

RESOLUTION NO. 2024-31

A RESOLUTION OF THE CITY COUNCIL DENYING THE APPEAL OF CDP 23-0004 (3014 LAKE CT./APN 033-171-016) AND UPHOLDING THE PLANNING COMMISSION'S FEBRUARY 8, 2024, APPROVAL BASED ON FINDINGS, CONDITIONS OF APPROVAL, AND § § 15301 AND 15303 CEQA EXEMPTIONS.

WHEREAS, Lake Court west of Highway 1 is a remnant neighborhood that was severed when the highway was developed;

WHEREAS, there are four (4) small residential properties, three are developed with small single-family residences and one is vacant;

WHEREAS, the subject property, 3014 Lake Ct, according to Monterey County Assessor records, has been developed with a small single-family residence since the 1930s and has been occupied, on and off, over the years due to the fact that it has not had a reliable, adequate water supply, but does have gas and electrical service through PG&E;

WHEREAS, on February 8, 2024, the Planning Commission held a public hearing on the application for a Coastal Development Permit (CDP) as well as a Conditional Use Permit (CUP) for the project which includes re-establishing a residential use for an existing residential dwelling structure, constructing a 480-sf detached garage and installing a 5,000-gallon residential water tank¹;

WHEREAS, the Planning Commission, at the duly noticed public hearing on February 8, 2024, adopted Resolution 2024-02 approving CUP/CDP 23-0004;

WHEREAS, on February 20, 2024, Tina Walsh, owner of 3010 Lake Ct. filed a letter appealing approval of the CDP to the City Council raising only three issues:

- a) That the project re-establishment of this residential use is future development and, therefore needs to be connected to public water;
- b) That there is no finding that the private sewage disposal system is constructed in conformance with Monterey County Health Department Standards; and
- c) That the site plan fails to indicate parking areas and a circulation and loading area for deliveries of water;

WHEREAS, the existing home is served by an onsite sewage disposal system which includes a leach field in the front yard within the approximate location of the driveway to the proposed new garage. A condition of approval is included requiring that, prior to issuance of a certificate of occupancy, the applicant shall provide verification to the City that an inspection and test of the existing onsite SDS has been conducted by a qualified contractor and concluded that the existing system is in adequate working order to support the occupancy and use of the residence as authorized;

¹ Section 17.40.200G (Exemptions) of the City's Zoning Code exempts garages, decks, workshops and other nonhabitable accessory structures from the coastal development permit requirement.

WHEREAS, the current Local Coastal Program (LCP), which is made up of the LUP and the Implementation Plan (IP) together, has several policies that require that “new development” and “future development” be served by public water;

WHEREAS, the Land Use Plan in the City’s LCP specifically allows for the continuation of the *existing* residential uses on these parcels, including 3014 Lake Ct., *provided that water requirements can be met*;

WHEREAS, the existing residential properties, including 3014 Lake Ct., thus, are not “future development” or “new development” explicitly requiring “public water connections” or requiring “to be served by water lines”;

WHEREAS, “water requirements can be met” for these existing residential uses by public water or, alternatively, by storage tanks as expressly provided in [Section 17.40.120.B.12](#) of the City’s Coastal zoning regulations, which state that “Water facilities, including wells and ***storage tanks***, serving less than three domestic users are permitted in any zoning district” (emphasis added) within the Coastal Zone;

WHEREAS, water requirements can be met with the installation of a new 5,000 gallon water storage tank and associated pump facilities to serve the existing residence at 3014 Lake Ct thereby providing a legally-habitable home for the property owner;

WHEREAS, the proposed detached garage and other code-related improvements to the residence are ancillary to the residential use re-established by the Planning Commission’s issuance of the Conditional Use Permit (CUP) which was not appealed;

WHEREAS, the Planning Commission’s approval of the Coastal Development Permit is subject to findings (**Exhibit A**), conditions of approval (**Exhibit B**), and site and floorplan provided (**Exhibit C**); and

WHEREAS, the project is exempt from environmental review per § § 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines pertaining to Existing Facilities and New Construction or Conversion of Small Structures, respectively.

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

1. Find that the foregoing recitals are adopted as findings of the City Council as though set forth fully herein.
2. Deny the appeal based on such findings, and uphold the decision of the Planning Commission, including:
 - a. Making the findings set forth in Exhibit A, attached hereto;
 - b. Adopting the Resolution to approve CDP 23-0004 subject to the conditions of approval in Exhibit B, attached hereto, and based on the site plan and floorplan attached hereto as Exhibit C; and

- c. Finding the project is exempt from environmental review per § § 15301 and 15303 of the CEQA Guidelines pertaining to Existing Facilities and New Construction or Conversion of Small Structures, respectively.
3. Direct staff to submit the City's Notice of Final Action to the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of April 2024, by the following vote:

AYES, COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES, COUNCIL MEMEBRS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Exhibit A

Findings

Coastal Development Permit § 17.40.200.E – Granting

The finding is in standard font with Staff's response following in *italics*.

In considering an application for a coastal development permit the planning commission shall consider and give due regard to the Marina general plan and local coastal land use and implementation plans. The planning commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of the particular case, be consistent with the general plan and local coastal land use and implementation plans, based upon the following findings that the project will:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the planning guidelines listed in the LCLUP;

The subject neighborhood is located on the west side of the Highway 1 right-of-way (ROW) but is substantially lower than the highway and is below the line of site from the highway to the dunes west of Lake Ct. There are no major ocean view corridors in this location as the dunes block the views. The LCP's land use policies, specifically relating to the Marina State Beach Planning Area, allow for the privately-owned parcels to the east of Lake Ct. to "...build out with one residence per existing parcel provided that water requirements can be met." (pg. 30, LUP). The proposal is to legitimize an existing residential structure that has existed since the 1930s, according to Assessor records, by providing a permanent residential water source. The water tank will be filled periodically by a potable water delivery service.

- b. Be subject to approval of the site and architectural design review board, including the planning guidelines listed in the LCLUP;

Design Review does not apply to the development of single-family residential structures per MMC 17.56.010.

- c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in lieu thereof as required in the LCLUP and coastal zoning ordinance access components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the city, prior to issuance of a certificate of occupancy;

The project neither includes nor affects coastal access. The existing access to the Marina State Beach properties across the street will not be affected by this project.

- d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures;

Per the City's draft Coastal Hazards Vulnerability mapping associated with the pending Coastal Hazards & Sea Level Rise LCP amendment, Lake Ct. is not in a zone that would be subject to coastal erosion or coastal storm flooding.

- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance;

According to the LCLUP, the properties on the east side of Lake Ct. do not contain sensitive habitat areas and has been developed with small residences and accessory buildings since prior to the City's incorporation.

- f. Be consistent with beach parking standards, as established in the LCLUP access component;

No beach parking is required as part of this project.

- g. Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR;

The 4,875 sq. ft. parcel is currently developed with a small residence, an onsite sewage disposal system, and two (2) outbuildings. There is no applicable EIR related to this site. As the project is exempt from CEQA, no mitigation measures are required.

- h. Not interfere with public access along the beach;

There is public beach access provided from two (2) locations on Lake Ct., a public street. The proposed project will not interfere, block or otherwise effect public access at these two points.

- i. Comply with the access, shoreline structure and habitat protection standards included in the local coastal land use and implementation plans;

As the proposed project will not affect access or shoreline structures or require the use of habitat protection standards, compliance with these are not applicable to this project or site.

- j. Comply with the housing element and housing recommendations of the local coastal land use and implementation plans;

The site is planned and zoned for public facilities which allow the development of one single-family residence with a CUP. If approved, the project will result in no net change in the number of housing units.

- k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies;

No demolition is proposed.

- l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.

No mining operations are proposed.

LCP Land Use Plan consistency

The LUP's Land Use Description by Planning Area (p.27) notes that ... *South of the proposed corporation yard site is a subdivided area in private ownership and partial residential use. The priority use for this area is for expansion of the City's corporation yard. This will enable protection of all the adjacent dune areas which are potential habitat for several rare and endangered species and on which development is inappropriate. Public ownership of all the lands requiring Lake Court access will, additionally, enhance possible management measures for this sensitive area, such as nighttime closure of the road. **In the absence of public acquisition, this area should be permitted to build out with one residence per existing parcel provided that water requirements can be met.** [emphasis added] Low-intensity non-vehicular recreation uses should also be permitted (such as a tent campground). If the residential uses are removed, comparably priced housing elsewhere in the western portion of the City is currently available. The public service facilities designation in this area is consistent with the following Coastal Act policies: 30211 ..."*

Exhibit B

Conditions of Approval

1. Substantial Compliance – The project shall be accomplished in substantial accordance with the site plan dated November 27, 2023, as may have been amended by the Planning Commission.
2. Construction Compliance – All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff and may require Planning Commission approval. At a minimum, the items set forth in the City's Chief Building Official's memo dated November 20, 2023, will be required to bring the structure up to minimum residential occupancy.
3. Terms and Conditions – These terms and conditions shall run with the land, and it is the intention of the CDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
4. Public Works, Fire and Building – Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. Permit Expiration – This permit shall expire and be null and void if a building permit has not been applied for within two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
6. Archeology and Inadvertent Discovery – When human remains or other cultural artifacts are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the Most Likely Descendant.
7. Verification of Compliance with Marina Coast Water District and Monterey Co. Environmental Health Regulations – Prior to issuance of a building permit(s), the applicant shall provide verification from both agencies that the installation of an above-ground residential water tank and ancillary pump devices does not require a permit from their respective agencies.
8. Sewage Disposal System (SDS) – Prior to issuance of a certificate of occupancy, the applicant shall provide verification to the Marina Community Development Dept. (CDD) that an inspection and test of the existing onsite SDS has been conducted by a qualified contractor and concluded that the existing system is in adequate working order to support the occupancy and use of the residence as authorized.

9. Compliance with Other Requirements – The permittee shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans.
10. Compliance with Conditions of Approval – The permittee shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the permittee's expense that the as-built project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, Marina Municipal Code (MMC) Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with MMC Chapters 1.08, 1.10 and 1.12.
11. Revocation – Where one or more project Conditions of Approval are not met, or where a project was approved on the basis of false material information given willfully, intentionally or negligently by the permittee, the appropriate authority may revoke or modify the approval for the project.
12. Appeal (City) – Per MMC 17.40.270, the Planning Commission's action on the CDP and CUP are appealable to the City Council. An appeal, in writing, shall be received by the City Clerk within ten (10) days of the action of the Planning Commission.
13. Appeal (Coastal Commission) – The property is located in the Coastal Appeals Zone. Any locally-issued CDP within this mapped area may be appealed to the California Coastal Commission (CCC) in accordance to Public Resources Code (PRC) § 30603(b) and (c). An appellant must exhaust local appeal remedies prior to appealing to the CCC. The CCC appeal periods ends at the close of the 10th business day from the CCC's receipt of the local authority's Notice of Final Action.
14. Indemnification - To the extent allowable by law, the owner, applicant, and operator agree to hold the City harmless from costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any state or federal court challenging the City's actions with respect to the project. The owner, applicant, and operator understand and acknowledge that the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.

Conditions 15-18 Below Were Added by the City Council at the Public Hearing on April 2, 2024:

15. Tank Color and Height – the water tank installed shall be of a sand or similar color that blends in with the natural surroundings and shall be the shortest 5,000-gallon tank available to minimize impacts to views from the highway.
16. Restriction on ADUs/JADUs – the property shall not be developed with any additional residential uses other than the existing residence. There shall be no conversion of existing or new development (e.g., the detached garage authorized by this permit) for additional residential use.

17. CDP Renewal – in ten (10) years from the date of approval (April 2034), the property owner shall apply to the CDD for a renewal of the CDP. In addition to the standard findings for a CDP as codified in the MMC and compliance with the Local Coastal Program (LCP) in effect at the time of the renewal application review, the review authority shall also verify that site conditions are the same as what is authorized by CDP 24-0004.
18. Connection to Public Water – should a public water main be extended south on Lake Ct. to or beyond the subject property, the property owner shall connect to said water main within two (2) years of the completion of the installation of the main.
19. Permit Authorization and Signature – The Use Permit is not valid, and construction shall not commence until the below affidavit is signed and the approved Conditions (this form) are returned to the Community Development Department.
 - a. I attest to the truth and correctness of all the facts, exhibits, maps, and attachments presented with and made a part of the application for the project as described herein
 - b. I understand and agree to implement all conditions throughout the duration of the project.
 - c. I acknowledge that any changes to the conditions of approval would require modification of the conditional use permit by the approval authority.

Permittee's Name: _____ Date: _____

Permittee's Signature: _____ Date: _____

- d. I am the owner of the property involved in this project, and I authorize the person named above to act on my behalf throughout the duration of the project.

Property Owner's Name: _____ Date: _____

Property Owner's Signature: _____ Date: _____

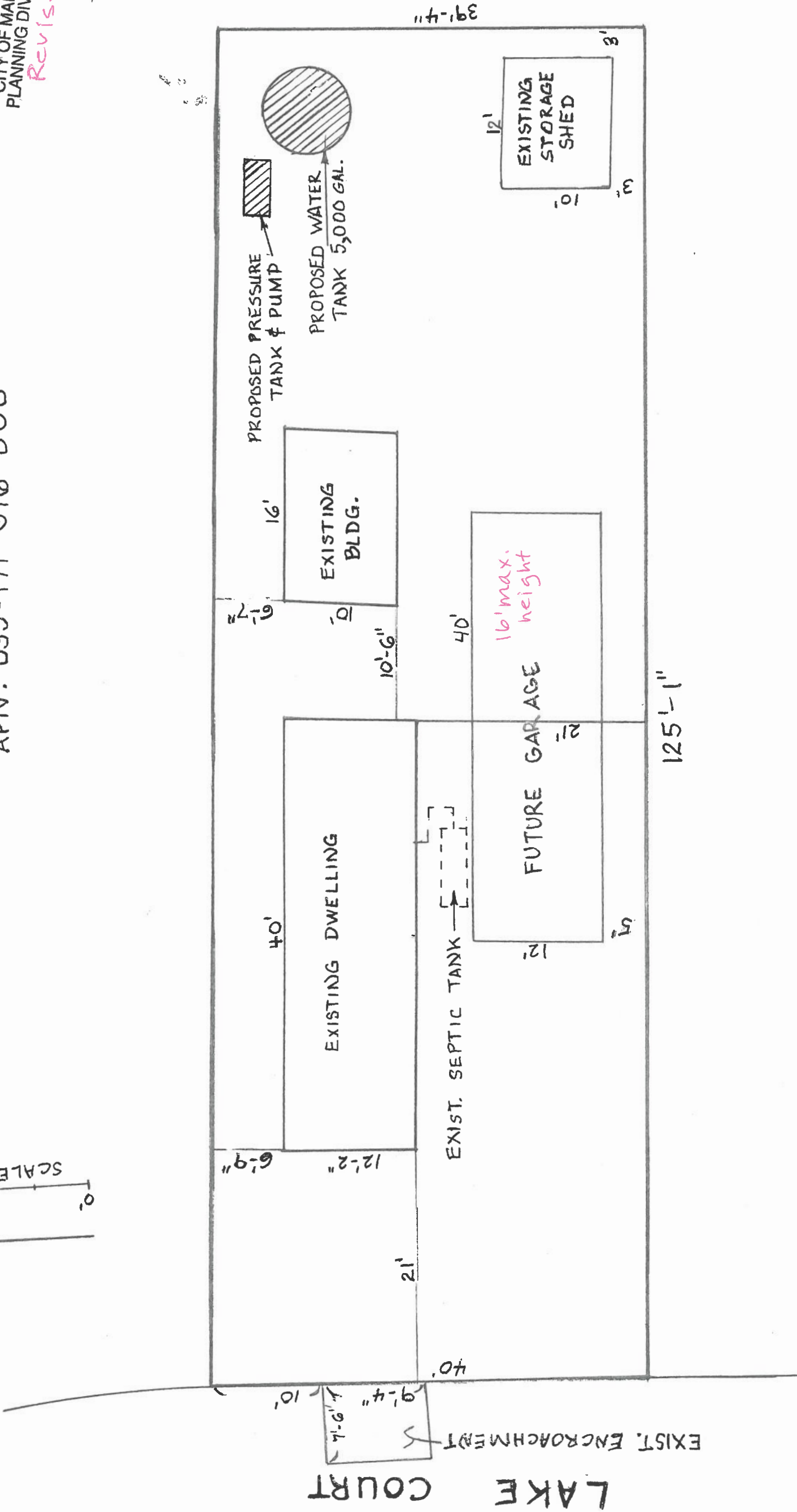
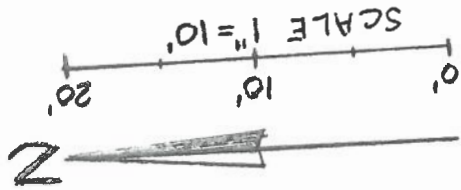
Exhibit C

Site Plan and Floorplan

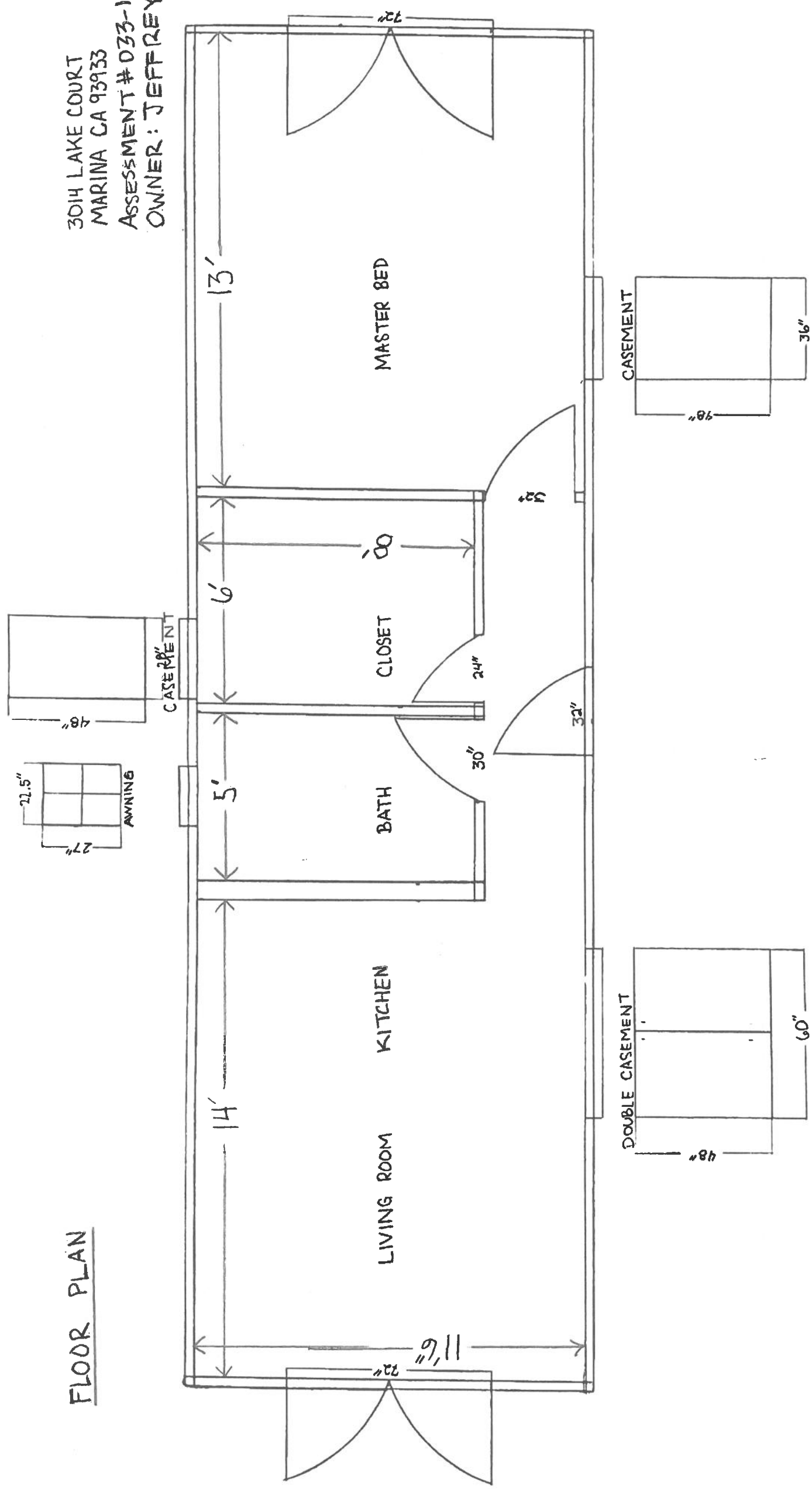
PLOT PLAN

OWNER: JEFFREY PERRINE
LOCATION: 3014 LAKE CT., MARINA, CA.
APN: 033-171-016-000

RECEIVED
JAN 22 2024
CITY OF MARINA
PLANNING DIVISION
Revised



3014 LAKE COURT
MARINA CA 93933
ASSESSMENT # 033-171-016-000
OWNER: JEFFREY PERRINE



**CITY OF MARINA
PLANNING DIVISION**

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting
of April 2, 2024

**CITY COUNCIL ADOPT RESOLUTION NO. 2024-, UPHOLDING
THE PLANNING COMMISSION'S APPROVAL OF CDP 23-0004
AND DENYING THE APPEAL BASED ON CONDITIONS OF
APPROVAL, REQUIRED FINDINGS, AND CEQA EXEMPTIONS
15301 AND 15303.**

RECOMENDATION:

It is recommended that the City Council adopt Resolution No. 2024-, upholding the Planning Commission's approval of CDP 23-0004 and denying the appeal based on conditions of approval, required findings, and CEQA exemptions 15301 and 15303.

BACKGROUND:

Lake Ct. west of Highway 1 is a remnant neighborhood that was severed when the highway was developed. There are four (4) small residential properties, three are developed with small single-family residences and one is vacant. But for the neighbor immediately south of the subject property (3010 Lake Ct), who filed the appeal, the two other residences either have no current water service or are nominally served by an onsite well. These properties are also served by onsite sewage disposal systems (SDS). The residence at 3010 Lake Ct. obtained a private water connection with a separate meter off the City's corporation yard at some point in the past and currently receives public water independently from any other properties.

The subject property, 3014 Lake Ct, according to Monterey County Assessor records, has been developed with a small single-family residence since the 1930s. It has been occupied inconsistently for several years due to the fact that it has not had a reliable, adequate water supply. However, it does have gas and electrical service through PG&E.

On February 8, 2024, the Planning Commission held a public hearing on the application for a Coastal Development Permit (CDP) as well as a Conditional Use Permit (CUP) for the project which includes re-establishing a residential use for an existing residential structure, constructing a 480-sf detached garage and installing a 5,000-gallon residential water tank¹. Following the public hearing, the Planning Commission approved both the CDP and CUP for the proposed project. For additional background information and to view the February 8th Planning Commission hearing and testimony, please refer to the staff report and video on the City's Agenda Center website:

<https://cityofmarina.org/AgendaCenter/ViewFile/Item/1288?fileID=6635>.

On February 20, 2024, Tina Walsh, owner of 3010 Lake Ct. filed a letter appealing approval of the CDP to the City Council ("appellant"). Because the appeal (**Exhibit A**) was only pertaining to the CDP, the CUP approved by the Planning Commission at the same time as the CDP, stands and remains in effect. The letter raises several questions, but for purposes of the appeal of the CDP raises at least three issues:

- a) That the re-establishment of this use is future development and, therefore, needs to be connected to public water;
- b) That there is no finding that the private sewage disposal system is constructed in conformance with Monterey County Health Department Standards; and

¹ Section 17.40.200G (Exemptions) of the City's Zoning Code exempts garages, decks, workshops and other nonhabitable accessory structures from the coastal development permit requirement.

c) That the site plan fails to indicate parking areas and a circulation and loading area for deliveries of water.

The appeal does not dispute that residential use is allowed as both contemplated in the City's Land Use Plan (LUP), and an allowed use per the CUP granted by the Planning Commission and not appealed; only that such use must be connected to public water.

ANALYSIS:

All the properties on Lake Ct., the State's Marina State Beach property to the west and the City's corporation yard and former animal shelter property, and the four residential properties, have a general plan designation of Open Space per the City's current coastal Land Use Plan (LUP) and are zoned Public Facility (PF).

The current Local Coastal Program (LCP), which is made up of the LUP and the Implementation Plan (IP) together, has several policies that require that "new development" and "future development" be served by public water.

For instance, the LUP states that "All **future development** in Marina's Coastal Zone shall be required to have public water connections" (LUP at p. 3-12, emphasis added), and that "**New development** in the [Coastal Zone] is required to be served by water lines (i.e., no new private wells)," (LUP at p. 6-2, emphasis added). The LUP does not expressly define "development," "new development," or "future development." The Coastal Act definition defines "development" broadly. However, with respect to connecting to public water, the City's LUP limits this requirement to "new" and "future" development.

Of note, the section of the LUP that discusses the Marina State Beach Planning Area (starting on pg. 4-2 of the [document](#)) specifically allows for the continuation of the *existing* residential uses on these parcels, including 3014 Lake Ct., *provided that water requirements can be met*. The LUP clearly states that these existing residential properties, while in private ownership, are allowed one (1) residence each:

Private Land East of Lake Court

South of the proposed corporation yard site is a subdivided area in private ownership and partial residential use. The priority use for this area is for expansion of the City's corporation yard. This will enable protection of all the adjacent dune areas which are potential habitat for several rare and endangered species and on which development is inappropriate. Public ownership of all the lands requiring Lake Court access will, additionally, enhance possible management measures for this sensitive area, such as nighttime closure of the road. ***In the absence of public acquisition, this area should be permitted to build out with one residence per existing parcel provided that water requirements can be met.*** Low-intensity non-vehicular recreation uses should also be permitted (such as a tent campground). If the ***residential uses are removed***, comparably priced housing elsewhere in the western portion of the City is currently available. [emphasis added]

The *existing* residential properties, as contemplated in the LUP, should not be considered "future development" or "new development" explicitly requiring "public water connections" or requiring "to be served by water lines". As stated in the LUP "water requirements" must be met for these existing residential uses to remain. It is staff's recommendation that water requirements can be met by providing water storage onsite via a water tank as expressly provided in [Section 17.40.120.B.12](#) of the City's Coastal zoning regulations, which state that "Water facilities, including wells and **storage tanks**, serving less than three domestic users are permitted in any zoning district" (emphasis added) within the Coastal Zone. The Coastal zoning regulations are intended to implement the more general and broader policies of the land use plan. Furthermore, neither the proposed detached garage, nor water tank and pump equipment themselves, require a water connection. The proposed garage and water storage tank are ancillary and incidental to the residential use.

In addition, Condition of Approval number 8 requires that a qualified contractor verify the condition of the private septic disposal system, and Condition of Approval number 7 requires Monterey County Environmental Health to verify compliance for the septic disposal system.

Finally, Lake Ct is 30' wide paved with a full cul-de-sac turn-around at the end. The distance from the front of the property line to the proposed water tank location is approximately 120'. Staff's research has revealed that potable water delivery trucks have hoses up to 1000' long.

FISCAL IMPACT:

The proposed development is on private property. Application fees have covered staff processing of the original permit. On June 15, 2021, the City Council adopted Resolution 2021-66 which waives the fee for CDP appeals ensuring that local administrative remedies are exhausted before an appellant can take an appeal to the California Coastal Commission (CCC) which is the final appeal authority. Therefore, no fees were collected to cover the staff cost associated with this appeal.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review per §§ 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines pertaining to Existing Facilities and New Construction or Conversion of Small Structures, respectively.

CONCLUSION:

Staff recommends that the Council adopt Resolution 2024-, as presented and uphold the Planning Commission's February 8, 2024, approval of CDP 23-0004.

Prepared by:

Reviewed by:

Alyson Hunter, AICP
Planning Services Manager
City of Marina

Guido F. Persicone, AICP
Director, CDD
City of Marina

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2024-__

A RESOLUTION OF THE CITY COUNCIL DENYING THE APPEAL OF CDP 23-0004 (3014 LAKE CT./APN 033-171-016) AND UPHOLDING THE PLANNING COMMISSION'S FEBRUARY 8, 2024, APPROVAL BASED ON FINDINGS, CONDITIONS OF APPROVAL, AND § § 15301 AND 15303 CEQA EXEMPTIONS.

WHEREAS, Lake Court west of Highway 1 is a remnant neighborhood that was severed when the highway was developed;

WHEREAS, there are four (4) small residential properties, three are developed with small single-family residences and one is vacant;

WHEREAS, the subject property, 3014 Lake Ct, according to Monterey County Assessor records, has been developed with a small single-family residence since the 1930s and has been occupied, on and off, over the years due to the fact that it has not had a reliable, adequate water supply, but does have gas and electrical service through PG&E;

WHEREAS, on February 8, 2024, the Planning Commission held a public hearing on the application for a Coastal Development Permit (CDP) as well as a Conditional Use Permit (CUP) for the project which includes re-establishing a residential use for an existing residential dwelling structure, constructing a 480-sf detached garage and installing a 5,000-gallon residential water tank²;

WHEREAS, the Planning Commission, at the duly noticed public hearing on February 8, 2024, adopted Resolution 2024-02 approving CUP/CDP 23-0004;

WHEREAS, on February 20, 2024, Tina Walsh, owner of 3010 Lake Ct. filed a letter appealing approval of the CDP to the City Council raising only three issues:

- a) That the project re-establishment of this residential use is future development and, therefore needs to be connected to public water;
- b) That there is no finding that the private sewage disposal system is constructed in conformance with Monterey County Health Department Standards; and
- c) That the site plan fails to indicate parking areas and a circulation and loading area for deliveries of water;

WHEREAS, the existing home is served by an onsite sewage disposal system which includes a leach field in the front yard within the approximate location of the driveway to the proposed new garage. A condition of approval is included requiring that, prior to issuance of a certificate of occupancy, the applicant shall provide verification to the City that an inspection and test of the existing onsite SDS has been conducted by a qualified contractor and concluded that the existing system is in adequate working order to support the occupancy and use of the residence as authorized;

WHEREAS, the current Local Coastal Program (LCP), which is made up of the LUP and the Implementation Plan (IP) together, has several policies that require that “new development” and “future development” be served by public water;

² Section 17.40.200G (Exemptions) of the City's Zoning Code exempts garages, decks, workshops and other nonhabitable accessory structures from the coastal development permit requirement.

WHEREAS, the Land Use Plan in the City's LCP specifically allows for the continuation of the *existing* residential uses on these parcels, including 3014 Lake Ct., *provided that water requirements can be met*;

WHEREAS, the existing residential properties, including 3014 Lake Ct., thus, are not "future development" or "new development" explicitly requiring "public water connections" or requiring "to be served by water lines";

WHEREAS, "water requirements can be met" for these existing residential uses by public water or, alternatively, by storage tanks as expressly provided in [Section 17.40.120.B.12](#) of the City's Coastal zoning regulations, which state that "Water facilities, including wells and **storage tanks**, serving less than three domestic users are permitted in any zoning district" (emphasis added) within the Coastal Zone;

WHEREAS, water requirements can be met with the installation of a new 5,000 gallon water storage tank and associated pump facilities to serve the existing residence at 3014 Lake Ct thereby providing a legally-habitable home for the property owner;

WHEREAS, the proposed detached garage and other code-related improvements to the residence are ancillary to the residential use re-established by the Planning Commission's issuance of the Conditional Use Permit (CUP) which was not appealed;

WHEREAS, the Planning Commission's approval of the Coastal Development Permit is subject to findings (**Exhibit A**), conditions of approval (**Exhibit B**), and site and floorplan provided (**Exhibit C**); and

WHEREAS, the project is exempt from environmental review per § § 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines pertaining to Existing Facilities and New Construction or Conversion of Small Structures, respectively.

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

1. Find that the foregoing recitals are adopted as findings of the City Council as though set forth fully herein.
2. Deny the appeal based on such findings, and uphold the decision of the Planning Commission, including:
 - a. Making the findings set forth in Exhibit A, attached hereto;
 - b. Adopting the Resolution to approve CDP 23-0004 subject to the conditions of approval in Exhibit B, attached hereto, and based on the site plan and floorplan attached hereto as Exhibit C; and
 - c. Finding the project is exempt from environmental review per § § 15301 and 15303 of the CEQA Guidelines pertaining to Existing Facilities and New Construction or Conversion of Small Structures, respectively.
3. Direct staff to submit the City's Notice of Final Action to the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of April 2024, 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

Exhibit A

Findings

Coastal Development Permit § 17.40.200.E – Granting

The finding is in standard font with Staff's response following in *italics*.

In considering an application for a coastal development permit the planning commission shall consider and give due regard to the Marina general plan and local coastal land use and implementation plans. The planning commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of the particular case, be consistent with the general plan and local coastal land use and implementation plans, based upon the following findings that the project will:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the planning guidelines listed in the LCLUP;

The subject neighborhood is located on the west side of the Highway 1 right-of-way (ROW) but is substantially lower than the highway and is below the line of site from the highway to the dunes west of Lake Ct. There are no major ocean view corridors in this location as the dunes block the views. The LCP's land use policies, specifically relating to the Marina State Beach Planning Area, allow for the privately-owned parcels to the east of Lake Ct. to "...build out with one residence per existing parcel provided that water requirements can be met." (pg. 30, LUP). The proposal is to legitimize an existing residential structure that has existed since the 1930s, according to Assessor records, by providing a permanent residential water source. The water tank will be filled periodically by a potable water delivery service.

- b. Be subject to approval of the site and architectural design review board, including the planning guidelines listed in the LCLUP;

Design Review does not apply to the development of single-family residential structures per MMC 17.56.010.

- c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in lieu thereof as required in the LCLUP and coastal zoning ordinance access components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the city, prior to issuance of a certificate of occupancy;

The project neither includes nor affects coastal access. The existing access to the Marina State Beach properties across the street will not be affected by this project.

- d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures;

Per the City's draft Coastal Hazards Vulnerability mapping associated with the pending Coastal Hazards & Sea Level Rise LCP amendment, Lake Ct. is not in a zone that would be subject to coastal erosion or coastal storm flooding.

- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance;

According to the LCLUP, the properties on the east side of Lake Ct. do not contain sensitive habitat areas and has been developed with small residences and accessory buildings since prior to the City's incorporation.

- f. Be consistent with beach parking standards, as established in the LCLUP access component;

No beach parking is required as part of this project.

g. Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR;

The 4,875 sq. ft. parcel is currently developed with a small residence, an onsite sewage disposal system, and two (2) outbuildings. There is no applicable EIR related to this site. As the project is exempt from CEQA, no mitigation measures are required.

h. Not interfere with public access along the beach;

There is public beach access provided from two (2) locations on Lake Ct., a public street. The proposed project will not interfere, block or otherwise effect public access at these two points.

i. Comply with the access, shoreline structure and habitat protection standards included in the local coastal land use and implementation plans;

As the proposed project will not affect access or shoreline structures or require the use of habitat protection standards, compliance with these are not applicable to this project or site.

j. Comply with the housing element and housing recommendations of the local coastal land use and implementation plans;

The site is planned and zoned for public facilities which allow the development of one single-family residence with a CUP. If approved, the project will result in no net change in the number of housing units.

k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies;

No demolition is proposed.

l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.

No mining operations are proposed.

LCP Land Use Plan consistency

The LUP's Land Use Description by Planning Area (p.27) notes that ... *South of the proposed corporation yard site is a subdivided area in private ownership and partial residential use. The priority use for this area is for expansion of the City's corporation yard. This will enable protection of all the adjacent dune areas which are potential habitat for several rare and endangered species and on which development is inappropriate. Public ownership of all the lands requiring Lake Court access will, additionally, enhance possible management measures for this sensitive area, such as nighttime closure of the road. **In the absence of public acquisition, this area should be permitted to build out with one residence per existing parcel provided that water requirements can be met.** [emphasis added] Low-intensity non-vehicular recreation uses should also be permitted (such as a tent campground). If the residential uses are removed, comparably priced housing elsewhere in the western portion of the City is currently available. The public service facilities designation in this area is consistent with the following Coastal Act policies: 30211..."*

Exhibit B

Conditions of Approval

1. Substantial Compliance – The project shall be accomplished in substantial accordance with the site plan dated November 27, 2023, as may have been amended by the Planning Commission.
2. Construction Compliance – All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff and may require Planning Commission approval. At a minimum, the items set forth in the City's Chief Building Official's memo dated November 20, 2023, will be required to bring the structure up to minimum residential occupancy.
3. Terms and Conditions – These terms and conditions shall run with the land, and it is the intention of the CDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
4. Public Works, Fire and Building – Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. Permit Expiration – This permit shall expire and be null and void if a building permit has not been applied for within two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
6. Archeology and Inadvertent Discovery – When human remains or other cultural artifacts are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the Most Likely Descendant.
7. Verification of Compliance with Marina Coast Water District and Monterey Co. Environmental Health Regulations – Prior to issuance of a building permit(s), the applicant shall provide verification from both agencies that the installation of an above-ground residential water tank and ancillary pump devices does not require a permit from their respective agencies.
8. Sewage Disposal System (SDS) – Prior to issuance of a certificate of occupancy, the applicant shall provide verification to the Marina Community Development Dept. (CDD) that an inspection and test of the existing onsite SDS has been conducted by a qualified contractor and concluded that the existing system is in adequate working order to support the occupancy and use of the residence as authorized.
9. Compliance with Other Requirements – The permittee shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans.
10. Compliance with Conditions of Approval – The permittee shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the permittee's expense that the as-built

project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, Marina Municipal Code (MMC) Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with MMC Chapters 1.08, 1.10 and 1.12.

11. Revocation – Where one or more project Conditions of Approval are not met, or where a project was approved on the basis of false material information given willfully, intentionally or negligently by the permittee, the appropriate authority may revoke or modify the approval for the project.
12. Appeal (City) – Per MMC 17.40.270, the Planning Commission’s action on the CDP and CUP are appealable to the City Council. An appeal, in writing, shall be received by the City Clerk within ten (10) days of the action of the Planning Commission.
13. Appeal (Coastal Commission) – The property is located in the Coastal Appeals Zone. Any locally-issued CDP within this mapped area may be appealed to the California Coastal Commission (CCC) in accordance to Public Resources Code (PRC) § 30603(b) and (c). An appellant must exhaust local appeal remedies prior to appealing to the CCC. The CCC appeal periods ends at the close of the 10th business day from the CCC’s receipt of the local authority’s Notice of Final Action.
14. Indemnification - To the extent allowable by law, the owner, applicant, and operator agree to hold the City harmless from costs and expenses, including attorney’s fees, incurred by the City or held to be the liability of the City in connection with the City’s defense of its actions in any proceeding brought in any state or federal court challenging the City’s actions with respect to the project. The owner, applicant, and operator understand and acknowledge that the City is under no obligation to defend any legal actions challenging the City’s actions with respect to the project.
15. Permit Authorization and Signature – The Use Permit is not valid, and construction shall not commence until the below affidavit is signed and the approved Conditions (this form) are returned to the Community Development Department.
 - a. I attest to the truth and correctness of all the facts, exhibits, maps, and attachments presented with and made a part of the application for the project as described herein
 - b. I understand and agree to implement all conditions throughout the duration of the project.
 - c. I acknowledge that any changes to the conditions of approval would require modification of the conditional use permit by the approval authority.

Permittee’s Name: _____ Date: _____

Permittee’s Signature: _____ Date: _____

- d. I am the owner of the property involved in this project, and I authorize the person named above to act on my behalf throughout the duration of the project.

Property Owner’s Name: _____ Date: _____

Property Owner’s Signature: _____ Date: _____

Exhibit C

Site Plan and Floorplan

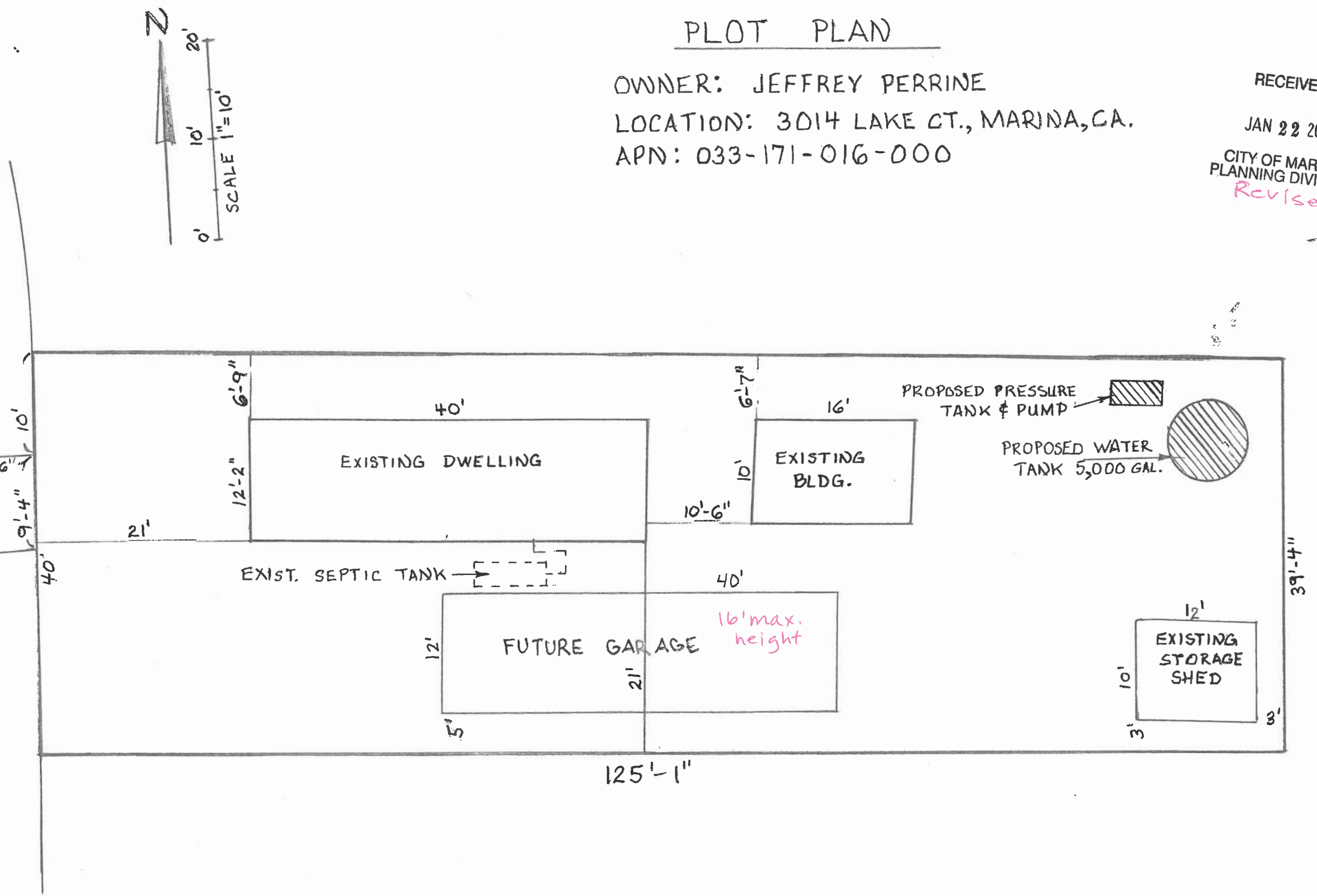
PLOT PLAN

OWNER: JEFFREY PERRINE
LOCATION: 3014 LAKE CT., MARINA, CA.
APN: 033-171-016-000

RECEIVED
JAN 22 2024
CITY OF MARINA
PLANNING DIVISION
Revised

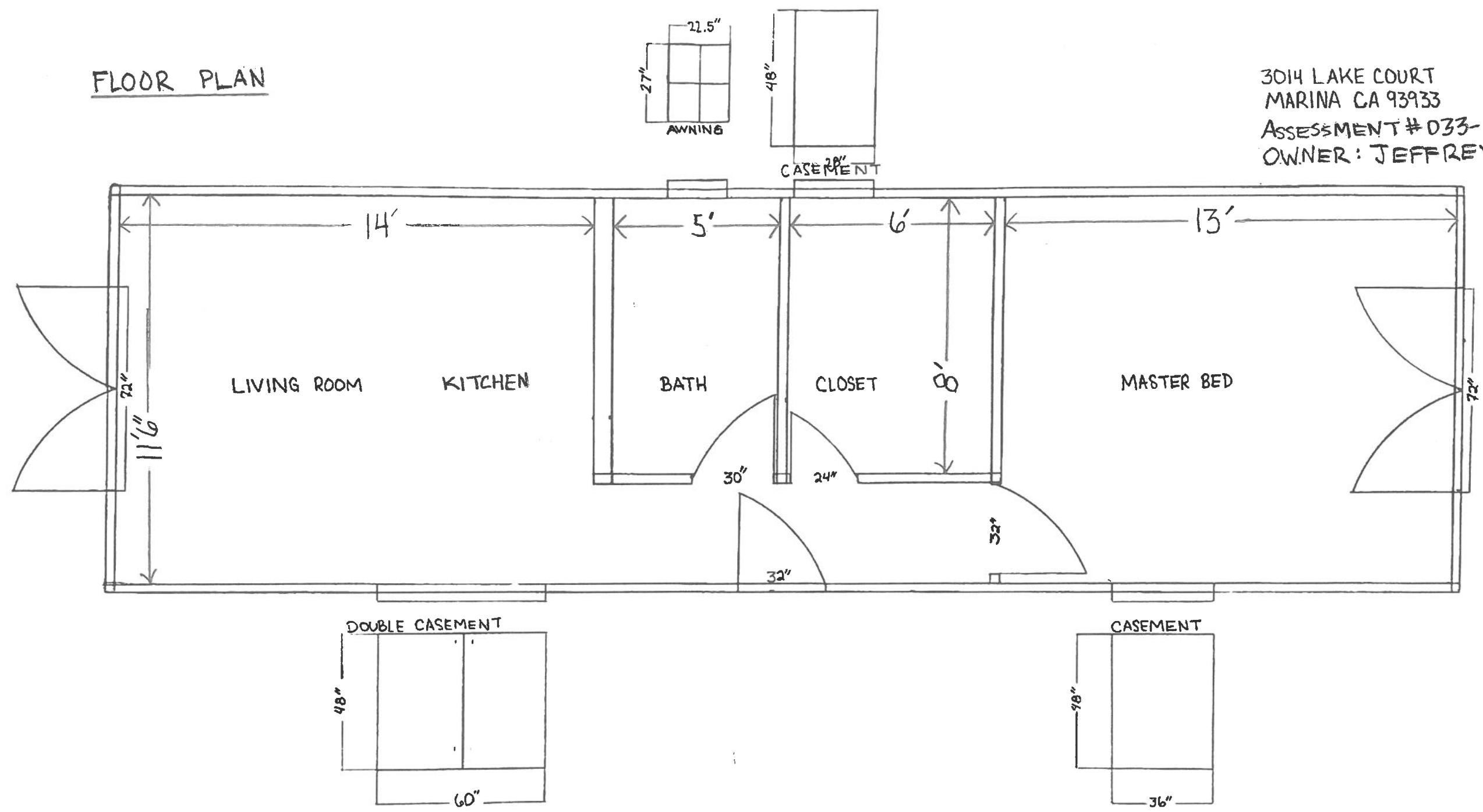
LAKE COURT

EXIST. ENCROACHMENT



FLOOR PLAN

3014 LAKE COURT
MARINA CA 93933
ASSESSMENT # 033-171-016-000
OWNER: JEFFREY PERRINE



RECEIVED
NOV 27 2023
CITY OF MARINA
PLANNING DIVISION

**Exhibit A
to the Staff Report**

Appeal Letter submitted Feb. 20, 2024

RECEIVED

FEB 20 2024

CITY OF MARINA
PLANNING DIVISION

To: The City of Marina Planning Commission

Attn: Alyson Hunter, Planning Services Manager

Re: February 08 Approval of a Combined Coastal Development Permit and Conditional Use Permit.

I disagree with the February 08, 2024 Planning Commission approval of a combined Coastal Development Permit and Conditional Use Permit for 3014 Lake Court and I ask the Coastal Development Permit component of this approval be appealed to the Marina City Council.

The parcels in this neighborhood are comprised of portions of a lot located within the Locke Paddon subdivision. The subdivision map was recorded in 1915 in Monterey County and extends from Artist Lane at the south to Drew Street in the north, and from Marina Drive in the east to Lake Drive, including Lake Court, in the west.

Monterey County zoning for the parcels on Lake Court was R4 multi-family which was later superceded by incorporation of the City of Marina in 1975. According to old time Marina residents, there was a trailer park establishment at the south end of Marina Drive that extended westerly toward Lake Drive, located on a different portion of the same Locke Paddon lot as the properties on Lake Court.

Marina's Local Coastal Plan was adopted shortly after the incorporation of the city and created new zoning districts to implement the plan. Under the newly created Public Facilities and Coastal Permit Overlay districts the existing uses on the private land east of Lake Court were allowed to continue, frozen at the manner of operation they were in at the time of the plan adoption. Changes such as alteration of existing structures or placing new structures require a Coastal Development Permit. The private properties along Lake Court were allowed the potential to develop as single family residential uses providing water requirements can be met.

What approved water source was cited in the Project Description component of the Coastal Development Permit application for this permit?

The Marina Local Coastal Land Use Plan planning guidelines, page 18, tells us all future development in Marina's Coastal Zone shall be required to have public water connections. The California Coastal Act tells us new residential development shall be located in areas with adequate public services.

If not Marina Coast Water District, then who else has established that public services are adequate? Are other permits or approvals required from city, regional, state or federal agencies?

Does delivered water stored in a tank meet the standard for adequate public services required for a residential development permit in the coastal planning area? Who is the purveyor of the delivered water? How much time is expected before the tank is empty? Can a residence in any other location in the city be allowed to rely on a water tank as a sole source of water? Will the remaining private properties on the east side of Lake Court also be allowed to rely on delivered water for similar purposes in the future?

There is no stand-alone Finding in the Feb. 08 approval of the Coastal Permit that the project complies with the requirement that future development shall be connected to public water. Instead, this approval puts the water service question in the hands of the city Building Inspector by addressing it as a Plumbing Code issue (Page 2, #a of draft resolution). The volume of water available from a tank to a plumbing fixture does not establish conformance to a requirement for a public water connection.

There is no Finding that the property at 3014 has a permitted water connection or a private sewage disposal system constructed in conformance to Monterey County Health Department standards.

How was the application accepted if these details are unclear or incomplete?

A connection to public water may be costly but it is not impossible. In 2007 the Marina Coast Water District produced a study for the purpose of forming an Assessment District to fund a water main down Lake Court that would benefit all property owners, including the city properties, and presumably this approach could still be an option if all the parties were to agree.

The site plan provided in the application for this Coastal Development Permit fails to indicate parking areas and the circulation and loading area needed for deliveries of water by truck to the proposed storage tank at the rear of the lot. The site plan also inaccurately characterizes the 120 sq ft shed in the southeast corner that was erected last year as existing even though it did not coexist with other buildings on the property at the time the Coastal Plan was adopted.

Of importance to me is the second sentence at the beginning of the February 08 staff report which contains an inaccurate statement that my (the neighbor to the south) water line is connected to the city yard. As this report is part of the public record, I would like this statement to be corrected. I have demonstrated that my connection to the water district meter is via a direct water line, which I am responsible for, and I am not connected through any city meter. Any connections from this line to other properties were severed at my direction in 1998. Any past agreements that may have existed between this line and 3014 would have been between former property owners and out of my control, and additionally would have been against water district code which does not allow one meter to serve two properties (unless they are both owned by same owner) therefore any past connection that may have existed was an illegal one and cannot be considered a historical water source for 3014.

Thank you.

Tina Walsh

3010 Lake Court

**Exhibit B
to the Staff Report**

Planning Commissioner Reso. 2024-02

RESOLUTION NO. 2024-02

**A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION
APPROVING CONDITIONAL USE AND COASTAL DEVELOPMENT
PERMITS FOR THE RE-ESTABLISHMENT OF AN EXISTING
RESIDENTIAL USE, THE INSTALLATION OF A WATER TANK, AND
DEVELOPMENT OF A NEW DETACHED GARAGE. THE PROPERTY
IS IN THE COASTAL ZONE. THE PROPOSED DEVELOPMENT IS
EXEMPT FROM ENVIRONMENTAL REVIEW PER §§ 15301 AND 15303
OF THE CEQA GUIDELINES.**

3014 LAKE CT. / APN: 033-171-016

WHEREAS, on November 27, 2023, the applicant, Jeffrey Perrine, submitted an application for the re-establishment of a single-family residential use in an existing home that has been uninhabited for the past several years due to the inability to obtain water service;

WHEREAS, in addition to a variety of interior improvements to bring the structure up to residential building code, the project includes the installation of a 5,000-gallon water storage tank and ancillary pump facilities, and a new 480 sq. ft. detached garage as depicted on **Exhibit A** herein;

WHEREAS, the property is zoned Public Facilities (PF) and has a general plan of Public Facilities-Open Space (PF-O) and is located in the Coastal zone. The existing residence is considered legal, nonconforming as it was developed prior to the adoption of the current zoning and general plan. However, one single-family residence is allowed in the PF zone and PF-O land use designation as identified in the Local Coastal Program (LCP). In order to re-establish the residential use, a Conditional Use Permit (CUP) is required and development in the Coastal zone requires a Coastal Development Permit (CDP); and

WHEREAS, the City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines because the project consists of alterations to an existing facility (§ 15301) and new construction of small structures (§ 15303).

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina approves the combined development permit (CUP/CDP 23-0004) for the re-establishment of residential use, the installation of a residential water tank, and a new detached garage based on the findings and recommended conditions of approval referenced herein.

Findings

Coastal Development Permit § 17.40.200.E – *Granting*

The finding is in standard font with Staff's response following in *italics*.

In considering an application for a coastal development permit the planning commission shall consider and give due regard to the Marina general plan and local coastal land use and implementation plans. The planning commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of

the particular case, be consistent with the general plan and local coastal land use and implementation plans, based upon the following findings that the project will:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the planning guidelines listed in the LCLUP;

The subject neighborhood is located on the west side of the Highway 1 right-of-way (ROW) but is substantially lower than the highway and is below the line of site from the highway to the dunes west of Lake Ct. There are no major ocean view corridors in this location as the dunes block the views. The LCP's land use policies, specifically relating to the Marina State Beach Planning Area, allow for the privately-owned parcels to the east of Lake Ct. to "...build out with one residence per existing parcel provided that water requirements can be met." (pg. 30, LUP). The proposal is to legitimize an existing residential structure that has existed since the 1930s, according to Assessor records, by providing a permanent residential water source. The water tank will be filled periodically by a potable water delivery service.

- b. Be subject to approval of the site and architectural design review board, including the planning guidelines listed in the LCLUP;

Design Review does not apply to the development of single-family residential structures per MMC 17.56.010.

- c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in lieu thereof as required in the LCLUP and coastal zoning ordinance access components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the city, prior to issuance of a certificate of occupancy;

The project neither includes nor affects coastal access. The existing access to the Marina State Beach properties across the street will not be affected by this project.

- d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures;

Per the City's draft Coastal Hazards Vulnerability mapping associated with the pending Coastal Hazards & Sea Level Rise LCP amendment, Lake Ct. is not in a zone that would be subject to coastal erosion or coastal storm flooding.

- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance;

According to the LCLUP, the properties on the east side of Lake Ct. do not contain sensitive habitat areas and has been developed with small residences and accessory buildings since prior to the City's incorporation.

- f. Be consistent with beach parking standards, as established in the LCLUP access component;

No beach parking is required as part of this project.

- g. Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR;

The 4,875 sq. ft. parcel is currently developed with a small residence, an onsite sewage disposal system, and two (2) outbuildings. There is no applicable EIR related to this site. As the project is exempt from CEQA, no mitigation measures are required.

- h. Not interfere with public access along the beach;

There is public beach access provided from two (2) locations on Lake Ct., a public street. The proposed project will not interfere, block or otherwise effect public access at these two points.

- i. Comply with the access, shoreline structure and habitat protection standards included in the local coastal land use and implementation plans;

As the proposed project will not affect access or shoreline structures or require the use of habitat protection standards, compliance with these are not applicable to this project or site.

- j. Comply with the housing element and housing recommendations of the local coastal land use and implementation plans;

The site is planned and zoned for public facilities which allow the development of one single-family residence with a CUP. If approved, the project will result in no net change in the number of housing units.

- k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies;

No demolition is proposed.

- l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.

No mining operations are proposed.

Conditional Use Permit § 17.58.040 and 17.40.230 (Coastal Zoning)

The finding is in standard font with Staff's response following in *italics*.

- A. In order to grant any use permit, the findings of the appropriate authority shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and in the Coastal Zone the use is consistent with all applicable local coastal land use plan recommendations and requirements.

The re-establishment of an existing single-family residential structure for residential use, in addition to the water storage tank needed to provide a reliable source of onsite water and the development of a new detached garage for the sole use of the occupant of the residence are

uses allowed with a use permit in the PF zoning district and land use designation. This property is located in the Coastal zone. The subject residential neighborhood is mentioned throughout the LUP as an existing use and specifically noted that these uses are permitted to continue.

LCP Land Use Plan consistency

The LUP's Land Use Description by Planning Area (p.27) notes that ... *South of the proposed corporation yard site is a subdivided area in private ownership and partial residential use. The priority use for this area is for expansion of the City's corporation yard. This will enable protection of all the adjacent dune areas which are potential habitat for several rare and endangered species and on which development is inappropriate. Public ownership of all the lands requiring Lake Court access will, additionally, enhance possible management measures for this sensitive area, such as nighttime closure of the road. In the absence of public acquisition, this area should be permitted to build out with one residence per existing parcel provided that water requirements can be met. [emphasis added] Low-intensity non-vehicular recreation uses should also be permitted (such as a tent campground). If the residential uses are removed, comparably priced housing elsewhere in the western portion of the City is currently available. The public service facilities designation in this area is consistent with the following Coastal Act policies: 30211..."*

Conditions of Approval

1. Substantial Compliance – The project shall be accomplished in substantial accordance with the site plan dated November 27, 2023, as may have been amended by the Planning Commission, included as **Exhibit A** attached to this Resolution.
2. Construction Compliance – All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff and may require Planning Commission approval. At a minimum, the items set forth in the City's Chief Building Official's memo dated November 20, 2023, will be required to bring the structure up to minimum residential occupancy.
3. Terms and Conditions – These terms and conditions shall run with the land, and it is the intention of the CDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
4. Public Works, Fire and Building – Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. Permit Expiration – This permit shall expire and be null and void if a building permit has not been applied for within two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
6. Archeology and Inadvertent Discovery – When human remains or other cultural artifacts

are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the Most Likely Descendant.

7. Verification of Compliance with Marina Coast Water District and Monterey Co. Environmental Health Regulations – Prior to issuance of a building permit(s), the applicant shall provide verification from both agencies that the installation of an above-ground residential water tank and ancillary pump devices does not require a permit from their respective agencies.
8. Sewage Disposal System (SDS) –
 - a. Prior to issuance of a certificate of occupancy, the applicant shall provide verification to the Marina Community Development Dept. (CDD) that an inspection and test of the existing onsite SDS has been conducted and concluded that the existing system is in adequate working order to support the occupancy and use of the residence as authorized.
 - b. The site plan for the building permit application shall correctly show the perimeter of the existing leach field and the applicant shall provide evidence from a qualified technician that the leach field is suitable for driveway use.
9. Compliance with Other Requirements – The permittee shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans.
10. Compliance with Conditions of Approval – The permittee shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the permittee's expense that the as-built project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, Marina Municipal Code (MMC) Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with MMC Chapters 1.08, 1.10 and 1.12.
11. Revocation – Where one or more project Conditions of Approval are not met, or where a project was approved on the basis of false material information given willfully, intentionally or negligently by the permittee, the appropriate authority may revoke or modify the approval for the project.

12. Appeal (City) – Per MMC 17.40.270, the Planning Commission’s action on the CDP and CUP are appealable to the City Council. An appeal, in writing, shall be received by the City Clerk within ten (10) days of the action of the Planning Commission.
13. Appeal (Coastal Commission) – The property is located in the Coastal Appeals Zone. Any locally-issued CDP within this mapped area may be appealed to the California Coastal Commission (CCC) in accordance to Public Resources Code (PRC) § 30603(b) and (c). An appellant must exhaust local appeal remedies prior to appealing to the CCC. The CCC appeal periods ends at the close of the 10th business day from the CCC’s receipt of the local authority’s Notice of Final Action.
14. Permit Authorization and Signature – The Use Permit is not valid, and construction shall not commence until the below affidavit is signed and the approved Conditions (this form) are returned to the Community Development Department.
- a. I attest to the truth and correctness of all the facts, exhibits, maps, and attachments presented with and made a part of the application for the project as described herein
 - b. I understand and agree to implement all conditions throughout the duration of the project.
 - c. I acknowledge that any changes to the conditions of approval would require modification of the conditional use permit by the approval authority.

Permittee’s Name: _____

Permittee’s Signature: _____ Date: _____

- d. I am the owner of the property involved in this project, and I authorize the person named above to act on my behalf throughout the duration of the project.

Property Owner’s Name: _____

Property Owner’s Signature: _____ Date: _____

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 8th day of February, 2024, by the following vote:

AYES, COMMISSIONERS: HUR, JACOBSEN, ST. JOHN, WALTON, WOODSON

NOES, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: RANA

ABSTAIN, COMMISSIONERS: NONE

Glenn J Woodson

Digitally signed by Glenn J Woodson
DN: cn=Glenn J Woodson, o, ou,
email=glenn.woodson@gmail.com, c=US
Date: 2024.02.12 08:51:11 -08'00'

Glenn Woodson, Vice Chair

ATTEST: _____

 2/12/24

Guido Persicone, AICP

Director, Community Development Department
City of Marina

EXHIBIT B
TO STAFF REPORT

12. Appeal (City) – Per MMC 17.40.270, the Planning Commission’s action on the CDP and CUP are appealable to the City Council. An appeal, in writing, shall be received by the City Clerk within ten (10) days of the action of the Planning Commission.
13. Appeal (Coastal Commission) – The property is located in the Coastal Appeals Zone. Any locally-issued CDP within this mapped area may be appealed to the California Coastal Commission (CCC) in accordance to Public Resources Code (PRC) § 30603(b) and (c). An appellant must exhaust local appeal remedies prior to appealing to the CCC. The CCC appeal periods ends at the close of the 10th business day from the CCC’s receipt of the local authority’s Notice of Final Action.
14. Permit Authorization and Signature – The Use Permit is not valid, and construction shall not commence until the below affidavit is signed and the approved Conditions (this form) are returned to the Community Development Department.
- a. I attest to the truth and correctness of all the facts, exhibits, maps, and attachments presented with and made a part of the application for the project as described herein
 - b. I understand and agree to implement all conditions throughout the duration of the project.
 - c. I acknowledge that any changes to the conditions of approval would require modification of the conditional use permit by the approval authority.

Permittee’s Name: Jeff Perrine
Permittee’s Signature:  Date: 13/02/2024

- d. I am the owner of the property involved in this project, and I authorize the person named above to act on my behalf throughout the duration of the project.

Property Owner’s Name: _____
Property Owner’s Signature:  Date: 13/02/2024

Jeff Perrine (Feb 13, 2024 09:51 PST)

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 8th day of February, 2024, by the following vote:

AYES, COMMISSIONERS: HUR, JACOBSEN, ST. JOHN, WALTON, WOODSON

NOES, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: RANA

ABSTAIN, COMMISSIONERS: NONE

X

Glenn Woodson, Vice Chair

ATTEST:

Guido Persicone, AICP
Director, Community Development Department
City of Marina

Exhibit A

Site Plan and Floorplan

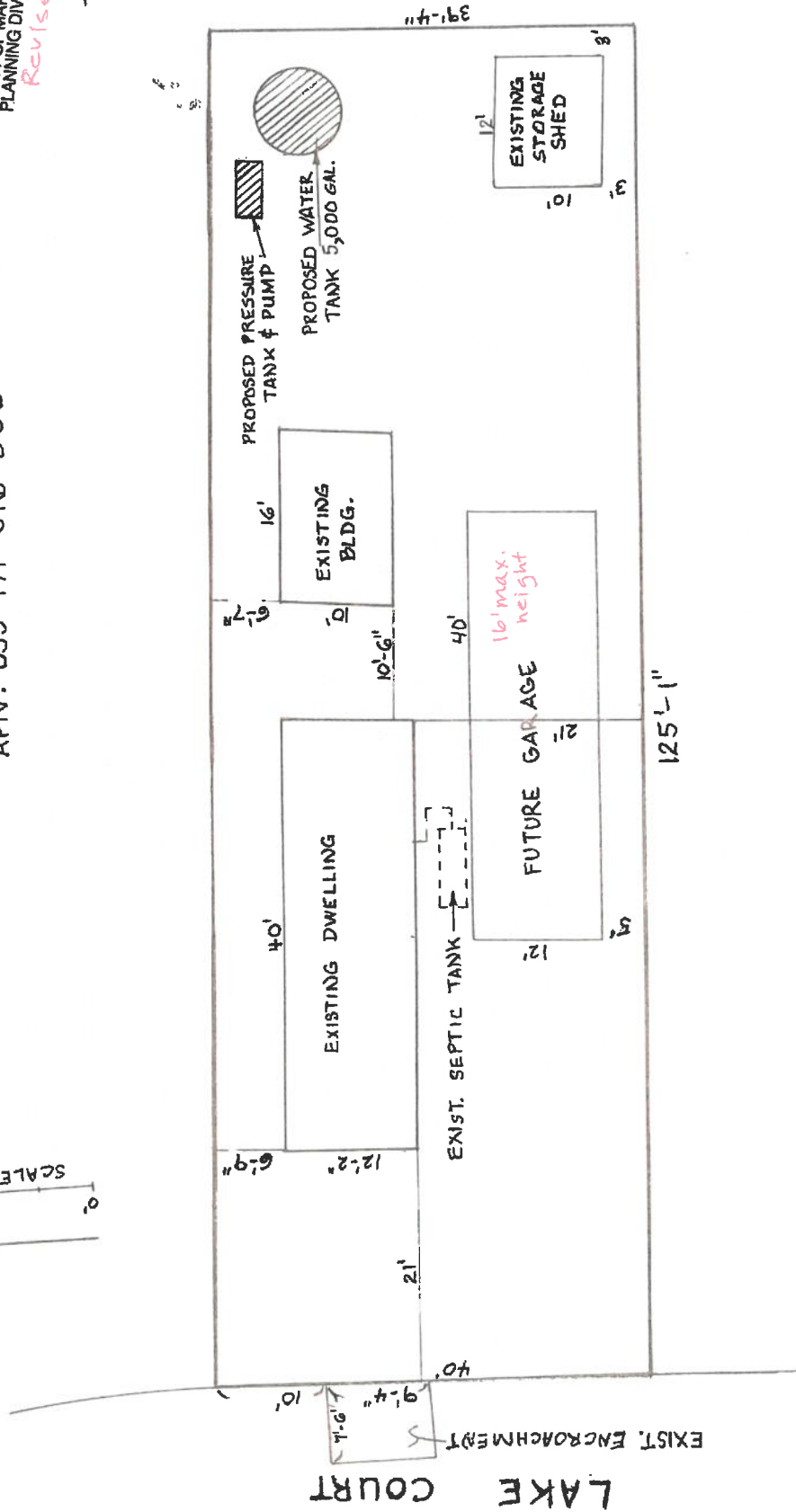
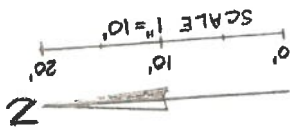
PLOT PLAN

OWNER: JEFFREY PERRINE
LOCATION: 3014 LAKE CT., MARINA, CA.
APN: 033-171-016-000

RECEIVED

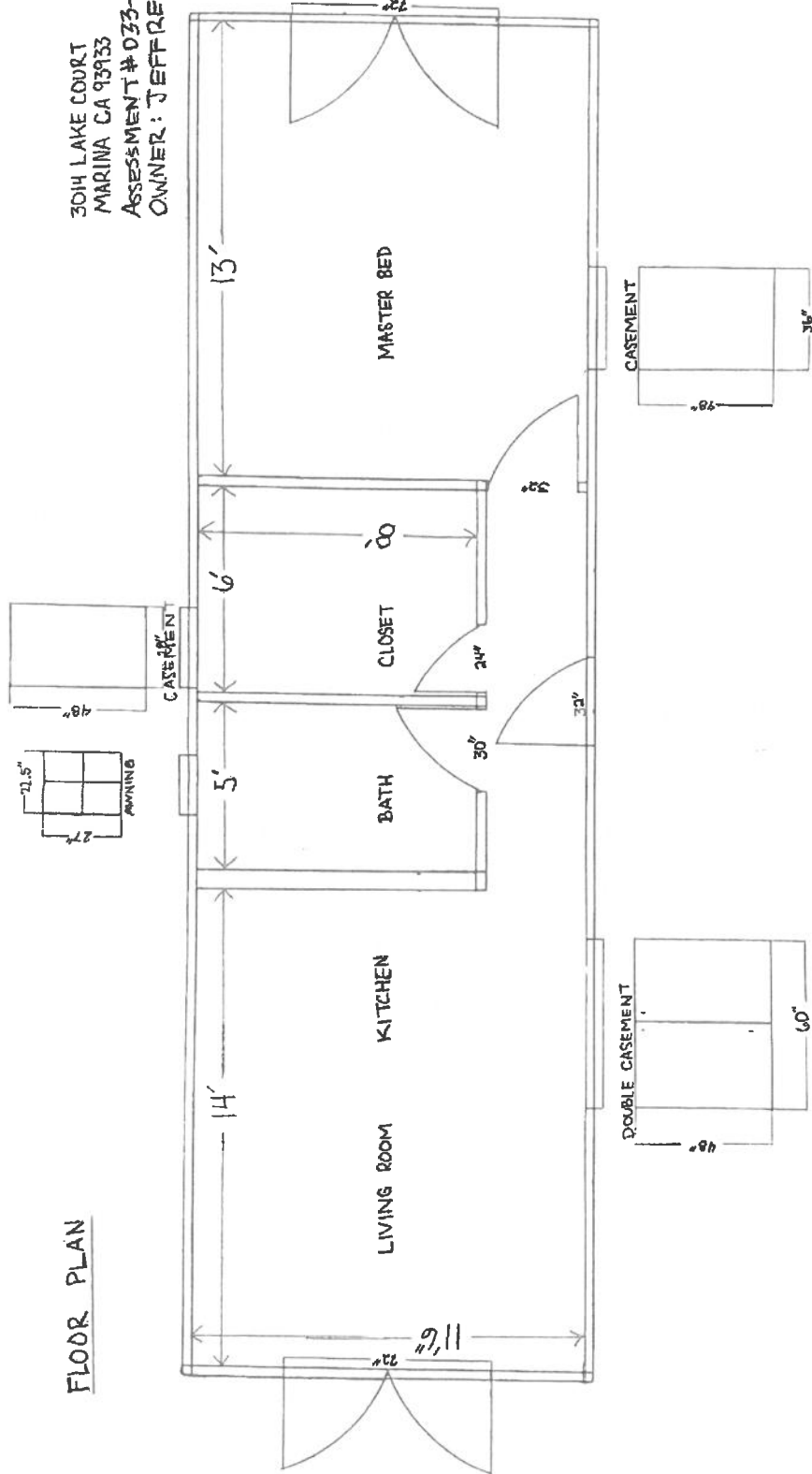
JAN 22 2024

CITY OF MARINA
PLANNING DIVISION
Revised



FLOOR PLAN

3014 LAKE COURT
MARINA CA 93933
ASSESSMENT # 033-171-016-000
OWNER: JEFFREY PERRINE



RECEIVED

NOV 27 2013

CITY OF MARINA
PLANNING DIVISION