

RESOLUTION NO. 2025-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ADOPTING AN
AMENDMENT TO SECTION 5.7.2 OF THE 2000 GENERAL PLAN

WHEREAS, on April 11, 2024, the California Department of Housing and Community Development (State HCD) certified the City of Marina's Sixth Cycle Housing Element ("Housing Element"); and

WHEREAS, the Housing Element requires the City of Marina to implement several policy and ordinance modifications to remain compliant with the Housing Element, as set forth further herein; and

WHEREAS, reducing barriers to development of more housing is a key objective of the Housing Element; and

WHEREAS, Housing Element Program 2.4 mandates that the City's inclusionary housing ordinance be amended such that it applies to projects with five (5) or more units; and

WHEREAS, concurrent with its adoption of this Resolution, the City Council has adopted Ordinance No. 2025- to amend the City's inclusionary housing ordinance consistent with Housing Element Program 2.4; and

WHEREAS, Section 5.7.2 of the City's 2000 General Plan currently provides that the City's inclusionary housing requirement only applies to projects with twenty (20) or more housing units; and

WHEREAS, the proposed amendment is subject to the findings provided in Exhibit A; and

WHEREAS, to achieve compliance with Housing Element Program 2.4, the City Council amends Section 5.7.2 of the 2000 General Plan as indicated in Exhibit B and referenced herein; and

WHEREAS, the Planning Commission, at a duly noticed public hearing on March 27, 2025 adopted Resolution 2025 recommending that the City Council amend the referenced section as presented; and

WHEREAS, at a duly noticed meeting on May 20, 2025 the City Council reviewed the recommendation; and

WHEREAS, the proposed amendment has been processed in accordance with the applicable provisions of the California Environmental Quality Act (CEQA) and adoption of the foregoing amendment will not result in a negative impact to the environment and is exempt from environmental review per Section 15061(b)(3) of the CEQA Guidelines; and

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. Make the findings set forth in Exhibit A, attached hereto, and adopt this Resolution to amend the 2000 General Plan, Section 5.7.2, as set forth in Exhibit B, attached hereto.

3. Declare that: (a) if any section, subsection, clause or phrase of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution; and (b) the City Council would have adopted the resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
4. If approved, direct the City Manager to execute all documents and to perform all other necessary acts to implement this Resolution.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of May 2025 by the following vote:

AYES, COUNCIL MEMBERS: McAdams, Biala Delgado, Visscher

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: McCarthy

ABSTAIN, COUNCIL MEMBERS: None

Liesbeth Visscher, Mayor Pro Tem

ATTEST:

Anita Sharp, Deputy City Clerk

Exhibit A to Resolution

Findings

Pursuant to Government Code section 65358, the City makes the following findings (the finding is in *italics* and staff's justification follows):

- *The proposed amendment is deemed in the public interest.*

The purpose of the City's Inclusionary Housing Ordinance is to encourage the development and availability of affordable housing by ensuring that the addition of affordable housing units to the City's housing stock is in proportion with the overall increase in housing units. The proposed amendment, by increasing the number of projects to which the Inclusionary Housing Ordinance will apply, will further the purpose of the Ordinance and foster improved regional jobs-housing balances and racial integration within the City, all of which are in the public interest.

- *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

Staff has reviewed the General Plan and implementing programs and has determined that the proposed amendment is consistent and compatible with both.

- *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed amendment will increase the number of projects to which the Inclusionary Housing Ordinance will apply and therefore will likely increase the development and availability of affordable housing in the City. This impact is in the interest of public health, safety, and welfare. No other potential impacts of the amendment will be detrimental to the public health, safety, and welfare.

Exhibit B to Resolution

General Plan Text Amendments

Amendment to Section 5.7.2 of the 2000 General Plan (Strikethrough identifies deletions to the text; underline indicates additional language added to the text):

Inclusionary Zoning. To help alleviate the housing shortages for households of low and moderate income, and to make housing available to persons employed within Marina in lower wage jobs (thereby promoting both the General Plan's jobs/housing balance and housing affordability objectives), the City should draft and adopt inclusionary zoning requirements. The ordinance shall require that all projects containing ~~approximately 5~~ 20 units or more regardless of zoning district or specific plan area, include and maintain an appropriate percentage of the units as housing affordable to lower and moderate-income households consistent with the Housing Element's inclusionary requirement.

The ordinance should also include incentives for providing below-market-rate housing - in addition to that required as inclusionary - that is affordable to households with incomes ranging from 120 to 150 percent of the current county median income. The ordinance should determine both the income eligibility for defining affordability, and employment and residence eligibility consistent with the Housing Element, set pricing criteria for affordable units, provide restrictions on resale and re-rental of affordable units, and include incentives to help ensure the economic viability of affected projects. Where affordable housing is provided pursuant to conditions of project approval, resale conditions should be imposed.

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING
TITLE 17 (ZONING CODE) OF THE MARINA MUNICIPAL CODE TO IMPLEMENT
PROGRAM 2.4 OF THE HOUSING ELEMENT

WHEREAS, on April 11, 2024, the California Department of Housing and Community Development (State HCD) certified the City of Marina's Sixth Cycle Housing Element ("Housing Element"); and

WHEREAS, the Housing Element requires the City of Marina to implement several policy and ordinance modifications to remain compliant with the Housing Element, as set forth further herein; and

WHEREAS, reducing barriers to the development of more housing is a key objective of the Housing Element; and

WHEREAS, the City's inclusionary housing ordinance currently imposes a forty percent (40%) inclusionary mandate for the parts of Marina that are located on former Fort Ord land and a twenty percent (20%) inclusionary mandate for the remainder of Marina; and

WHEREAS, the forty percent (40%) mandate applicable to the former Fort Ord area is substantially higher than the requirement in the General Plan and the City-adopted specific plans for the Dunes (University Village Specific Plans), Sea Haven and Marina Station Specific Plans; and

WHEREAS, the City's inclusionary housing ordinance currently applies to residential development of twenty (20) or more units; and

WHEREAS, Housing Element Program 2.4 requires the City to amend the inclusionary housing ordinance such that: (1) the inclusionary mandate for the former Fort Ord area is consistent with the General Plan and the twenty percent (20%) mandate applicable to other areas of the City; and (2) the ordinance applies to residential development of five (5) or more units.

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

Section 1. Findings.

The City Council finds and determines the recitals set forth above, and the findings contained in Exhibit A, attached hereto, to be true and correct and by this reference, incorporates the same herein as findings.

Section 2. Amendments.

Section 17.48.030 of the Marina City Code is hereby amended to read as follows. ~~Strikethrough~~ identifies deletions to the text; underline indicates additional language added to the text.

17.48.030 Inclusionary housing.

A. *Purpose and Intent.* It is the intent of this section to establish standards and procedures that facilitate the development of housing affordable to a range of households with varying income levels as mandated by California Government Code Section [65580](#). The purpose of this section is to encourage the development and availability of such housing by ensuring that the addition of affordable housing units to the city's housing stock is in proportion with the overall increase in housing units.

B. *Applicability and Exemptions.*

1. *Applicability.*

a. All residential developments of ~~five~~ twenty or more units;

~~b. Existing occupied housing in Marina's former Fort Ord.~~

2. *Exemptions.*

a. Residential developments proposed to contain fewer than ~~five~~ twenty units;

b. Market-rate units produced as a density bonus pursuant to Section [17.48.040](#);

c. Any housing unit or residential development which is damaged or destroyed by fire, natural catastrophes, or act of public enemy, subject to the following conditions:

i. The unit or development is damaged or destroyed to the extent to not more than seventy-five percent of the assessed value thereof, as shown on the latest Monterey County assessment roll, prior to such destruction,

ii. The use of the reconstructed building and number of housing units remain the same as prior to the damage or destruction,

iii. The square footage of the reconstructed building is not increased or reduced by more than ten percent,

iv. The unit or development is reconstructed within four years of the damage or destruction, and

v. Should the reconstructed development result in an increased number of housing units, only the net increase in units shall incur an inclusionary housing requirement.

C. *Inclusionary Housing Requirement.*

1. All new residential development of ~~five~~ twenty or more units and all existing occupied housing in Marina's former Fort Ord shall be required to provide at minimum a specified percentage of housing units affordable to specific income groups according to the affordability distribution set forth in Table 17.48.030-1.

2. Provision of affordable for-sale housing for middle income households is voluntary and incentive-based. The developer must submit a request for incentives as part of the affordable housing plan for review by the director.

Table 17.48.030-1. Inclusionary Housing Requirements

Planning Area	Percentage of Required Affordable Housing by Income				Total Affordable Requirement (Percentage of Total Units)
	Very Low	Low	Moderate	Middle	
Citywide For-Sale or Rental Housing: New Construction or Substantially Rehabilitated	6 Percent	7 Percent	7 Percent	10 Percent— Voluntary and Incentive-Based	20+ percent
Former Fort Ord: Existing Occupied Housing	<u>6</u> 15 Percent	<u>7</u> 15 Percent	<u>7</u> 10 Percent	0 Percent	<u>20</u> 40 Percent ¹

1 Inclusionary housing requirement for existing occupied housing on the former Fort Ord can be fulfilled by providing fewer moderate income housing units than required above if a greater percentage of very low and low income housing units are provided and the total number of very low, low and moderate income units is not less than twenty ~~forty~~ percent.

3. *Existing Housing on Former Fort Ord.*

c. Inclusionary housing requirements for existing occupied housing on the former Fort Ord can be fulfilled with fewer moderate income housing units than specified in Table 17.48.030-1 if a greater percentage of very low and low income housing units are provided and the total number of very low, low and moderate income units is not less than twenty ~~forty~~ percent, and the allocation of the inclusionary units is approved as part of the affordable housing agreement. The trading of units is one-way only from moderate income to low and very low income, or from low income to very low income.

Section 3. California Environmental Act (CEQA).

The proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as there is no reasonable possibility that the adoption of the ordinance will have a significant effect on the environment. Because the proposed action merely updates the Municipal Code to clarify the housing types that are allowed in certain residential zones, subject to a use permit and project-specific environmental review as necessary, there is no possibility that the activity in question may have a significant effect on the environment. No further environmental review is necessary.

Section 4. Severability.

It is the intent of the City Council of the City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

Section 5. Effective Date.

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

The foregoing ordinance was introduced and read on the 20th day of May 2025 and was finally adopted on the 3rd day of June 2025, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

EXHIBIT A

FINDINGS

Consistent with the General Plan

- 1) General Plan Policy 5.4 and 5.4.6 - Zoning Ordinance Update. A major revision of the City's existing zoning code is required to implement the General Plan. The initial step should be to thoroughly review and critique the existing code and identify its deficiencies. Changes are required to implement Housing Element policies and programs.

Evidence: By adopting the revisions to the zoning ordinance as required by Program 2.4 of the Housing Element, the City will be implementing General Plan Policy 5.4.6 which directs city staff to review the Municipal Code for consistency with Housing Element Law.

- 2) General Plan Policy 5.7 – Housing Availability Ordinances. This policy requires the City to prepare and adopt certain ordinances to address the General Plan objectives of matching housing to the needs of local employees and providing housing to meet the needs of households of all economic levels.

Evidence: By reducing the housing constraints for special housing needs groups and making the City's inclusionary housing ordinance applicable to more residential development per Program 2.4 of the Housing Element, the City will be implementing General Plan Policy 5.7.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 20, 2025

THE CITY COUNCIL WILL HOLD A PUBLIC HEARING INTRODUCING ORDINANCE NO. 2025-, AMENDING THE ZONING CODE (TITLE 17) AND ADOPT A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT TO THE 2000 MARINA GENERAL PLAN TO IMPLEMENT PROGRAM 2.4 (INCLUSIONARY ORDINANCE) OF THE HOUSING ELEMENT. THE ACTION IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3).

RECOMMENDATION: It is recommended that the City Council consider:

1. Open a public hearing introducing Ordinance No. 2025, amending the Zoning Code (Title 17) and
2. Adopt a resolution amending Section 5.7.2 of the 2000 General Plan, both to implement Program 2.4 of the Housing Element.
3. Find that the recommended action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

BACKGROUND

On April 11, 2024, the Marina Sixth Cycle Housing Element was certified by the California Department of Housing and Community Development (State HCD). Per the programs of the Housing Element the City must take specific action steps every year to maintain certification with the State HCD. One such action step is the implementation of Program 2.4 of the Housing Element, which requires certain amendments to the City's Inclusionary Housing Ordinance within Title 17 of the Marina Municipal Code (Zoning Ordinance) and Section 5.7.2 of the 2000 Marina General Plan. Pursuant to Government Code Section 65353 the policy was reviewed and recommended for approval by the Planning Commission on March 27, 2025. ¹

DISCUSSION

An "inclusionary housing ordinance" is a local law that requires developers to include a certain percentage of affordable housing units within new residential developments, essentially requiring them to set aside a portion of their project for lower-income residents; this is typically done by specifying a percentage of units that must be priced at a level affordable to certain income brackets.

Currently, the City of Marina's Inclusionary Ordinance imposes a twenty percent (20%) inclusionary requirement for projects containing twenty units or more, meaning that 20% of the units must be dedicated for below market rate housing. However, for projects within the former Fort Ord area, the inclusionary requirement is forty percent (40%).² This forty percent requirement is substantially higher than the requirement in the General Plan, specific plans for the Big Three Projects (Dunes, Sea Haven, and Marina Station), and the inclusionary ordinances of neighboring agencies, which generally require a twenty percent inclusionary requirement for development

¹ On March 27, 2025, the Planning Commission reviewed the zoning text amendment and removed section 17.48.030(b)(1)(b) to make it clear that this ordinance would apply to development projects moving forward.

² See Section 17.48.030(c)(1) of the Marina Municipal Code.

projects.³ The proposed amendment would change the inclusionary requirement in the Fort Ord area to twenty percent, consistent with the requirement in all other areas of Marina. The goal of the amendment is to make the Inclusionary Ordinance apply similarly to all segments of Marina, and to comply with Housing Element Program 2.4, which requires the City to make this change.

Additionally, to spur the development of more affordable housing, Housing Element Program 2.4 requires the City to update the Inclusionary Ordinance to apply to projects with five or more units. As noted above, currently it applies only to projects with twenty or more units. If adopted, this action will require amendments to Marina Municipal Code Section 17.48.030 and General Plan Section 5.7.2, which also contains the City's inclusionary requirement.

After the Planning Commission recommended approval of this action by the City Council, an inquiry came in regarding why the City would remove the forty percent requirement. No city of comparable size to the City of Marina has a forty percent inclusionary requirement as this would make housing infeasible for developers to build.

Recently, Land Watch submitted a letter requesting that, because the proposed ordinance amendments would lower the inclusionary requirement for the former Fort Ord area, the City should "commit to incentivizing other methods for attaining affordable housing." Although the proposed amendments would reduce the inclusionary requirement for the former Fort Ord area from 40% to 20%, the ordinance would also substantially expand the number of developments anywhere in the City to which the inclusionary ordinances applies: from developments of 20 units or more, to developments of just five units or more. Thus, the proposed ordinance amendments would likely increase, rather than decrease the supply of affordable housing units in the City.

Land Watch also suggested that under AB 1505, the Department of Housing and Community Development (HCD) could potentially require the City to conduct an "economic feasibility study" of the proposed Ordinance amendment. Per AB 1505, a feasibility study is not authorized here, as Marina is exceeding the requirement that it achieve at least 75% of its Regional Housing Needs Allocation for the Sixth Cycle Housing Element; the City has annually filed its Annual Progress Report pursuant to the Housing Element Law; and the proposed amendments do not mandate that at least 15% of units be built at 80% of the Area Median Income (AMI). (Rather, the proposed ordinance would mandate that at least 13% of units be built at 80% of AMI.)

ENVIRONMENTAL REVIEW

The proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines as there is no reasonable possibility that it will have a significant effect on the environment. Because the proposed action merely update the Municipal Code and General Plan to clarify which housing types are allowed in certain residential zones, subject to a use permit and project-specific environmental review as necessary, there is no possibility that the activity in question may have a significant effect on the environment. No further environmental review is necessary.

CONCLUSION

City staff are recommending approval of the proposed edits to the Municipal Code and the 2000 General Plan in order to implement Program 2.4 of the Housing Element, and a finding that the recommended action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

³ City staff confirmed that most neighboring local agencies have an inclusionary requirement of 20% (Seaside, Monterey, Salinas), with several having Housing Element action items mandating adoption of an inclusionary ordinance (Pacific Grove, Carmel by the Sea) approximating this percentage.

Respectfully submitted

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

REVIEWED BY:

Layne Long
City Manager
City of Marina