

RESOLUTION NO. 2022-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING
THE RESUMPTION OF CITY COMMISSIONS, COMMITTEES AND BOARDS AND
AUTHORIZING THE DISBANDING OF THE DESIGN REVIEW BOARD.

WHEREAS, The City of Marina issued an Emergency Proclamation and temporarily discontinued all City Commissions, Committees and Boards due to the Covid pandemic except for those required by State law; and

WHEREAS, Under Covid protocol and in compliance with State guidelines, these commissions, committees and boards are allowed to meet again in-person over Zoom or with a hybrid type meeting; and

WHEREAS, City staff is at level to where they can provide most of the staff support needed to resume these commissions, committees and boards; and

WHEREAS, There is a public need and benefit to resuming the Public Works Commission, the Recreation and Cultural Services Commission, the Economic Development Commission and the Tree Committee; and

WHEREAS, Due to SB 330, SB 8 and over thirty-one (31) other housing related bills limiting the City to only five (5) meetings in total for a review of a housing project and new requirements for specific adopted objective standards, bringing back the Design Review Board will cause problems with the new streamlining standards and requiring consistency with adopted objective standards.

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

- (1) Recreation and Cultural Services Commission,
- (2) The Public Works Commission
- (3) The Tree Committee
- (4) Direct staff to come back to us at their pace with the Economic Development Commission and Design Review Board with further analysis

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 16th day of August 2022, by the following vote:

AYES: COUNCILMEMBERS: Medina Dirksen, Burnett, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: Berkley

ABSENT: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

August 10, 2022

Item No. **11b**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 16, 2022

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2022-
AUTHORIZING THE RESUMPTION OF CITY COMMISSIONS,
COMMITTEES AND BOARDS AND AUTHORIZING THE DISBANDING
OF THE DESIGN REVIEW BOARD**

REQUEST:

It is requested that the City Council adopt Resolution No. 2022 -

1. Authorizing the resumption of the Recreation and Cultural Services Commission, the Public Works Commission, the Economic Development Commission and the Tree Committee.
2. Authorizing the disbanding of the Design Review Board.

BACKGROUND:

In March 2020, the City Manager issued an Emergency Proclamation subsequently approved by the City Council temporarily discontinuing all City Commissions, Committees and Boards except for those required by State law.

Since March 2020, the only regular public meetings being held in the City are the City Council and Planning Commission meetings. Under Covid protocol and in compliance with State guidelines these meetings have been functioning only over Zoom and have not been in-person yet.

Recently adopted new State law continues to allow these meetings to continue exclusively over Zoom, however, in-person or hybrid meetings are also allowed.

At this point, the City of Marina is not scheduling in-person City Council or Planning Commission meetings. Staff has looked at minimum upgrades to the city council chambers that would provide for improvements for better social distancing for the council, staff and members of the public; improved ventilation; improved lighting; replacing of the carpet and painting; and upgrades to video equipment for hybrid type meetings etc. These bare minimum upgrades will be around \$250,000. Given that we are still pursuing a potential bond measure for a new community center facility, we are holding off making any of these bare minimum improvements for now and will continue with Zoom meetings.

ANALYSIS:

Staff is recommending that the City Council authorize the resumption of the Recreation and Cultural Services Commission, the Public Works Commission, the Economic Development Commission and the Tree Committee as soon as possible. Most members of these Commissions and Committees terms have expired, so staff will need to begin advertising for new commissioners and committee members.

Whether or not the Commissions and Committees will meet over Zoom or in-person will be determined by staff working with the Chair and the Staff Liaison from the Council for the various commissions and committees.

On November 12, 2019, a presentation was made to a joint City Council/Planning Commission meeting by Erik Ramakrishnan, special counsel with Goldfarb and Lipman, regarding recent changes to state laws with specific emphasis on Senate Bill SB 330 and the new provisions after a formal housing project submittal is received. Under the new law, the City is limited to only five (5) meetings in total for the review of the project with advisory meetings and community meetings included in this total.

The Council directed staff to look at different structures to utilize the advisory commissions and committees to review trees and designs during the plan review process while taking into account the new state law and leaving at least two meetings each for the City Council and Planning Commission to review a project application. The following is staff's analysis of this issue.

Tree Committee

Per the City's Tree Ordinance, if a tree is planned for removal in Marina the Tree Committee is required to give approval with certain exceptions.¹ Under the provisions of the Marina Municipal Code, an arborist report shall be submitted for the removal of a tree.² For most land development projects, trees are on the lot and the expertise of an arborist are needed to evaluate if trees can be saved, relocated or removed as part of the project. The Tree Committee can play a valuable role in providing input to city staff and the arborist in ensuring the appropriate number of trees are removed and replaced so long as the direction provided is in a manner that is consistent and objective.

Staff is recommending that the Tree Committee start meeting again. Staff and the City Attorney will work together in determining the impact of SB330 with this Committee meeting again. An independent meeting of the Tree Committee will count as one of the five meetings for an application. Typically, most applications will not require five meetings so there typically would not be an impact having the Tree Committee meetings. If a more complex development application were filed and staff felt we might be pressed in approving the project in five meetings, the Tree Committee meetings could be scheduled and held as part of the Planning Commission meeting and would not count as an independent meeting.

An alternative would be to disband the Tree Committee and try to appoint a couple new Planning Commissioners that had tree or arborist experience and as part of the applicants discussion at the Planning Commission, part of that meeting would include a Tree Committee like discussion with specific reviews of trees in the application project. A major downside of this approach is that any tree issues would not be resolved prior to the Planning Commission meeting.

Another alternative would be to hire an arborist to peer review reports submitted by applicants. A major downside of this approach would be public input would not be included in the process until the application got to the Planning Commission. Staff is not recommending either of these alternatives.

Design Review Board (DRB)

Per the Marina Municipal Code, the Design Review Board is charged with providing recommendations to the Planning Commission on the site and architectural review of projects.³ Additionally, the Municipal Code delegates review of sign permits to the Design Review Board as well.⁴ Recent changes to state law mandate that all cities streamline the development of housing

¹ See Section 17.62.040 for the common exceptions to the tree removal permit process, including the most common which is if the tree is on an R-1 Single Family lot, <https://marina.municipal.codes/Code/17.62.040>

² See 17.62.060 of the Marina Municipal Code, <https://marina.municipal.codes/Code/17.62.060>

³ See 17.56.010-Site and architectural design review board—Approval required when.

⁴ 17.46.040-Design review board approval required.

projects. On October 9, 2019, Governor Newsom signed Senate Bill 330 and in doing so declared a statewide housing emergency to be in effect until January 1, 2025. The subsequent signing of SB 8 extended this emergency to January 1, 2030.⁵ In total, thirty-one (31) housing related bills have been signed by Governor Newsom in the past few legislative cycles all with the intent to streamline the development of housing projects and to further limit the ability of local agencies to deny housing projects.

In addition to the plethora of housing bills, after January 1, 2020, multifamily housing projects, transitional and supportive housing and mixed-use projects with at least two-thirds (2/3s) of the square footage designated for residential uses, must be reviewed for conformance with objective zoning standards:

*“Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.*⁶

If a city wants to deny a housing project,⁷ it must make specific findings of fact detailing how the project is not consistent with objective design standards and that the project has a specific adverse effect to public health and safety that can’t be mitigated in any other way.⁸ In effect “super findings of fact” must be made to deny a multifamily housing and mixed-use project moving forward.⁹

Given the provisions of SB 330 after a formal submittal is received, limiting the City to only five (5) meetings in total for the review of the project with advisory meetings and community meetings included in this total, and because the general orientation of housing bills is moving towards streamlining of development and requiring consistency with adopted objective standards, city staff are not recommending bringing back the DRB.

However, there is utility in having some type of architectural review of the submitted plans so the Planning Commission can rely on this expertise. As such, until such time as the objective zoning standards are adopted by the City Council it makes sense from a policy perspective to have architectural plans peer reviewed by a licensed architect or urban designer of the City’s choosing to ensure the bulk, mass and scale of the development is consistent with the existing neighborhood and the Marina Design Guidelines.

In terms of the DRB review of sign permits, for the most part, sign permits have a very clear review process by staff. A sign must meet certain height, wattage, and square footage requirements. If met, in most municipal agencies, a permit is granted. Marina has the additional requirement that sign permits, in most commercial properties also comply with a Master Sign Program (MSP) to further ensure a sign has the same look and feel of neighboring buildings. Making applicants attend a public hearing for practically every sign permit seems like a burden on applicants and unnecessary delays issuance of permits. Additionally, public view of sign permits unnecessary drives up the cost of the permit. As such, this is another example of the City Council being able to reimagine the development review process for the benefit of customers and residents.

⁵ SB 330 (Housing Crisis Act of 2019).

https://leginfo.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200SB330.

See also Senate Bill 8- https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB8

⁶ Housing Accountability Act and Senate Bill 35 (Government Code Sections 65589.5 and 65913.4),

⁷ Per recent changes to the Housing Accountability Act (HAA) a housing project is defined as two or more units.

⁸ Metropolitan Transportation Commission (MTC) presentation:

https://mtc.ca.gov/sites/default/files/Planning_Innovations_Presentations.pdf

⁹ The City Council will be reviewing the objective zoning standards contract in September and city staff look forward to completing this project in the near term

If the Council authorizes disbanding the Design Review Board, staff will bring back to the Council an Ordinance amending the Municipal Code to abolish this body. Additionally, staff will continue working on the Objective Zoning Standards and will create a list of architects or urban designers who can peer review housing projects in the interim period.

FISCAL IMPACT:

There is no additional fiscal impact for bringing back the existing advisory commissions, committees and boards other than the additional staff support and resources needed to prepare for and facilitate their meetings.

CONCLUSION:

Advisory committees provide a valuable policy tool for the City Council, as these legislative bodies can be subject matter experts for the City Council and provide another vehicle for public input on various municipal issues facing the City of Marina.

The Public Works Commission, Recreation and Cultural Services Commission, Economic Development Commission and Tree Committee are recommended to be resumed with recruitment for the vacant positions on these to begin as soon as possible. However, considering recent changes to state law, bringing back the Design Review Board is not recommended.

PREPARED:

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

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina