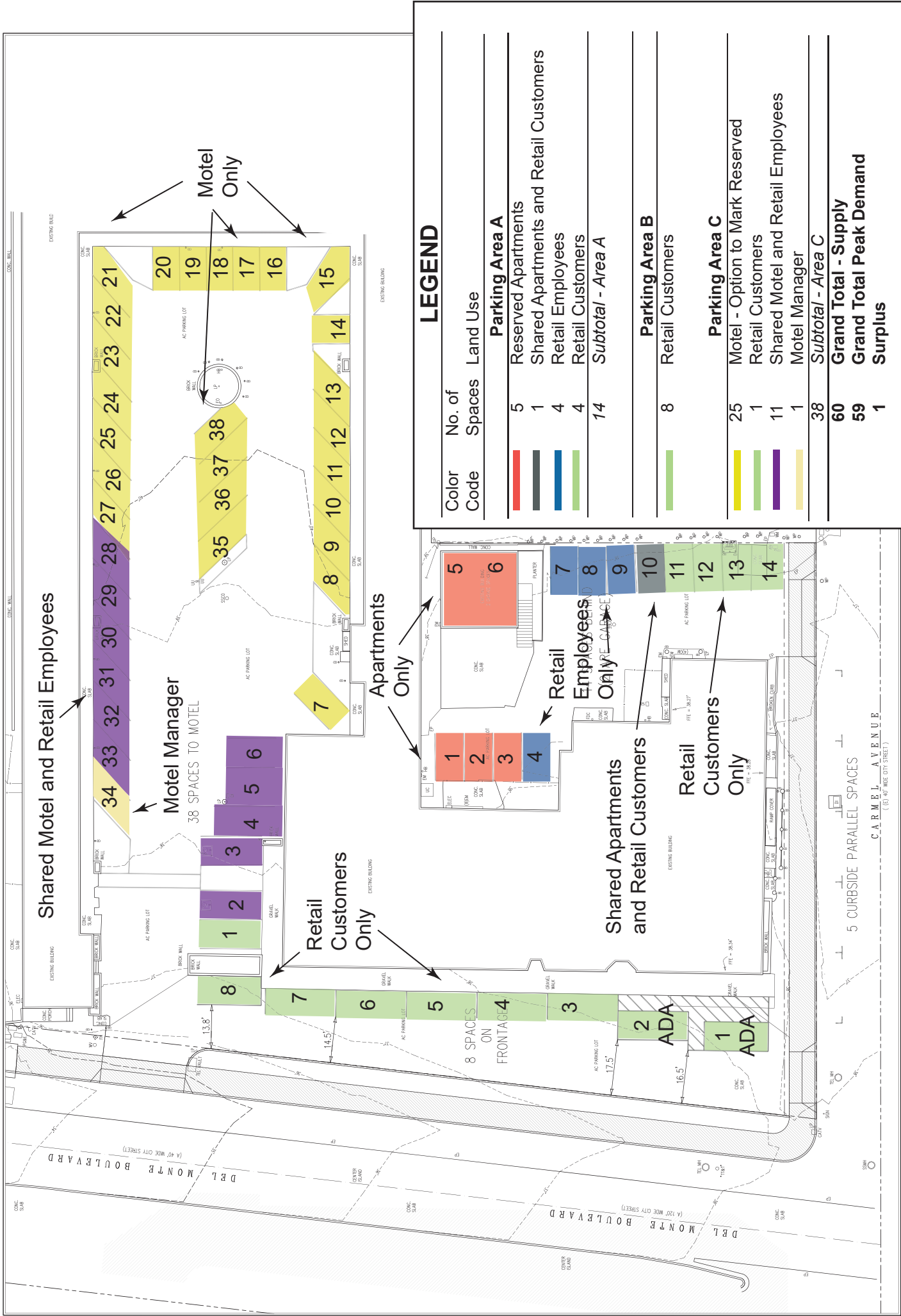
Total Demand	32	32	31	31	31	32	33	34	37	44	50	53	51	51	56	55
Total Supply	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
Deficit/Surplus	28	28	29	29	29	28	27	26	23	16	10	7	9	9	4	5

Notes:

1. Parking demand based on City of Marina parking standards as the maximum demand.
2. Percentage of parking demand per hour for all uses cited from *Parking Generation*, 5th Edition, Institute of Transportation Engineers, 2019, included in Exhibit 7 unless otherwise noted. Adjustments to percentages made due to open hours of non-project businesses.
3. A total of 25 parking spaces will be reserved for the Motel. This is modeled as full occupancy for all 24 hours.
4. A total of 5 of the six required apartment spaces are assumed dedicated to the apartments and not eligible for sharing with other site uses. This is modeled as full occupancy of these 5 spaces for all 24 hours.
5. Peak parking demand under the proposed Project Site with Proposed Pacific Roots and Restaurant Conversion to Retail will occur at 5 PM and 6 PM, as highlighted in **boldface text**.
6. Negative values under "Net Unoccupied" represent parking demand that exceeds parking supply.

Keith Higgins
Traffic Engineer

Exhibit 5
Hourly Project Area Parking Demand



APPENDIX A SHARED PARKING RATIOS

Shared Parking Ratios - Weekday - Project + Rest->Retail

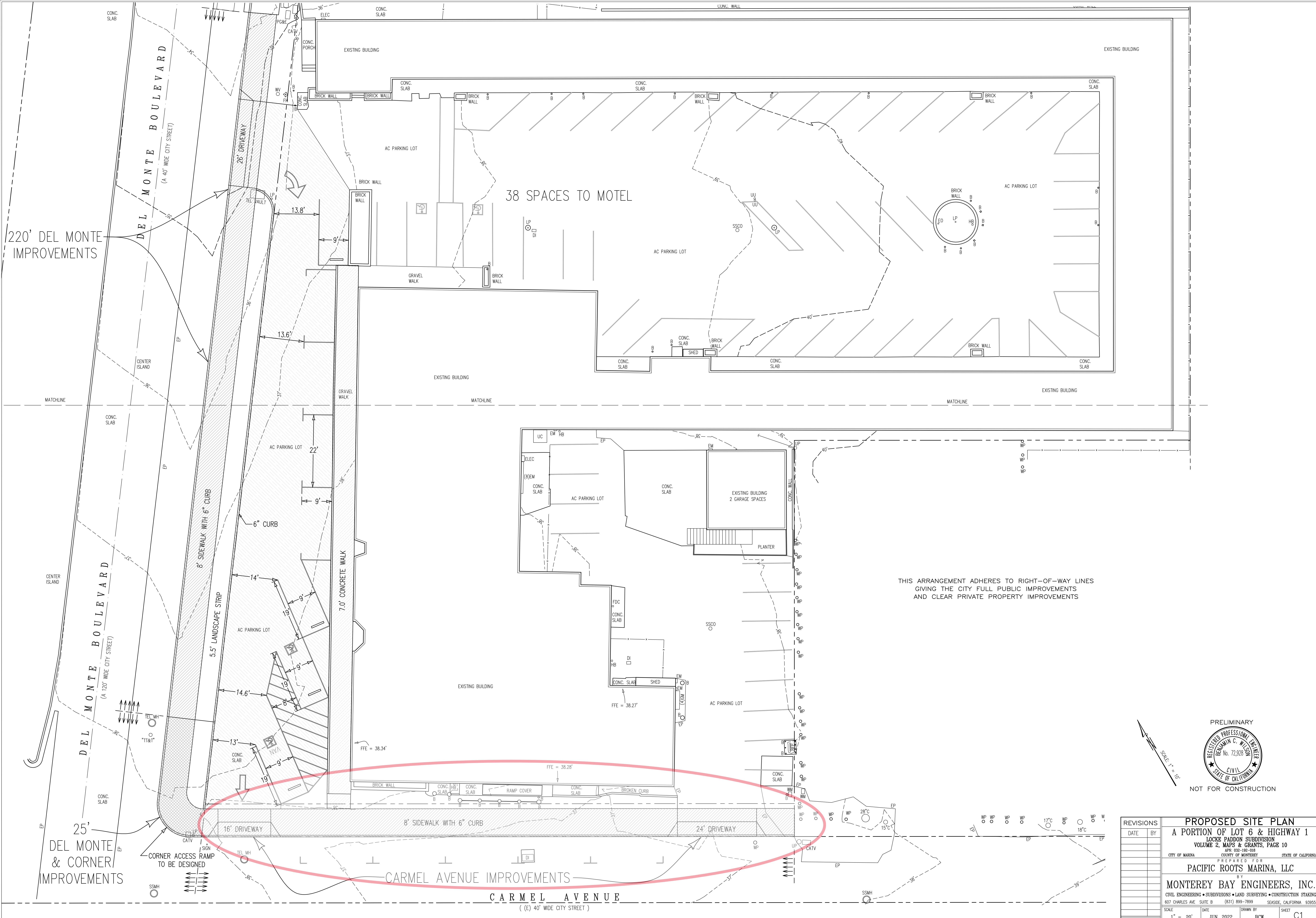
Location	Parking Demand (vehicles)																								
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Dispensary	0%	0%	0%	0%	0%	0%	0%	2%	8%	35%	47%	67%	82%	88%	90%	100%	80%	88%	84%	86%	35%	4%	2%	0%	0%
Retail (Var. Store)	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	48%	37%	29%	0%	0%
Salon (Var. Store)	0%	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	55%	56%	67%	69%	80%	67%	68%	100%	87%	20%	0%	0%	0%	0%
Apartment (Low)	100%	100%	100%	100%	100%	97%	90%	77%	56%	45%	40%	37%	36%	36%	37%	43%	45%	55%	66%	73%	77%	86%	92%	97%	
Florist	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	48%	15%	0%	0%	0%
Retail (Var. Store)	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	37%	29%	0%	0%	0%
Liquor Store	10%	5%	0%	0%	0%	5%	27%	27%	27%	27%	59%	80%	54%	46%	80%	85%	83%	90%	100%	66%	71%	56%	17%	10%	
Motel	100%	100%	100%	100%	100%	96%	89%	81%	72%	71%	48%	41%	29%	30%	25%	34%	43%	38%	40%	36%	56%	74%	85%	98%	

Shared Parking Ratios - Weekday - Project

Location	Parking Demand (vehicles)																								
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Dispensary	0%	0%	0%	0%	0%	0%	0%	2%	8%	35%	47%	67%	82%	88%	90%	100%	80%	88%	84%	86%	35%	4%	2%	0%	0%
Restaurant (Hi-Tu)	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	15%	25%	95%	95%	49%	39%	37%	62%	99%	100%	83%	51%	28%	0%
Salon (Var. Store)	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	55%	56%	67%	69%	80%	67%	68%	100%	87%	20%	0%	0%	0%	0%	0%
Apartment (Low)	100%	100%	100%	100%	100%	97%	90%	77%	56%	45%	40%	37%	36%	36%	37%	43%	45%	55%	66%	73%	77%	86%	92%	97%	0%
Florist	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	48%	15%	0%	0%	0%	0%
Retail (Var. Store)	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	48%	37%	29%	0%	0%	0%
Liquor Store	10%	5%	0%	0%	0%	5%	27%	27%	27%	27%	59%	80%	54%	46%	80%	85%	83%	90%	100%	66%	71%	56%	17%	10%	10%
Motel	100%	100%	100%	100%	100%	96%	89%	81%	72%	71%	48%	41%	29%	30%	25%	34%	43%	38%	40%	36%	56%	74%	85%	98%	98%

Existing:

Location	Parking Demand (vehicles)																								
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Rest/Nightclub	83%	51%	28%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	15%	25%	39%	37%	62%	99%	100%	100%	83%	83%	83%	83%
Restaurant (Hi-Tu)	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	15%	25%	95%	93%	49%	65%	39%	37%	62%	87%	100%	83%	51%	28%	0%
Salon (Var. Store)	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	55%	56%	67%	69%	80%	67%	68%	100%	87%	20%	0%	0%	0%	0%	0%
Apartment (Low)	100%	100%	100%	100%	100%	97%	90%	77%	56%	45%	40%	37%	36%	36%	37%	43%	45%	55%	66%	73%	77%	86%	92%	97%	97%
Florist	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	48%	15%	0%	0%	0%
Retail (Var. Store)	0%	0%	0%	0%	0%	0%	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	37%	29%	0%	0%	0%
Liquor Store	10%	5%	0%	0%	0%	5%	27%	27%	27%	27%	59%	80%	54%	46%	80%	85%	83%	90%	100%	66%	71%	56%	17%	10%	10%
Motel	100%	100%	100%	100%	100%	96%	89%	81%	72%	71%	48%	41%	29%	30%	25%	34%	43%	38%	40%	36%	56%	74%	85%	98%	98%



October 6, 2022

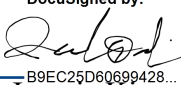
City of Marina

RE: Exterior Improvements for 3100 Del Monte Blvd and modification of CUP

Dear City of Marina,

If these remediations to the CUP approval for Pacific Roots Marina, LLC are ok with the planning department then I am in support of it. I am in agreement that the previous exterior improvements from the original application will not be consistent with the rest of the building and are unnecessary. I approve the fixes of the exterior of the whole building, which includes replacing wood boards, wood shingles, painting area where the paint is chipped, and a fresh coat of trim paint for the Mortimers Center.

Sincerely,

DocuSigned by:

B9EC25D60699428...
Jameis Kim
Property Owner
Mortimer's Center

PACIFIC ROOTS MARINA, LLC
ATTN: BRANDON GESICKI, COMMUNITY LIASON
965 Briar Cliff Dr. Santa Maria, CA 93455

Phone: (831) 206-6460 | Email: capitolconsultingcorp@gmail.com

November 11, 2022

Dear Planning Services:

We are asking staff to update our request to note that we have been actively working with the City Building and Planning Department to get the public works plans approved, but we still need a 90 day extension from January 3rd, 2023 in order to complete the work.

We are happy to still do the minor exterior improvements of the entire center that were noted in the planning meeting, but we're still asking to remove the facade improvements requirement as originally requested. While we complete the public works improvements we will be adding in additional planters to the side of the building as originally planned.

Thank you for your continued effort in working with us on this project.

Respectfully Submitted,

DocuSigned by:

BRANDON GESICKI

000FF1700F9340E

Brandon Gesicki
Pacific Roots Marina, LLC

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-,
AUTHORIZING THE SIGNING OF A PURCHASE ORDER FOR \$1,908,443.04 TO
PURCHASE A ROSENBAUER QUINT FIRE TRUCK AND DIRECT STAFF TO
PAY \$464,689 FOR THE CHASSIS UPON ARRIVAL AT THE MINNESOTA
PLANT FOR A \$18,555 DISCOUNT ON OR ABOUT MARCH OF 2024 WHICH
WILL REDUCE THE TOTAL PURCHASE PRICE TO \$1,889,888 AND PAY THE
BALANCE OF THE \$1,425,199 WHEN THE TRUCK IS DELIVERED AND
ACCEPTED BY THE MARINA FIRE DEPARTMENT ON OR ABOUT
SEPTEMBER OF 2024, AND AUTHORIZING THE FINANCE DIRECTOR TO
MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2022-, authorizing the signing of a purchase order for \$1,908,443.04 to purchase a Rosenbauer Quint Fire Truck; and
2. Direct staff to pay \$442,329 plus sales tax for the chassis upon arrival at the Minnesota plant for a \$16,984 discount on or about March of 2024 which will reduce the total purchase price to \$1,879,595; and
3. Pay the balance of the \$1,425,199 when the Truck is delivered and accepted by the Marina Fire Department on or about the fourth quarter of 2024; and
4. Authorize the Finance Director to make necessary accounting and budgetary entries.

BACKGROUND:

This item is being brought to council because of a significant financial savings opportunity. The Marina Fire Department has been notified of a scheduled 15% increase for fire trucks on December 1, 2022. This increase will increase the price of a Fire Truck by \$288,000 dollars and will be the third increase this year. Last year there were 4 increases. The City can realize significant savings by locking in the price by December 1, 2022.

A Fire Truck is an essential piece of equipment necessary to provide Fire Protection services. Currently the Marina Fire Department relies on neighboring agencies to provide these critical services as we do not have a Fire Truck. The Presidio of Monterey (POM) Fire Department is the primary resource due to their proximity. In August of 2023, POM is scheduled to relocate further away towards Seaside. With the move, we will no longer have a Fire Truck that is available to respond into the City for first due operations. The POM fire truck will now have a longer response time.

A fire truck is different from a fire engine in that a fire engine has a pump with ground ladders that allows us to carry out fire operations up to two stories in height. A fire truck carries a complement of ground ladders plus a fixed ladder allowing firefighters to carry out fire operations on buildings ranging from a single story up to approximately eight stories depending on the length of the ladder mounted on the truck. These fixed ladders typically range in length from 75' to 115'.

We train to raise our ground ladders with 2 personnel. If at any given time we do not have the personnel to achieve this task safely and/or without exposure to injury while carrying out an attack and laying out hose lines, then an aerial device is needed. If the terrain and topography makes using ground ladders unsafe, an aerial device is needed. Terrain and landscape oddities may make it impossible for firefighters to gain access to multi story structures. Under these conditions, an

aerial device is needed to perform necessary rescue or ventilating operations for single- or two-story buildings. Trucks are also critical to fire operations at commercial buildings, large area buildings along with multi story buildings.

There are two basic types of Fire Trucks, those with fire pumps and those without fire pumps. The Fire Trucks without a fire pump is a straight Trucks. A Fire Truck with a fire pump is called a Quint Truck. Each fire department decides the type of apparatus needed to meet the needs of their jurisdiction. For example, Monterey and Salinas runs a straight Truck while POM runs a Quint Truck. For the City of Marina, we have determined that a Quint Truck is needed. A Quint Truck has the aerial resources along with the fire pump needed to meet the needs of the Marina Fire Department. See **EXHIBIT A**.

ANALYSIS:

A fire truck is a critical apparatus needed to provide necessary fire protection services for the residents and visitors to the City. A fire truck takes approximately 2 years to design, build and for us to take delivery. After delivery, there is additional training along with outfitting which will take approximately 6 months. If council approves this request tonight, the Truck can be expected to be in service the first quarter of 2025.

The Fire Department apparatus specification committee has been working for the last year to develop specifications for a Truck that will meet the needs of the City. The committee has traveled to trade shows, talked with different vendors, and have met and conferred with other departments, examined their Trucks, gone over their specifications and actually fly (operate) their trucks to see how they work and feel. As a result of the hard work that has done to this point, we are ready to move onto the next step which is to obtain authorization from Council for purchase. The Fire Truck being recommended is a Quint Platform with a 104' ladder, see **EXHIBIT A**. If Council authorizes the purchase, the Specification committee will go back to the factory in January to work with the engineers to work out the final specifications.

A Fire Truck will improve our ISO rating which lowers our community's property insurance premiums and reduces our community risk. A Fire Truck also provides a tool that will help with those within our community that are aging, and our disabled population which make it impractical to rescue from even a second story window without a platform apparatus. Our City also has many large square footage buildings, such as warehouses, large department stores, etc. along with industrial facilities that requires a safe means of fire suppression delivery from an elevated position and high water flows. The Truck will also increase firefighter safety by minimizing the need for dangerous interior attacks.

A fire truck with a platform can transport passengers up and down as needed. Platform fire trucks are praised for their ability to function as an additional point of fire suppression in the air and can be elevated for long periods. Other advantages of a platform include a higher working payload capacity at the tip allowing more firefighters and tools. Platforms are also safer and more comfortable for firefighting operations including rescue, ventilation, exterior overhaul, and aerial stream application. Platforms have an impressive flow rate offering aerial firefighting capabilities including both water and foam along with the option to have dual monitors where one monitor can be used for exposure protection and the other monitor for fire suppression. Safer evacuations, one of the key benefits of an aerial platform is the safe extraction and evacuation of fire victims, both civilian and fire fighters. Platforms have a greater in the air maneuverability. An aerial basket is designed with the ability to move from window to window accumulating victims, then lowering them to the ground like an elevator. An aerial platform also offers tool transport and storage options at the tip, which means firefighters have quick access to firefighting aids, like stokes, rappelling arms, winches, ventilation tools and roof ladders.

The projected timeline to build a Fire Truck ordered in November is:

Order Date:	November 2022
Pre-Construction:	January 2023
Production Files:	April 2023
Chassis & Aerial Start Date:	November 2023
Chassis & Aerial Completed:	March 2024
Body Start Date:	April 2024
Mid-Point Inspection:	June 2024
Final inspection:	July 2024
Arrive in California:	August 2024
Deliver to Department:	September 2024
Inservice date:	First Quarter of 2025

Provided that the Truck is delivered in September of 2024, the outfitting and training will take approximately 6 months which would allow us to have the truck in service the first quarter of 2025.

Currently the Marina Fire Department does not have a fire station that will house the Fire Truck. The Truck will fit in the City building on 8th street, (referred to as fire station 3). When the new fire station is designed and built, the station will be designed to house a Fire Truck. The request today does not include equipment. The Truck will come with all the ladders, but other items such as hose, extrication equipment will need to be purchased. The equipment has typically cost around \$150 thousand dollars.

FISCAL IMPACT:

Recently, all manufactures have undergone sizable cost increases every quarter. This item has been brought to Council tonight because of a 15% increase that takes effect December 1, 2022. To lock in the price presented tonight, the signed purchase order needs to be authorized by council and signed before December 1, 2022. See **EXHIBIT B**

The current price of the Fire Truck is \$1,904,443 and will increase to \$2,196,595, a \$288,152 or 15% increase, on December 1, 2022. The \$1.9 million price does not include equipment.

There are multiple discounts available, should the Council choose to make earlier periodic payments towards the price of the truck:

- If paid in full when we place order for the truck, we would receive a \$85,063 discount.
- If we make a \$464,689.41 payment towards the truck chassis when we sign the work order we would receive a \$26,181 discount
- If we pay for the chassis when it is completed (estimated March of 2024) we get a \$18,555 discount.

Additionally, the City is receiving a \$20,000 dollar loyalty discount because of prior purchases.

Below are the payment options and total purchase prices of the above options.

	Payment Dates				
Scenarios	December 2022	March 2024	September 2024	Total Purchase Price	Savings
Paid Upon Acceptance	\$0	\$0	\$ 1,908,443.04	\$ 1,908,443.04	\$0
Aerial Pmt Completion	\$0	\$471,415.94	\$ 1,427,658.91	\$ 1,899,074.85	\$ 9,368
Chassis Pmt Completion	\$0	\$464,689.41	\$ 1,425,198.61	\$ 1,889,888.02	\$ 18,555
Chassis Pmt Upon Order	\$ 457,063.76	\$0	\$ 1,425,198.61	\$ 1,882,262.37	\$ 26,181
Chassis & Aerial Pmt Cmp	\$0	\$928,479.70	\$ 944,414.49	\$ 1,872,894.18	\$ 35,549
Paid in Full upon order	\$ 1,823,379.90	\$0	\$0	\$ 1,823,379.90	\$ 85,063

Staff is recommending paying for the chassis when it is completed, around March 2024, to take advantage of the \$18,555 discount and provide Council more flexibility within the budget. The payment for the chassis with sales tax would be \$464,689.41. A balance of \$1,425,198.61 would be due when the Truck is delivered, which is expected to be in September of 2024. If we do not pay for the chassis when it is delivered to the Minnesota plant, then we would pay the full amount when the Truck is delivered, without the discount.

Funding for the truck would come from unassigned fund balance, which is estimated to be \$9.5 million as of June 30, 2022. Upon approval, Funds would be transferred from the General Fund to a separate project within the Capital Improvement Program Fund and utilized as payments for the fire truck come due.

The City of Marina is a member of Sourcewell, member number 27263. Sourcewell is a national municipal cooperative purchasing agency. The Rosenbauer Fire Truck has been competitively bid through Sourcewell which ensures that the City is receiving competitive pricing in accordance with the requirements of California law and City policies.

With the purchase of the truck, the replacement cost will be amortized over the expected life of the truck and funds will be set aside into the vehicle replacement fund accordingly.

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

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Brian McMinn
Public Works Director
City of Marina

Juan Lopez
Finance Director
City of Marina

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING THE SIGNING OF A PURCHASE ORDER FOR \$1,908,443.04 TO PURCHASE A ROSENBAUER QUINT FIRE TRUCK AND DIRECT STAFF TO PAY \$464,689 FOR THE CHASSIS UPON ITS ARRIVAL AT THE MINNESOTA PLANT FOR A \$18,555 DISCOUNT ON OR ABOUT MARCH OF 2024 WHICH WILL REDUCE THE TOTAL PURCHASE PRICE TO \$1,889,888 AND PAY THE BALANCE DUE OF \$1,425,199 WHEN THE TRUCK IS DELIVERED AND ACCEPTED BY THE MARINA FIRE DEPARTMENT ON OR ABOUT SEPTEMBER OF 2024 AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES

WHEREAS, The Marina Fire Department does not have a Fire Truck and has a critical need for a Fire Truck; and

WHEREAS, a “Fire Truck” is designed and typically used by fire departments to provide Fire Protection Services for Rescue and Fire Fighting Operations for Multi Story Buildings, Large buildings and Residential buildings; and

WHEREAS, after evaluating all available data, the Apparatus Specification Committee recommends the purchase of a Quint Fire Truck manufactured by the Rosenbauer America (“Rosenbauer”) firm as the Rosenbauer Truck meets or exceeds all the specification requirements of the Marina Fire Department; and

WHEREAS, by signing the purchase order before December 1, 2022, the City will lock in the price saving a minimum of \$288 thousand dollars or the 15% increase that will take effect on December 1; and

WHEREAS, the City of Marina is a member of Sourcewell, formerly the National Joint-Powers Agency (NJPA), a cooperative purchasing program to assist local government in reducing costs through a nationwide government-to-government procurement service; and

WHEREAS, staff has verified that the proposed agreement with Rosenbauer has properly utilized the Sourcewell bidding process which conforms to California law and City purchasing policies; and

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

1. Adopt Resolution No. 2022-, authorizing the signing of a purchase order for \$1,908,443.04 to purchase a Rosenbauer Quint Fire Truck; and
2. Direct staff to pay \$464,689 for the chassis upon arrival at the Minnesota plant for a \$18,555 discount on or about March of 2024 which will reduce the total purchase price to \$1,889,888; and
3. Pay the balance of the \$1,425,199 when the Truck is delivered and accepted by the Marina Fire Department on or about the fourth quarter of 2024; and
4. Authorize the Finance Director to make necessary accounting and budgetary entries.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on 15th day of November 2022 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

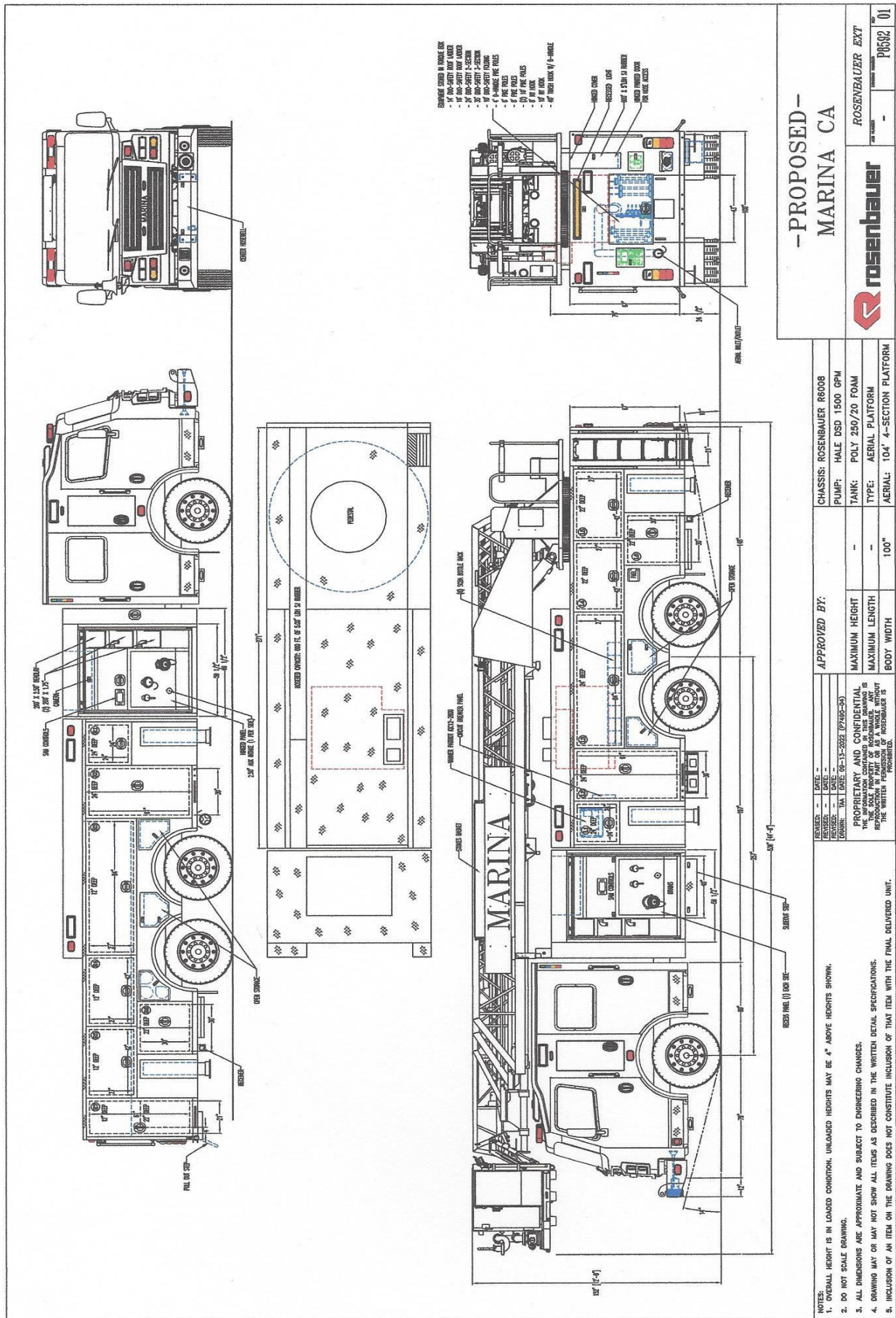
ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk





PURCHASE ORDER

Purchaser		SUPPLIER	
Purchaser:	City of Marina	Contract #	Sourcewell Contract #: 113021-RSD
Address 1:	211 Hillcrest Ave.	Supplier:	Rosenbauer Minnesota, LLC
Address 2:		Address 1:	5180 260th Street
City, State, Zip:	Marina, Ca 93933	Address 2:	PO Box 549
		City, State, Zip:	Wyoming, MN 55092

Purchase Order Number:		Delivery in Calendar Days:	600
Date:	10/26/2022	Member #	27263

The amount in this proposal shall remain firm for a period of 30 days from the date of same.

Quantity	Description	Price	Price (Extended)
1	One (1) Rosenbauer Aerial, complete with Rosenbauer Commander chassis per attached specifications.	\$1,908,443.04	\$1,908,443.04
*Note: If chassis amount of \$442,329.00 is paid upon arrival at our plant in Minnesota, deduct \$16,984.00 each			
The contract/purchase order price includes sales tax in the amount of \$160,799.04.			
TOTAL			\$1,908,443.04

NOTES:	
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Rosenbauer Dealer :	Burton's Fire Inc.
Salesperson:	John Burton
Signature:	<i>John Burton</i>

Purchaser:	City of Marina
Print Name:	
Title:	
Date:	
Signature:	

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 15, 2022

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION 2022-, WHICH
REPEALS AND REPLACES RESOLUTION NO. 80-71, AS AMENDED,
REGARDING BEST PRACTICES FOR PUBLIC ENGAGEMENT AND
MEETING EFFICIENCY**

REQUEST:

It is requested the City Council consider:

1. Adopting Resolution No. 2022-, which appeals and replaces Resolution No. 80-71, as amended, Establishing the Rules and Procedures for the Conduct of Meetings (**Exhibit 1**); and
2. Approving an Agenda format in substantially the same form as **Exhibit 2**.

BACKGROUND:

On December 12, 1980, the City Council adopted Resolution No. 80-71, “Establishing the Rules and Procedures for the Conduct of Meetings of the City Council” (“Rules and Procedures”). The Rules and Procedures have been amended over the years,¹ and govern Council conduct, and include provisions for setting meetings, order of the agendas, Council debate, and conflicts of interest. Council recently directed staff to bring forward proposals regarding the Rules and Procedures to increase public engagement and improve meeting efficiency.

At its meeting on November 1, 2022, Council approved revisions to the Rules and Procedures and the meeting agenda template, as detailed below, and directed staff to prepare an integrated resolution and agenda template. A link to the November 1, 2022 staff report can be found at: <https://www.cityofmarina.org/AgendaCenter/ViewFile/Agenda/11012022-374>.

DISCUSSION:

Changes to the Rules and Procedures

A. *Paragraph 8 - Order of Business and Consideration and Sequence of Agenda Items*

Council approved changes to the Rules and Procedures, Paragraph 8 a) pertaining to the order of business. “Council and Staff Announcements” have been separated from “Public Comment.” Changes were also made to adjust the numbering, and update the provisions with gender-neutral language (8 b)).

Council also approved changes to 8 c) regarding the sequence of an agenda item. Once the agenda item is presented by staff and the applicant/proponent, if any, the matter should be referred to the public for comment. The only questions posed by Council at this time should be “technical questions” that are imperative to understanding of the presentation and matter before Council, e.g., “*Is the contract for two or three years?*” or “*Is the not-to-exceed amount of \$50,000 correct?*” All other questions (and discussion) by Council should be deferred until after the public has had the opportunity to provide input.

¹ See Resolutions 85-1, 90-09, 91-17, 92-30, 94-15, 98-03, 99-01, 2001-106, 2009-41, 2011-32, 2011-33, 2011-65, and 2019-107 (collectively, “Amendments”).

Once public comment is closed, Council will have “2 bites of the apple” during the “Council Discussion” and “Council Motion and Brief Comment” periods. Council approved a five-minute limitation during the initial round of discussion, which is addressed in Rule 13g). Council also approved a one-minute limitation on a Councilmember’s comment after a motion is made, which is addressed in the Agenda. Modifications are set forth in italicized font; deletions are noted in strikeout font:

8. Order of Business and Consideration and Sequence of Agenda Items.

a) The business of the City Council shall be taken up for consideration and disposition in the following order:

1. Call to Order 5:00p.m. (if there is to be a Closed Session)
2. Roll Call and Establishment of Quorum
3. Closed Session (if any)
4. Open Regular Session (6:30 p.m.) - Report Any Action taken in Closed Session
5. Moment of Silence & Pledge of Allegiance
6. Special Presentations - *no action; no public comment*
7. ~~Special Council and Staff Announcements and Communications from the Floor~~
8. *Public Comment – Up to a maximum of three (3) minutes per person*
9. Consent Agenda
10. Public Hearings
11. Other Council Action Items
12. Council & Staff Informational Reports – *no action taken, no public comment*
13. Adjournment

b) The Mayor, at ~~their~~ ~~his/her~~ discretion and subject to majority vote overruling ~~them~~ ~~him/her~~, may re-arrange agenda items, provided that any items ‘pulled’ from Item 98, ‘Consent Agenda’ shall be considered following the last item of Item 1140, “Other Council Action Items.”

c) The following shall be the procedure for consideration and sequence of each Agenda Item, including Public Hearings:

1. Mayor Introduces the Agenda Item
2. City Manager/Executive Director (or designee/Council Member) Presents Staff Report
3. Applicant/proponent, when appropriate, up to ten (10) minutes (at Presiding Officer’s discretion)
4. City Council ~~Clarifying~~ *Technical* Questions of Staff and Applicant/Proponent
5. ~~Brief Council Comments and Motion~~ *Public Comments* – up to a maximum of ~~four~~ *three (3)* minutes per person
6. Mayor Closes Public Hearing/Public Comments
7. Council Discussion
8. *Council Motion and Brief Comment (1 minute each)*
9. Council Vote

B. Paragraph 9 - Preparation of the Minutes:

Council approved “action” minutes, which is the guideline of Robert’s Rules of Order. This will reduce staff time and effort required to prepare detailed minutes, which are no longer needed given current Council meetings are recorded and available through AMP and YouTube. The proposed modification to the Rules is set forth below (additions shown in italicized font; deletions in strikeout font):

9. Preparation of Minutes. The City Clerk shall have exclusive responsibility for preparation of ~~the action~~ minutes, and any directions for changes in the minutes shall be made only by majority action of the City Council.

Council directed staff to come back with guidelines and samples for action minutes.

C. Paragraphs 13 and 15 - Debate:

To enhance equitable debate, and manage time more efficiently, Council approved a modification to limit the initial comment period by Councilmembers to five (5) minutes. Additions are shown in italicized font:

13. Rules of Debate.

- g) Limitation of Debate. No Council Member shall be allowed to speak more than once upon any particular subject until every other Council Member desiring to do so shall have spoken. *During the initial round of discussion, each Council Member shall be allowed to speak for up to five (5) minutes.*

Council also recommended that after a vote and majority approval on an agenda item, there shall not be continued comment or debate by Council.

15. Voting. Three affirmative votes are required to enact an ordinance or to adopt a resolution or motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other resolutions or motions. A “majority” refers to a majority of the quorum present.

Every ordinance shall be adopted by a roll call vote. All other matters may be referred to a vote unless a roll call is requested by any Council Member. On all matters for which a voice vote is authorized, the Presiding Officer may ask for, “objections to the question?” If no objection is expressed, the Presiding Officer shall, “so order,” and the minutes shall record a unanimous vote in favor. If any Council Member objects to the procedure, a roll call vote shall be call in the normal manner.

After a vote has been announced, and except for comments pursuant to Rule 22, no Council member shall comment or continue to debate the vote.

D. Paragraph 27 - Manner of Addressing Council

Paragraph 27 sets forth the allotted time for public comments. Council approved modifications to eliminate the requirement that members of the public provide their names as prerequisite to speaking, and limit public comment to up to three (3) minutes, at the discretion of the Mayor. Proposed additions are shown in italicized font; deletions are in strikeout font:

27. Addressing the Council

a) Manner of Addressing Council. Each person desiring to address the Council shall ~~step up to the speaker's rostrum, state his name and address for the record, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and, unless further time is otherwise specifically provided for in these rules or is granted by majority vote of the Council, shall limit his remarks~~ *may comment for up to four three (43) minutes, which may be limited at the discretion of the Mayor depending on time available and the number of speakers.* All remarks shall be addressed to the Council as a whole and not to any member thereof. ~~No question shall be asked a Council Member or a member of the City staff without the permission of the Presiding Officer.~~

Further, as Council re-ordered consideration of agenda items to entertain public comment prior to Council discussion and a motion, the following subsection has also been modified (additions shown in italicized text):

c) After Motion or Close of Public Hearing. After a motion has been made *or a public hearing has been closed*, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by the City Council.

The Rules and Procedures contain additional non-substantive revisions regarding incorporation of gender neutral language and correction of typographical errors.

Changes to the Agenda

A. **Public Comment**

Council approved proposed amendments to the current Agenda template in terms of public comments. While public comment is an essential part of local government meetings, the purpose of public comment is to inform the Council of the public's views, and not to enter into debate or dialogue with Council, or to have general public comment take precedence over items scheduled for action on the agenda. Council approved the following modifications to the Agenda template as shown in **Exhibit 2:**

- Language added to encourage written communications from the public.
- Limitation of general public comment at the meeting's outset to thirty (30) minutes. The Mayor can assess the number of speakers and may continue additional public comment to the end of the meeting.
- Limitation of public comment to up to three (3) minutes, at the Mayor's discretion.
- Public comment on the Consent Agenda will be heard under general public comment. In this way, the Consent Agenda may be called, and if no items are pulled by Council, adopted in one motion without additional public comment. Because of the 30-minute limitation, however, members of the public wishing to comment on the Consent Agenda must be given priority during general public comment as their input must be heard prior to Council action on the Consent Agenda items.
- The Agenda has been clarified to specify that only Council has discretion to pull a Consent agenda item for discussion.

B. Other Changes

- Added Land Acknowledgement (from Proclamation).
- Added notation that Council Member comments after a motion shall be limited to one (1) minute.
- Public hearing section clarified to specify a ten (10) minute speaking period for applicants/proponents, if any, and a three (3) minute public comment period.
- Clarification of Council Informational Reports to specify reports of attendance at meetings and conferences at City expense, as required by the Brown Act.

FUTURE ITEMS:

Council directed staff to return with a policy for agenda-setting, guidance and samples for Action Minutes, and additional efficiencies for utilization of the Consent Agenda.

CEQA:

Adoption of Resolution 2022- , which repeals and replaces Resolution 80-71 and its Amendments, is not subject to California Environmental Quality Act (CEQA) as it is not a “project” pursuant to Section 15378 of the CEQA Guidelines.

FISCAL IMPACT:

None identified.

CONCLUSION:

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

Respectfully submitted,

Heidi A. Quinn

Heidi Quinn
Interim City Attorney
City of Marina

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA REPEALING AND REPLACING RESOLUTION 80-71, AS AMENDED, REGARDING BEST PRACTICES FOR PUBLIC ENGAGEMENT AND MEETING EFFICIENCY.

WHEREAS, at the regular meeting of December 12, 1980, the City Council adopted Resolution No. 80-71 Establishing the Rules and Procedures for the Conduct of Meetings of the City Council (“Rules and Procedures”); and

WHEREAS, the City Council previously amended the Rules and Procedures by adopting Resolution Nos. 85-1, 90-09, 91-17, 92-30, 94-15, 98-03, 99-01, 2001-106, 2009-41, 2011-32, 2011-33, 2011-65, and 2019-107 (collectively, “Amendments”); and

WHEREAS, after discussion, the City Council directed staff to place on a future agenda a resolution to make proposed changes to the Rules and Procedures regarding public engagement and meeting efficiency; and

WHEREAS, staff proposes modifications to Rules and Procedures Paragraph 8 regarding Order of Business and Consideration and Sequence of Agenda Items, Paragraph 9 regarding Preparation of Minutes, Paragraph 13 and 15 regarding Debate, and Paragraph 27 regarding Manner of Addressing Council; and amendment of the Agenda format; and

WHEREAS, the prior resolution of this Council relating to Council meeting procedures, being Resolution No. 80-71, and its Amendments, are hereby repealed and replaced; and

WHEREAS, amendment of Resolution 80-71 and its Amendments, are not subject to California Environmental Quality Act (CEQA) as it is not a “project” pursuant to Section 15378 of the CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Rules and Procedures. The Rules and Procedures shall be modified as set forth in Exhibit 1, RULES AND PROCEDURES FOR THE CONDUCT OF THE MEETINGS OF THE MARINA CITY COUNCIL AND AMENDMENTS, attached hereto and incorporated by reference.

Section 3. Agenda Template. The Agenda format shall be in substantially the same form as Exhibit 2 attached hereto and incorporated by reference.

Section 4. Effective Date of Resolution. This Resolution shall take effect on immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held this 15th day of November 2022, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

**RULES AND PROCEDURES FOR
THE CONDUCT OF THE MEETINGS OF THE MARINA CITY COUNCIL
AND AMENDMENTS**

1. Purpose. The purpose of ~~this resolution~~these Rules is to establish the procedure for the presentation and determination of matters coming before the Marina City Council, to provide for the fair and efficient consideration of said matters, and to insure that the public is fully informed of the matters coming before the City Council and has an opportunity to witness the deliberations of the members thereof in the conduct of public business, and that proper public involvement in the deliberations of the council be encouraged.

2. Regular Meetings. The City Council shall hold regular meetings on the first and third Tuesday of each month convening at the hour of 5:00 p.m. if there is to be a closed session and convening in open session at the hour of 6:30 p.m. in the Council Chambers of City Hall, 211 Hillcrest Avenue in the City, or such other place within the City limits to which said meeting may be adjourned. If by reason of fire, flood or other emergency it shall be unsafe to meet in City Hall, the meetings may be held for the duration of the emergency at such other place and at such hour as is designated by the Mayor or, if he should fail to act, by three members of the City Council. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the following business day.

3. Study Sessions. The City Council shall meet in a study session on the first and third Tuesdays of each month at the hour of 7:00 o'clock p.m. in the Council Chamber of the City Hall, or at such other place as may be determined by the Council, for the purpose of hearing reports from the staff and reviewing, discussing and debating matters of interest to the City. Such sessions shall be open to the public and press. No official action shall be taken at a study session; provided, however, that nothing herein shall be deemed to prevent the taking of an informal vote on any matter under discussion. The participation of the public in such sessions shall be subject to the discretion of the presiding officer.

4. Special Meetings. Special meetings may be called at any time by the mayor, or by three members of the City Council, by delivering personally or by mail written notice to each Council Member and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any Council Member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any Council Member who is actually present at the meeting at the time it convenes.

5. Meetings to be Public - Exception for Executive Sessions. All regular and special meetings of the City Council shall be public; provided, however, the City Council may hold executive sessions during a regular or special meeting, from which the public may be excluded,

for the purpose of considering the matters referred to in §§54957-54957.6 of the Government Code of the State of California, as may be amended.

No member of the City Council, employee of the City, or any other person present during an executive session of the Council shall disclose to any person the content or substance of any discussion which took place during said executive session unless the City Council shall authorize the disclosure of such information by majority vote.

6. Agenda. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at a regular meeting shall be delivered to the City Clerk not later than 12:00 o'clock noon on the Wednesday preceding the meeting. The City Clerk shall prepare an agenda of all such matters according to the order of business (paragraph 8 ~~hereinbelow~~ herein below). The agenda shall be delivered or otherwise made available to the Council Members on the Friday preceding the Tuesday Council meeting to which it pertains, and shall be made available to the public no later than 10:00 o'clock a.m. on the Monday preceding the meeting. All matters shall be considered by the Council in the order listed on the agenda, to the extent of time available; provided, however, that the order of the agenda may be changed at any time by the unanimous consent of all Council Members then present at a meeting. Agenda items not considered or completed for lack of time shall become agenda items at the following meeting in accordance with the foregoing policies. No matters other than those on the agenda shall be finally acted upon by the Council; provided, however, that a matter deemed to be an emergency by any Council Member, the City Manager or the City Attorney, or a matter which would become moot if not acted upon at the council meeting at which it is brought up, with an explanation of the emergency or other necessity for bringing it up stated in open council meeting, may be placed upon the agenda by a motion, seconded and carried, and then may be considered and acted upon by the Council.

7. Council Correspondence.

a) Availability to the Public. Correspondence addressed to the City Council which is received by the City Clerk or any other officer or employee of the City *becomes a disclosable public record, unless subject to an exemptions under the California Public Records Act, as soon as it is received*. Correspondence received in the City Clerk's office or other offices after 12:00 o'clock noon on the Wednesday preceding a regular meeting shall not be placed on the agenda unless it concerns a matter to be considered by the Council at the next regular meeting or is determined by the Mayor or the City Manager to be an urgent matter which should be brought to the immediate attention of the Council. Correspondence shall not be read aloud at a Council meeting unless requested by a majority vote of the Council.

b) Authority of City Manager. The City Manager is authorized to open and examine all mail or other written communications addressed to the City Council and to give it immediate attention to the end that all administrative business referred to in said communications and not necessarily requiring Council action may be acted upon between Council meetings.

8. Order of Business and Consideration and Sequence of Agenda Items.

a) The business of the Council shall be taken up for consideration and disposition in the following order ~~(Resolution Nos. 94-15, 99-01, 2011-65 and 2019-107)~~:

1. Call to Order 5:00 p.m. (if there is to be a Closed Session)
2. Roll Call and Establishment of Quorum
3. Closed Session (if any)
4. Open Regular Session (6:30 p.m.) - Report Any Action taken in Closed Session
5. Moment of Silence & Pledge of Allegiance
6. Special Presentations
7. Special Council and Staff Announcements
- ~~7.8. and Communications from the Floor - 4 Minutes Each Person pursuant to Paragraph 27-a)~~ Public Comment – up to a maximum of three (3) minutes
- ~~8.9.~~ Consent Agenda
- ~~9.10.~~ Public Hearings
- ~~10.11.~~ Other Council Action Items
- ~~11.12.~~ Council & Staff Informational Reports
- ~~12.13.~~ Adjournment

b) The Mayor, at ~~his/her~~their discretion and subject to majority vote overruling ~~him/her~~them, may re-arrange agenda items, provided that any items 'pulled' from Item ~~89~~, 'Consent Agenda' shall be considered following the last item of Item ~~1011~~, 'Other Council Action Items'.

c) The following shall be the procedure for consideration and sequence of each Agenda Item, including Public Hearings:

1. Mayor Introduces the Agenda Item
2. City Manager/Executive Director (or designee/Council Member) Presents Staff Report
3. Applicant/proponent, when appropriate, up to 10 minutes (at Presiding Officer's discretion)
4. City Council Clarifying Questions of Staff and Applicant/Proponent*
- ~~5. Brief Council Comments and Motion~~
- ~~6.5.~~ Public Comments — 4 Minutes Each Person pursuant to Paragraph 27-a)
- ~~7.6.~~ Mayor Closes Public Hearing/Public Comments
7. Council Discussion
8. Council Motion and Brief Comment (1 minute each)
- ~~8.—~~
9. Council Vote

9. Preparation of Minutes. The City Clerk shall have exclusive responsibility for preparation of ~~the action~~ minutes, and any directions for changes in the minutes shall be made only by majority action of the City Council.

10. Reading of Minutes. Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Council Member with a copy.

11. Presiding Officer. The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of both the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Council Members present to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment. Wherever in ~~this resolution~~ these Rules the term Mayor is used, it shall apply equally to the Presiding Officer as defined in this section.

12. Powers and Duties of Presiding Officer.

a) Participation. The Presiding Officer may move, second, debate and vote from the Chair.

b) Question to be Stated. The Presiding Officer or such member of the City staff as ~~he~~ they may designate shall verbally restate each question immediately prior to calling for the vote. Following the vote the City Clerk shall announce whether the question carried or was defeated. The Presiding Officer in ~~his~~ their discretion may publicly explain the effect of a vote for the audience, or ~~he~~ may direct a member of the City staff to do so, before proceeding to the next item of business.

c) Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating ~~his~~ their signature which were adopted in ~~his~~ their presence, unless ~~he is~~ they are unavailable, in which case the signature of an alternate Presiding Officer may be used.

d) Sworn Testimony. The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require if directed to do so by a majority vote of the Council.

13. Rules of Debate.

a) Getting the Floor. Every Council Member desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine ~~himself~~ themselves to the question under debate, avoiding personalities and indecorous language.

b) Questions to Staff. Every Council Member desiring to question the City staff shall, after recognition by the Presiding Officer, address ~~his~~ their questions to the City Manager, the City Attorney, or to such other department head or member of the City staff as may be appropriate.

c) Interruptions. A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a

question by another Council Member. If a Council Member while speaking is called to order, ~~he~~ they shall cease speaking until the question of order is determined and, if determined to be in order, may then proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

d) Points of Order. The Presiding Officer shall determine all points of order subject to the right of any ~~Councilman~~ Council Member to appeal to the Council. The Presiding Officer may consult with the City Manager or the City Attorney in connection with determining a point of order, or may refer the question involved to either one for determination. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

e) Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which ~~his~~ their integrity, character or motives are questioned or where the welfare of the Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor only if the Presiding Officer recognizes the privilege.

f) Privilege of Closing Debate. The Council Member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate.

g) Limitation of Debate. No Council Member shall be allowed to speak more than once upon any particular subject until every other Council Member desiring to do so shall have spoken. During the initial round of discussion, each Council Member shall be allowed to speak for up to five (5) minutes.

14. Ordinances, Resolution and Motions--Precedents. When an ordinance, resolution or motion is properly brought before the Council and seconded by another Council Member, no other action shall be considered except a point of order, or a motion to adjourn to table, to table to a certain time, to close debate, to refer or to amend. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority.

Any of the foregoing motions shall be in order at any time the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken.

a) Motion to Table. If a motion to table (without time certain) passes, consideration of the matter may be resumed only upon the motion of a member voting with the majority on the motion to table.

b) Motion to Close Debate. When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put

pending amendment to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the council

c) Reconsideration. Providing that no intervening rights will be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent.

15. Voting. Three affirmative votes are required to enact an ordinance or to adopt a resolution or motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other resolutions or motions. A “majority” refers to a majority of the quorum present.

—Every ordinance shall be adopted by a roll call vote. All other matters may be referred to a vote unless a roll call is requested by any Council Member. On all matters for which a voice vote is authorized, the Presiding Officer may ask for, “objections to the question?”. If no objection is expressed, the Presiding Officer shall, “so order,” and the minutes shall record a unanimous vote in favor. If any Council Member objects to the procedure, a roll call vote shall be call in the normal manner.

After a vote has been announced, and except for comments pursuant to Rule 22, no Council member shall comment or continue to debate the vote.

16. Failure to Vote. Every Council Member should vote unless disqualified by reason of a conflict of interest. A Council Member who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.

17. Silence Constitutes Affirmative Vote. Unless a member of the Council states that ~~he~~they ~~is~~are not voting, ~~his~~their silence shall be recorded as an affirmative vote.

18. Tie Vote. Tie votes shall be lost motions and may be reconsidered.

19. Changing Vote. A member may change ~~his~~their vote only if ~~he~~they makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up. A Council Member who publicly announces that ~~he~~they are ~~is~~ abstaining from voting on a particular matter shall not subsequently be allowed to withdraw ~~his~~their abstention.

20. Disqualification for Conflict of Interest. Any Council Member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Council Member affected, be decided by the other Council Members or the City Attorney. A Council Member who is disqualified by reason of a conflict in interest in any matter shall not

remain in ~~his~~-their seat during the debate and vote on such matter, but shall request and be given the permission of the Presiding Officer to step down from the Council table. ~~The~~ Council Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

21. Remarks of Council Member and Synopsis of Debate. A Council Member may request through the Presiding Officer the privilege of having an abstract of ~~his~~-their statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

22. Protest against Council Action. Any Council Member shall have the right to have the reasons for ~~his~~-their dissent from, or protest against, any action of the Council entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons...".

23. Rules of Order. Except as otherwise provided in ~~this resolution~~these Rules, other rules adopted by the City Council or applicable provisions of State law, the procedures of the Council shall be governed, to the extent applicable, by the latest revised edition of Robert's Rules of Order.

24. Failure to Observe Rules of Order. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

25. Ordinances, Resolutions and Contracts.

a) All ordinances Shall be Prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor, or City Manager, or prepared by the City Attorney on ~~his~~-their own initiative.

b) Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Manager or ~~his~~-their authorized representative.

26. Reading of Ordinances and Resolutions. At the time of adoption of an ordinance or a resolution, it shall be read in full unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Council Members present. Such consent may be expressed by a statement by the Presiding Officer that "if there is no objection, the further reading of the ordinance or resolution shall be waived." If any Council Member so requests, the ordinance or resolution shall be read in full.

27. Addressing the Council.

a) Manner of Addressing Council. Each person desiring to address the Council shall ~~step up to the speaker's rostrum, state his name and address for the record, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and,~~ unless ~~further~~ time is limited or otherwise specifically provided for in these rules or is granted by majority vote of the Council, ~~shall limit his-their~~ remarks to ~~four-three~~ (43) minutes, which may be limited at the discretion of the Mayor depending on time available and the number of speakers. All remarks shall be addressed to the Council as a whole and not to any member thereof. ~~No question shall be asked a Council Member or a member of the city staff without the permission of the Presiding Officer.~~

b) Spokesman for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman spokesperson be chosen by the group to address the Council and, in case additional information or matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council.

c) After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by the City Council.

28. Rules of Decorum.

a) Council Members. While the Council is in session, the ~~members~~ Members must preserve order and decorum, and a ~~member~~ Member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any ~~member~~ Member while speaking or refuse to obey the orders of the Presiding Officer.

b) Employees. Members of the City staff and employees shall observe the same rules of order and decorum as are applicable to the City Council.

c) Persons Addressing the Council. Any person making impertinent, slanderous or profane remarks, or who becomes boisterous while addressing the Council, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer be barred from further audience before the Council during that meeting, unless permission to continue be granted by a majority of the Council.

d) Members of the Audience. Any person in the audience who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the Presiding Officer, shall be guilty of an infraction, and upon instructions from the Presiding Officer, it shall be the duty of the Sergeant at Arms to remove any such person from the Council Chamber and to place him under arrest or otherwise cause him to be prosecute under the law.

29. Enforcement of Decorum. The Director of Public Safety or such member or members of the Public Safety Department as ~~he~~they may designate, shall be Sergeant at Arms of the City Council and shall carry out all orders given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings. Any Council Member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Council shall require him to do so.

30. Public Hearings. The following rules shall apply to all public hearings, except when proceedings are held under general laws of the State of California which require different procedures

a) The Mayor shall state the subject matter of the hearing and declare the public hearing open. Before doing so, ~~he~~they may determine whether or not there are proponents or opponents who wish to make presentations, how many persons wish to be heard or other matters which may affect the conduct of the proceedings. ~~He~~The Mayor may impose and announce reasonable time limits on presentations or oral arguments by the public.

b) The City Manager or appropriate staff member shall give a factual summary of the matter.

c) The proponents shall be heard. (Written correspondence shall be summarized by the Clerk.)

d) The opponents shall be heard. (Written correspondence shall be summarized by the Clerk.

e) Each side shall be given a reasonable time for rebuttal. Additional speakers must limit their remarks to providing new information that was not already covered by other speakers.

f) Prior to the close of the public hearing, the Mayor shall give those persons wishing to place their names on the record as being for or against, without presenting an oral argument, an opportunity to do so.

g) The public hearing shall be declared closed.

h) The Council shall discuss and determine the matter.

i) After the public hearing is closed, the public shall not be recognized to speak except to answer any question not covered in the public hearing, and provided that whenever any such answer is given, the opposing side shall be given an opportunity to present facts in rebuttal of the answer given.

31. Policy on Public Input. It is the declared policy of the City Council that any member of the public wishing to be heard on a matter under consideration by the City Council shall be given a reasonable opportunity to do so. Prior to the vote on any issue, the Mayor shall determine

whether or not anyone present wishes to be heard. The Mayor may establish reasonable time limits for oral presentations and shall limit the presentation to the matter before the City Council at that time.

32. Absences from Council Meetings. Pursuant to Government Code §36513, if a City Council Member is absent without permission from all regular Council meetings for 60 days consecutively from the last regular meeting he attended, ~~his~~^{their} office becomes vacant and ~~he~~^{she} shall be filled by the Council as any other vacancy. In addition, should any Council Member be absent from two (2) consecutive regular Council meetings, or from three (3) regular Council meetings in any six-month period, without permission from (i.e., not excused ~~by~~^d) the Council, the Council may determine that the best interests of the City would be served by said Council Member's resignation, and may request such resignation in a letter authorized by vote of the Council.

33. Automatic Adjournment. Unless otherwise adjourned, all meetings of the City Council shall automatically be adjourned at 10:00 o'clock p.m., except that a majority may by one or more motions act to extend the automatic adjournment to not later than a specified time, or for completion of a particular item or items, as specified in the motion to extend the time of adjournment.²

34. Amendment of Rules. These rules may be amended by an affirmative vote of a majority of a quorum; provided, however, that except as to rules relating to adjournment, where a provision of these rules requires action by a specific affirmative vote which is greater than a majority of a quorum, then amendment to that rule requires the same vote required for the rule proposed to be amended.²

~~35. Prior Resolution Repealed. The prior resolution of this Council relating to Council meeting procedures, being Resolution No. 76-1, is hereby repealed.~~



AGENDA TEMPLATE

DATE

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

CITY COUNCIL, AIRPORT COMMISSION, MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE FORMER MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER SUSTAINABILITY AGENCY

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In accordance with California Government Code §54953(e)(1)(A) and (C) and the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020, under the provisions of Government Code §8625 related to the COVID-19 (coronavirus) pandemic, consistent with recommendations by State and local health officials regarding social distancing and in order to prevent an imminent risk to the health and safety of attendees as determined in Resolution 2022-78, public participation in City of Marina City Council public meetings shall be electronic only and without a physical location for public participation until the earlier of May 31, 2022, or such time as the City Council may adopt a resolution in accordance with Government Code §54953(e)(3). 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 City Council 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.

The most effective method of communication with the City Council is by sending an 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. Council 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 Council 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 in 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)**

LAND ACKNOWLEDGEMENT

The City recognizes that it was founded and is built upon the traditional homelands and villages first inhabited by the Indigenous Peoples of this region - the Esselen and Ohlone/Costanoan, their ancestors and allies - and honors these members of the community, both past and present.

1. **CALL TO ORDER**2. **ROLL CALL & ESTABLISHMENT OF QUORUM:** (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

Cristina Medina Dirksen, David Burnett, Lisa Berkley, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado

3. **PUBLIC COMMENT:**4. **CLOSED SESSION:** *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers Milias-Brown Act representative.*

a. Conference with Legal Counsel, Item #1

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION5. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)

6. SPECIAL PRESENTATIONS:

- a. Presentation #1

7. ~~SPECIAL COUNCIL AND STAFF ANNOUNCEMENTS AND~~

8. ~~COMMUNICATIONS FROM THE FLOOR~~PUBLIC COMMENT: ~~Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which-that is not on the agenda. Please state your name for the record. This is the appropriate place to comment on items on the Consent Agenda. Action will not be taken on an-items that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council 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~~Comments are limited to a maximum of ~~four-three~~ (43) minutes. ~~General public comment may be limited to thirty (30) minutes and/or continued to the end of the agenda.~~ Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council. ~~Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.~~

9. CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine and non-controversial. 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~~ City Council may ask a question or make a comment about an agenda item and staff ~~will-may~~ provide a response. If discussion or a lengthy explanation is required, ~~the Council may that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency~~remove an item from the Consent Agenda for individual consideration. If an item is pulled for discussion, it ~~and will be~~ placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.

10. CONSENT AGENDA: ~~Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these~~These items are considered to be routine and non-controversial. All items under the Consent Agenda ~~are normally~~may be approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff ~~will-may~~ provide a response. If discussion or a lengthy explanation is required, ~~Council may that item will be remove the item~~from the Consent Agenda and it will be placed at the end of Other Action Items.

a. ACCOUNTS PAYABLE:

- (1) Accounts Payable Check Numbers XXX– _____, totaling \$

b. MINUTES:

- (1) DATE, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: Noned. AWARD OF BID: Nonee. CALL FOR BIDS: Nonef. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting Resolution No. 2022-, regarding . . .

g. APPROVAL OF AGREEMENTS:

(1) City Council consider adopting Resolution No. 2022-, approving . . .

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: Nonei. MAPS:j. REPORTS: (RECEIVE AND FILE): Nonek. FUNDING & BUDGET MATTERS: Nonel. APPROVE ORDINANCES (WAIVE SECOND READING):

(1) City Council consider adopting Ordinance No. 2022-, approving . . .

m. APPROVE APPOINTMENTS: None

11. PUBLIC HEARINGS: *In the Council's discretion, the applicant/proponent of an item may be given up to ten (10) minutes to speak. All other persons may be given up to three (3) minutes to speak on the matter.*

a. City Council open a public hearing and consider adopting Resolution No, 2022-, approving . . .

12. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. ~~The public is invited to approach the podium to provide up to four~~Members of the public may be given up to three ~~-(43)~~ minutes ~~of public comment to speak.~~*

13. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council 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.~~Members of the public may be given up to three (3) minutes to speak.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

a. City Council consider . . .

14. COUNCIL & STAFF INFORMATIONAL REPORTS:

a. Monterey County Mayor's Association [Mayor Bruce Delgado]

b. ~~Council and staff opportunity to ask a question for clarification or make a brief report on his or her own~~Council reports on meetings and conferences attended ~~(activities as permitted by Government Gov't~~ Code Section ~~54954.253232).~~

ADJOURNMENT:

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 6:30 p.m., Friday, July 15, 2022.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.cityofmarina.org), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review at the City Clerk's Office during regular office hours and in a 'Supplemental Binder' at the meeting.

Members of the public may receive the City Council, Airport Commission and Successor Agency of the Former Redevelopment Agency Agenda at a cost of \$55 per year or by providing a self-addressed, stamped envelope to the City Clerk. The Agenda is also available at no cost via email by notifying the City Clerk at marina@cityofmarina.org

*ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. Council Chambers are wheelchair accessible. ~~M~~meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. ~~T~~o 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. ~~R~~equests must be made at least **48 hours** in advance of the meeting.*