

RESOLUTION NO. 2018-99

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A CONDITIONAL USE PERMIT (UP 2016-06) FOR RESIDENTIAL DENSITY OVER 25 UNITS PER ACRE; 2) A 10% DENSITY BONUS AND A PROJECT INCENTIVE TO ALLOW A REDUCTION IN OPEN SPACE REQUIREMENTS 3) AN AFFORDABLE/INCLUSIONARY HOUSING PROPOSAL TO PROVIDE ONE AFFORDABLE HOUSING UNIT ON-SITE; AND, 4) SITE AND ARCHITECTURAL DESIGN REVIEW (DR 2016-04) FOR A NEW THREE-STORY, 10-UNIT APARTMENT COMPLEX; AT 264 CARMEL AVENUE (APN: 032-291-044)

WHEREAS, on July 29, 2016, Mr. John Filighera of U4Ric Investments submitted an application to demolish an existing single-family dwelling and to construct a new three-story ten-unit apartment complex at 264 Carmel Avenue; and

WHEREAS, the property's General Plan land use designation for the property is Multi-Family Residential, allowing 15-35 dwelling units/acre, and the Zoning Designation is R-4 (Multiple Family Residential District);

WHEREAS, the overall project application is a Combined Development Permit consisting of:

- A Conditional Use Permit (CUP) (UP 2016-06) for a multiple family residential development with density over 25 units per acre (UPA);
- A 10% Density Bonus and a project incentive to allow a reduction in open space requirements.
- An Affordable/Inclusionary Housing Proposal to provide one affordable housing unit on-site; and,
- Site and Architectural Design Review (DR2016-04) for a new two-story, 10-unit apartment building;

WHEREAS, the property is located with the Downtown Vitalization area which is currently under a temporary moratorium on the issuance of Conditional Use Permits and any new or replaced square footage (initiated by the City Council on August 2, 2017 and extended until April 1, 2019); and,

WHEREAS, on August 2, 2017, the City Council exempted from the moratorium the project at 264 Carmel Avenue currently under review and described herein, because the project application was substantially complete and the applicant is not requesting a zoning ordinance or General Plan amendment, however, the exemption from the moratorium does not obligate the City to approve the project; and,

WHEREAS, on June 20, 2018, the Site and Architectural Design Review Board (DRB) considered the Site and Architectural Design Review portion (DR2016-04) of the Combined Development Permit and adopted a Resolution recommending Planning Commission approval of the site plan design and overall building layout (DRB Resolution No. 2018-04);

WHEREAS, on July 12, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the July 12, 2018 meeting and adopted Resolution 2018-13 recommending approval of the Combined Development Permit to the City Council;

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Combined Development Permit, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 meeting related to the proposed project; and,

WHEREAS, the City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 12.5, Section 15195) applicable to residential infill developments that provides: less than 100 units; a project density above 20 units per acre; and at least 10% affordable housing. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. No further environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves Combined Development Permit consisting of: 1) a Conditional Use Permit (UP 2016-06) for Residential Density over 25 Units Per Acre; 2) a 10% Density Bonus and a Project Incentive to Allow a Reduction in Open Space Requirements 3) an Affordable/Inclusionary Housing Proposal to Provide One Affordable Housing Unit On-site; and, 4) Site and Architectural Design Review (DR 2016-04) for a New Three-Story, 10-Unit Apartment Complex; at 264 Carmel Avenue (APN: 032-291-044) with the following findings and subject to the following conditions of approval:

Findings

1. The project must be consistent with the General Plan and Zoning Ordinance.

The project is consistent with the General Plan Land Use designation of Multi-family residential and the R-4 zoning designation in that the project proposes a multi-family development of more than 15 and less than 35 units per acre. The project is consistent with the General Plan and Zoning Ordinance as explained below.

General Plan - Community Goals

General Plan Goal 1.17 states “The overall goal of the Marina General Plan is the creation of a community which provides a high quality of life for all its residents; which offers a broad range of housing, transportation, and recreation choices; and which conserves irreplaceable natural resources is the overall goal of the General Plan.” Subsequent subgoals direct how the city is to develop in order to meet this goal as follows:

- Goal 1.18.5 calls for “A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.”
- Goal 1.18.8 envisions “A city physically and visually distinguish-able from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.”
- Goal 1.18.15 sees “Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.”

Community Land Use Policies

- Policy 2.4.5 “Future land development, whether it involves development of new areas, infilling of existing neighborhoods or commercial areas...shall be organized and have sufficient intensity...to create a pedestrian-oriented community.”

Housing Policies

- Policy 2.31.6 “New housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.”
- Policy 2.31.8 “New housing shall be integrated into the fabric of the City in such a way that it complements existing housing areas and contributes to the overall stability, image, and sense of community of the City.”

General Plan - Community Infrastructure

Transit and Supportive Land Use Policies

- Policy 3.35.1 “Safe and secure bicycle parking shall...be provided in all new multi-family residential projects.”
- Policy 3.38.6 “Internal Circulation. Parking lots should be attractively landscaped and the pedestrian circulation paths clearly evident to provide direct, well lit, internal pedestrian circulation networks provided to building entrances, adjacent public rights-of-way and public transit.

The project meets the spirit and intent of the above goals and policies of the General Plan in that:

- a. The façade of the project is set back from the street as required by the development standards for the zoning district. To help to create a “street wall”, the applicant has added additional height to one of the front buildings and a more human scale element in the bay projection and pedestal base.
- b. The project is oriented so that the building address the street. Although no entrances are directly off Carmel Avenue, covered porched and the bay projection gives the impression of a forward-facing façade. This helps to create an image of vitality that is gained with units that orient toward public spaces.
- c. The site plan and unit orientation enhances the desired pedestrian environment with the proposed entry courtyard that is physically separated from the vehicular driveway.
- d. Designated bike parking is provided.

Zoning Ordinance

With approval of a density bonus incentive for open space, the project meets the requirements of the Zoning Ordinance as shown in the table above.

2. *The project must be consistent with the Citywide Design Standards and Guidelines.*

The project is consistent with the Citywide Standards and Guidelines. In particular, a performance objective for sites and parking lots is that site and parking plans shall provide for adequate and safe pedestrian and vehicular traffic. An associated design guideline states:

“With the exception of the portion of entrance drives in the street right-of-way and the intersections of pedestrian and vehicular traffic, driveways and parking areas shall be surrounded by a six (6) inch concrete curb or alternative approved by the Design Review Board that will separate pedestrian and vehicular movement and will help protect safety of pedestrians, landscape plantings and buildings or other site features which might be damaged by vehicular movements. Further, pedestrian movement should be separated from drives by landscaped strips a minimum width of four (4) feet.”

The project provides a buffer between the vehicle drive and the pedestrian entrance. Residents and visitors may enter the site safely from the sidewalk and also have a clear path from the carport and parking areas to the residences. Therefore, the project is consistent with this guideline that is intended to provide safety to pedestrians.

3. ***The project must be designed and constructed, and so located, that the project will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of residence or investment or occupation in the city, limit the opportunity to obtain the optimum use and value of the land and improvements, impair the desirability of living conditions on or adjacent to the subject site, conform with the standards included in the local coastal land use plan and/or otherwise adversely affect the general welfare of the community.***

This project will set an example for future multifamily development in the City of Marina by way of enhanced design, pedestrian instead of vehicular orientation and resident amenities.

Conditions of Approval

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans dated April 30, 2018 attached hereto as “**ATTACHMENT 1**”, except as conditioned herein.
2. Site and Architectural Design Review Board Condition – Prior to the issuance of building permits, the applicant shall revise the plans for staff review and approval as follows:
 - a. Submit revised colors that show a more neutral body color;
 - b. Confirm that the color of the doors is compatible with the revised body color;
 - c. Verify that the turn radii are compliant for all parking spaces; and,
 - d. Locate all curbs and truncated domes on site plans.
3. Permit Expiration (City Council) - This permit will expire 24 months from the date of approval by the City Council, unless a valid building permit has been issued and construction of the project has commenced prior to expiration. The applicant may apply for an extension of this permit, by submitting an extension request application and applicable fees, no less than 30 days prior to expiration date. No renewal notice will be sent to the applicant or property owner.
4. Cultural Resources – Negative Archaeological Report – If during the course of construction, cultural, archaeological, historical, or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The City of Marina and a qualified archaeologist (i.e. an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contact, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper measures required for the discovery.

5. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning or designee.
6. Utilities–Underground – All new utility and distribution lines shall be placed underground.
7. Preconstruction Meeting – Prior to the commencement of any grading or construction activities, a preconstruction meeting shall be held on the site. The meeting shall include representative of each of the selected contractors, any consultant who will conduct required monitoring, the owner/applicant, Community Development-Planning, Community Development-Building, Engineering, Marina Fire, and/or any other appropriate departments/agency. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the development.
8. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the application of its obligations under this condition.
9. Affordable Housing Agreement/Program – Prior to issuance of the first construction permit, the Owner/Applicant shall development, sign, notarize and record an Affordable Housing Agreement with the City of Marina. Such agreement shall clearly identify the number of affordable units, the income level of affordability (low income), the estimated rent to be collected for each unit, and the term (length) of all affordability restrictions. The Agreement shall be prepared in conformance with the requirements of the Marina Municipal Code.
10. Fire Department – Marina Fire Department standard conditions shall be implemented to the satisfaction of the Fire Chief.
11. Landscape Surety Bond – Prior to the issuance of a building permit, the applicant shall provide a bond or other surety acceptable to the City to guarantee that the installed landscaping shall remain in a healthy and growing condition for a minimum of two years from the date of occupancy approval. The amount of the surety shall be a minimum of ten percent of the actual or estimated costs of the installation accepted by the Planning Services Division. An amount greater than ten percent may be required by the Planning Services Division if more exotic, less reliable plant material is specified in the approved planting plan. Two years after the approval of occupancy, the applicant shall contact the Planning Services Division to arrange for an inspection of the landscaping. If or when all landscaping shown on the approved plans is in place and is in healthy and growing condition, the surety shall be returned to the entity that

12. provided the surety or to another entity upon proof of transfer. If plant material is dead, dying or missing and the applicant does not take steps to restore the landscaping, the City shall have the authority to use the surety for the restoration of the landscaping.

13. Fees – That any outstanding balance in the project’s fee account shall be paid prior to the issuance of a Building or Grading Permit.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O’Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Brown

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

July 26, 2018

Item No. **9a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 8, 2018

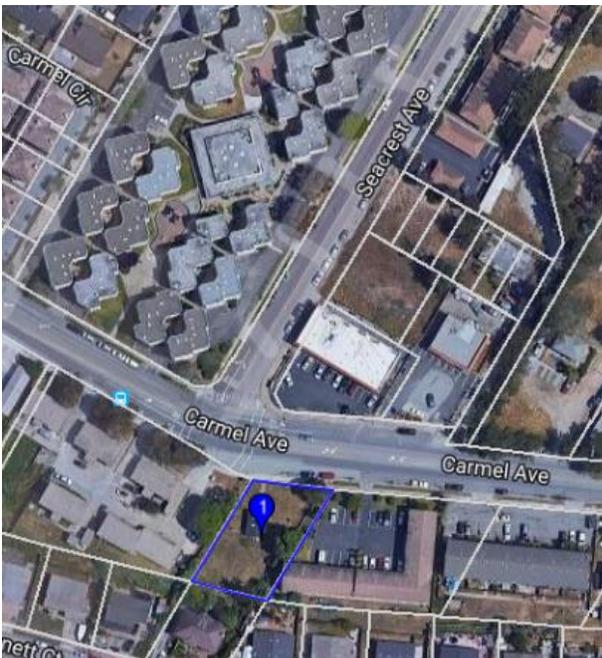
REQUEST TO OPEN A PUBLIC HEARING, TAKE TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING A RESOLUTION APPROVING A COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A CONDITIONAL USE PERMIT (UP 2016-06) FOR RESIDENTIAL DENSITY OVER 25 UNITS PER ACRE; 2) A 10% DENSITY BONUS AND A PROJECT INCENTIVE TO ALLOW A REDUCTION IN OPEN SPACE REQUIREMENTS 3) AN AFFORDABLE/INCLUSIONARY HOUSING PROPOSAL TO PROVIDE ONE AFFORDABLE HOUSING UNIT ON-SITE; AND, 4) SITE AND ARCHITECTURAL DESIGN REVIEW (DR 2016-04) FOR A NEW THREE-STORY, 10-UNIT APARTMENT COMPLEX; AT 264 CARMEL AVENUE (APN: 032-291-044). EXEMPT FROM CEQA PER ARTICLE 19, SECTION 15195

RECOMMENDATION:

The City Council takes the following action:

- 1) Adopt Resolution No. 2018-, approving Combined Development Permit consisting of: 1) a Conditional Use Permit (UP 2016-06) for Residential Density over 25 Units Per Acre; 2) a 10% Density Bonus and a Project Incentive to Allow a Reduction in Open Space Requirements 3) an Affordable/Inclusionary Housing Proposal to Provide One Affordable Housing Unit On-site; and, 4) Site and Architectural Design Review (DR 2016-04) for a New Three-Story, 10-Unit Apartment Complex; at 264 Carmel Avenue (APN: 032-291-044).

BACKGROUND:



Location and Vicinity: The 11,011 square foot (.25 acre) site is located on the south side of Carmel Avenue at the intersection of Carmel and Seacrest Avenues and contains a small one story building that was formerly used as a plant nursery. The property is surrounded by a commercial building to the north, apartments to the east and west and single family to the south.

General Plan and Zoning: The General Plan Land Use Designation for the property is Multi-Family Residential, allowing 15-35 dwelling units/acre. The Zoning Designation is R-4 Multiple Family Residential District. Multiple dwellings and dwelling groups not exceeding twenty-five units per acre are permitted uses in this district and 26-35 units

per acre can be permitted with the issuance of a Conditional Use Permit. A Density Bonus of up to 35% of the base number of units can be approved if the project provides a certain percentage of affordable units. Site Plan and Architectural Design Review is required for projects that include more than one dwelling unit on a single parcel.

The property is located with the Downtown Vitalization area which is currently under a temporary moratorium on the issuance of Conditional Use Permits and any new or replaced square footage (initiated by the City Council on August 2, 2017 and extended until April 1, 2019). The moratorium is an urgency measure to limit development within the planning area that may conflict with the City's efforts to create a plan that will define the desired uses, circulation patterns, block standards and site and building development standards and guidelines within the downtown area. During this period, Planning Division staff will also be developing design standards for multifamily residential developments.

On August 2, 2017, the City Council exempted from the moratorium the project at 264 Carmel Avenue currently under review and described below, because the project application was substantially complete and the applicant is not requesting a zoning ordinance or General Plan amendment. The exemption from the moratorium does not obligate the City to approve the project.

Project History

On July 29, 2016, Mr. John Filighera of U4Ric Investments submitted an application to demolish an existing single-family dwelling and to construct a new two-story eight-unit apartment complex at 264 Carmel Avenue.

Due to General Plan consistency concerns, staff recommended that the DRB recommend that the Planning Commission deny the project. However, at the regular meeting on February 7, 2018, the DRB considered the application and recommended approval the project with special conditions for redesign.

Following the February 7, 2018 DRB meeting, the application was scheduled for the Planning Commission meeting of March 22, 2018. The applicant requested that the application be tabled so that they may redesign the project to more closely align with the General Plan and to gain a positive recommendation from staff.

The revised project modified the unit count from eight to ten units, increased the height from two to three stories and includes a request for a density bonus and a project incentive in exchange for the provision of one affordable housing unit.

On June 20, 2018, the Design Review Board (DRB) considered the revised Site and Architectural Design Review portion (DR2016-04) of the Combined Development Permit and adopted a Resolution 2018-04 recommending Planning Commission approval of the site plan design and overall building layout with minor revisions.

On July 12, 2018, the Planning Commission (PC) considered the project in its entirety, and adopted Resolution 2018-13, recommending that the city council adopt a resolution to approve a Combined Development Permit consisting of: 1) a Conditional Use Permit (UP 2016-06) for residential density over 25 units per acre; 2) a 10% Density Bonus and a project incentive to allow a reduction in Open Space requirements 3) an Affordable/Inclusionary Housing Proposal to provide one affordable housing unit on-site; and, 4) Site and Architectural Design Review (DR 2016-04) for a new three-story, 10-unit apartment complex on the project site (**EXHIBIT 2**).

ANALYSIS

The overall project application is a combined application consisting of:

- A Conditional Use Permit (CUP) (UP 2016-06) for a multiple family residential development with density over 25 units per acre (UPA);
- A 10% Density Bonus and a project incentive to allow a reduction in open space requirements.
- An Affordable/Inclusionary Housing Proposal to provide one affordable housing unit on-site; and,
- Site and Architectural Design Review (DR2016-04) for a new two-story, 10-unit apartment building.

The applicant's current proposal includes a ten-unit apartment complex with one three-story building and one two-story building at the front of the site facing Carmel Avenue at a density of 35 UPA (The density calculation is based on 9 units. The 10th unit would be granted as a density bonus and cannot be counted as a unit for density calculations per state law.) All of the apartments are one-bedroom. Between the two buildings is an entry courtyard that leads to two additional buildings in the rear, parking and a laundry room and secure bicycle parking. The entry driveway is at the west side of the site and provides separation from the pedestrian movements.

Building A is three stories and contains one 554 square foot (SF) unit on the first floor at the Carmel Avenue frontage with a carport at the rear. The upper floors are accessed by a central stairway off the entry courtyard. The second third floors contain one 554 SF unit and two 541 SF units, respectively, for a total of seven units in Building A. Secondary egress via a staircase is located at the rear of the building.

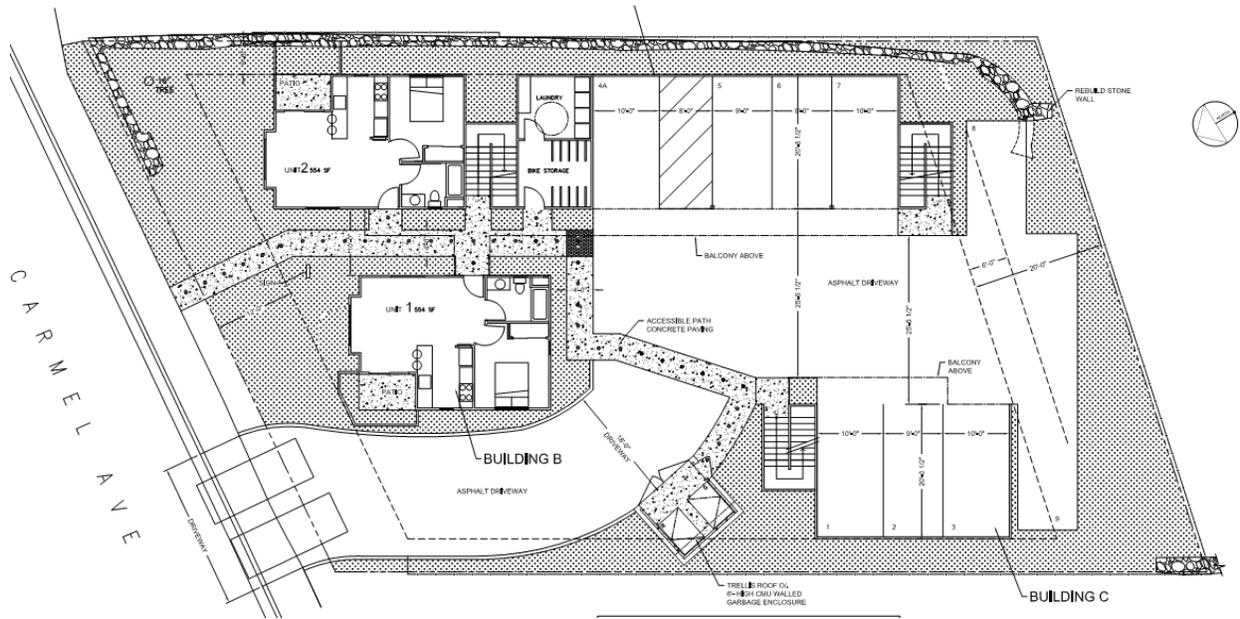
Building B is two stories and contains two stacked 554 SF units. The access to the units is via the entry courtyard on the first floor and a bridge from Building A on the second floor.

Building C is located toward the rear of the lot. The two-story structure contains a carport on the first floor and a 541 SF unit on the second floor. The unit is accessed via an exterior staircase.

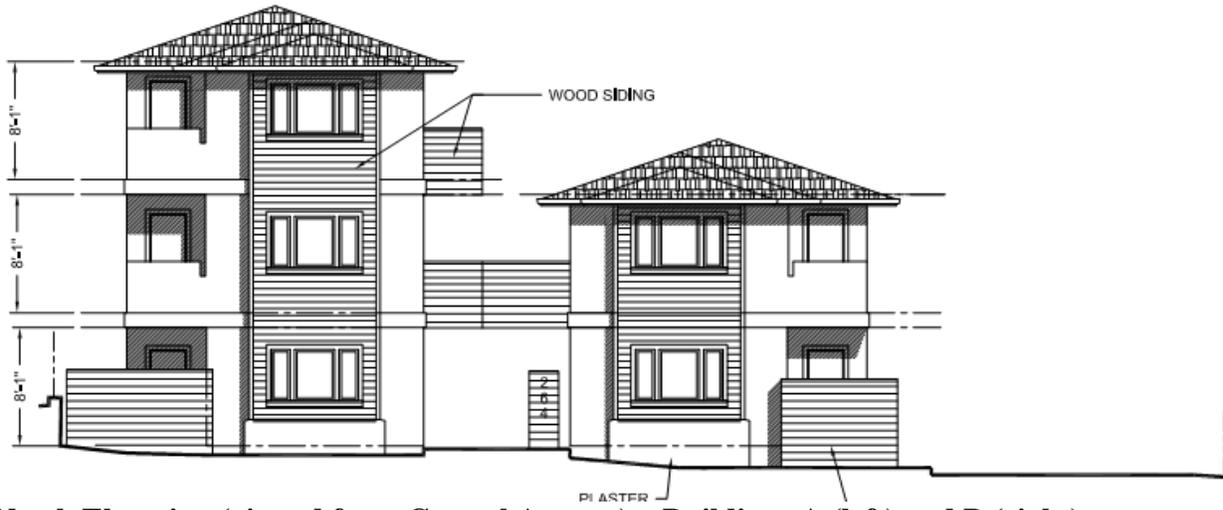
Summary of site statistics:

Zoning Standards	Standard	Proposed	Consistency Determination
Residential Density	25 Units per Acre (UPA) Up to 35 UPA with Conditional Use Permit – 9 units	9 units + 1 unit = 10 units Applicant is requesting a 10% density bonus as permitted by state law	Consistent
Building Setbacks	Front 12 feet Rear 20 feet Staircases – 6 feet into rear setback Sides 5 feet	Front 15 feet Rear Building 20 feet Staircase 4 ½ feet into rear setback Sides 5 feet	Consistent Consistent Consistent Consistent
Height	42 feet 3 stories	31 feet 3 stories	Consistent Consistent

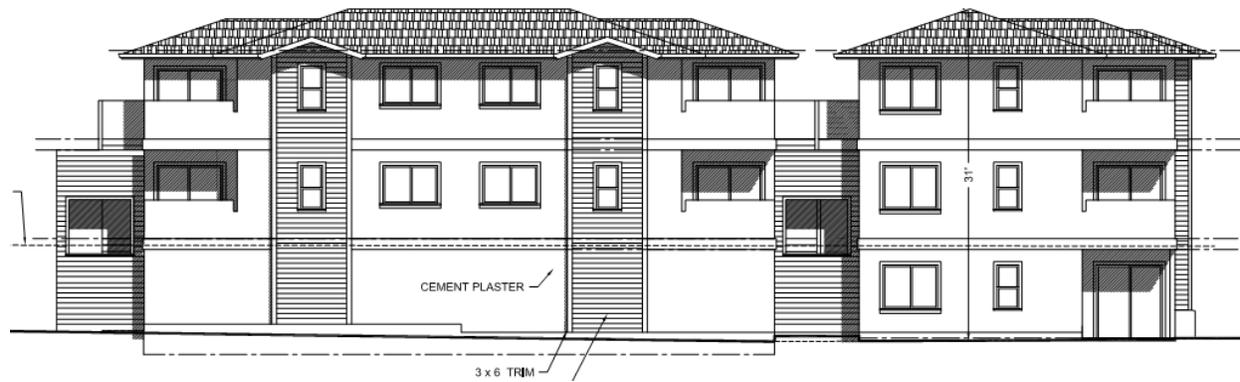
Open Space	<p>350 SF per unit (3500 SF) (Total Common and Private)</p> <p>1st Floor - Min. 80 SF private</p> <p>2nd Floor – Min. 40 SF private</p>	<p>Common Open Space – Total required – 2991 SF Total provided - 2157 SF</p> <p>Private Open Space – 1st floor units – 86.5 SF each</p> <p>2nd/3rd floor units – 42 SF each</p> <p><i>NOTE: Project requests reduction in required open space as a project incentive for providing “Low Income” housing.</i></p>	<p>Consistent - with approval of Density Bonus</p> <p>Consistent</p> <p>Consistent</p>
Building Coverage	60% of lot area 6606.6 SF	28% - 3084 SF	Consistent
Parking	<p><u>Without Density Bonus</u> Marina Municipal Code – 1 space per unit if within ¼ of transit center and min. 25 UPA – 10 spaces + 2 visitor spaces or 12 spaces</p> <p><u>With Density Bonus</u> Developer may request parking reduction under density bonus law – .5 space per unit (inclusive of visitor and ADA spaces) if located within ½ mile of a major transit stop</p>	<p><u>Without Density Bonus</u> 35 UPA and within ¼ mile of MST Transit Exchange – 9 spaces proposed</p> <p><u>With Density Bonus</u> .5 space per one-bedroom unit – 5 spaces (9 spaces provided)</p>	<p>Consistent - with approval of Density Bonus</p> <p>Consistent with State Law</p>
Covered Parking	<p><u>Without Density Bonus</u> 10 – one-bedroom units = 10 covered spaces</p> <p><u>With Density Bonus</u> No covered parking required</p>	<p><u>Without Density Bonus</u> 7 covered spaces 2 uncovered spaces</p> <p><u>With Density Bonus</u> Project proposes covered parking – not required</p>	<p>Consistent - with approval of Density Bonus</p> <p>Consistent with State Law</p>



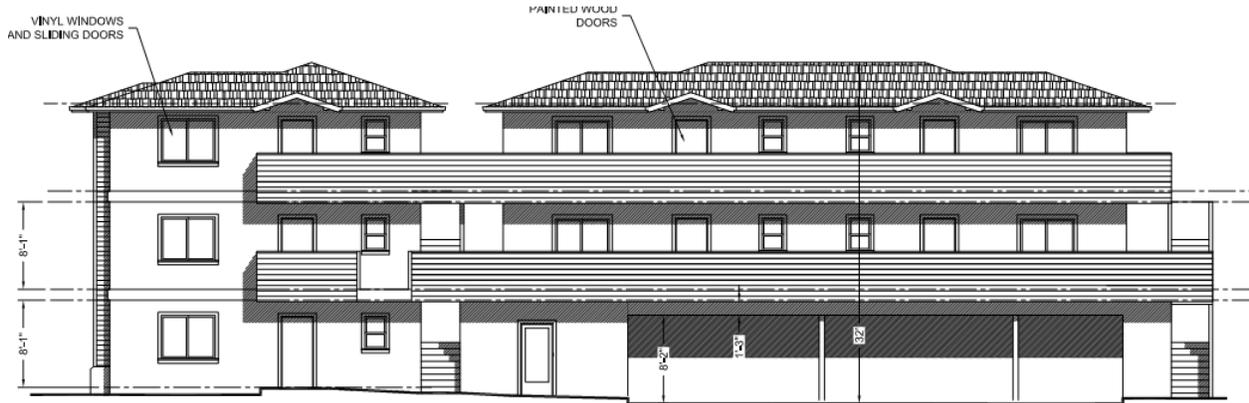
Site Plan



North Elevation (viewed from Carmel Avenue) – Buildings A (left) and B (right)



East Elevation - Building A



Interior Elevation (looking east) – Building A



West Elevation (looking east) – Buildings B (left) and C (right)

CONDITIONAL USE PERMIT

The applicant is requesting to provide the maximum density of 35 UPA for a total of nine units. The Marina Municipal Code requires a Conditional Use Permit (CUP) to exceed 25 UPA in the R-4 zoning district. No specific requirements are discussed in the Code beyond the standard findings for approval of a CUP as analyzed under the Findings section below.

DENSITY BONUS

The project voluntarily proposes to dedicate 1 unit (10 percent of the project) for “low income” residents, and therefore pursuant to Government Code 65915(f)(2) the project is entitled to a Density Bonus up to 35% under state law and two project incentives, as shown on the following chart.

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

Government Code 65915(f)(2)

Although permitted to request a 20% Density Bonus, the project is only requesting a Density Bonus of 10% or 1 additional unit (for a total of 10 units) and a project incentive to allow for a reduction in required open space. Discussion on incentive requests is contained below under “Zoning Consistency”.

ZONING CONSISTENCY – DEVELOPMENT STANDARDS

The proposed project, as designed and with the approval of a density bonus, is consistent with all applicable development standards except for open space (see separate section below).

SITE DENSITY/NUMBER OF UNITS

The maximum allowable density in the Multi-Family land use designation is 35 UPA. Based on a parcel size of .25 acres, this site would be allowed a total of 9 units. The project proposes the construction of 10 total units, of which 1 unit (10%) is proposed to be “low income”.

Per state law, projects that provide 10% or more of low-income units shall be granted a density bonus of 20% of the number of base units and one project incentive. Based on a maximum density of 9 units for the site, the 20% density bonus would allow an additional 2 units for a total of 11 units on the site. The project is requesting a density bonus of 10% or 1 unit, for a total development of 10 units.

OPEN SPACE

The “R-4” development standards (MMC Section 17.20.040 – Open space, common and private) requires that multiple-family residential developments provide 350 square feet of total open space per one-bedroom unit. Of the 350 square feet of open space required, each unit must include private open space (80 square feet for ground floor and 40 square feet for upper levels). The balance of the total required open space is shared in common. For a 10-unit apartment complex to meet this requirement, the total combined private and common open space to be provided is 3500 square feet.

As proposed, the project meets and exceeds the minimum private open space requirements. Because of the lot size and shape as well as a desire to provide more than the minimum required parking (discussed below), the applicant is requesting an incentive to reduce the required open space by 834 square feet (2991 square feet is required by code).

The provision of affordable units is consistent with General Plan policy 2.31.2, which states: *“To ensure that housing continues to be available to households of lower income in Marina, affordable housing shall be provided pursuant to the inclusionary housing requirement of the Housing Element of this plan”*.

The City of Marina Housing Element 2015-2023, Chapter 2 – Needs Assessment, Table 28 *“Regional Housing Needs Allocation (2014-2023) – City of Marina”* identifies the City’s need of “low income” housing to be 205 units. The project is proposing to supply 1 of 205 units to meet this requirement; therefore, waiving the minimum open space requirements in exchange for the “low income” unit is justified.

PARKING REQUIREMENTS

Marina Municipal Code (Section 17.44.020.D – Parking Requirements) require that multiple dwelling projects (apartments) provide one parking space (covered) for each one-bedroom unit, plus 1 additional space for every five units or fraction thereof. Based on a proposal of 10 one-

bedroom units the total required parking spaces is 12 total spaces, of which two should be reserved for visitor parking.

Per Government Code 65915(p)(2)...if a development includes the maximum percentage of “low income” or “very low income” units and is located within one-half (0.5) miles of a major transit stop...and there is unobstructed access to the major transit stop from the development, then, upon request of the developer, a city, county, or city and county, shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.

The project provides the required amount of “low income” housing for the proposed development and within one-half mile of the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The proposal includes ten (10) total bedrooms and is required to provide five (5) parking spaces. As designed the project includes nine (9) total parking spaces, exceeding the five (5)-space requirement. The provision of parking spaces is in compliance with applicable regulations.

Marina Municipal Code (Section 17.44.070.D – General Requirements), states all parking spaces shall be a minimum of nine (9) feet by nineteen (19) feet. The Project proposes to construct all parking spaces in compliance with this regulation.

SITE AND ARCHITECTURAL DESIGN REVIEW

Site Plan

The site plan presented is a refreshing departure from the typical pattern seen in existing mid to late 20th Century apartment complexes in Marina. The buildings are clustered at the front of the site and the parking is located behind and under the buildings. The driveway is offset and located at the far west of the site. The public sidewalk is connected to the project via a separate entry courtyard. A detached trash enclosure is proposed at the middle of the site and set back significantly from the street. An existing stone wall at the east side of the site is proposed to be retained.

Building Elevations, Materials and Colors

The project proposes a suburban form for the complex with low-pitched hip roofs and stacked massing relieved by full height bays at the front elevation and covered and uncovered decks at the second story. Although no unit has an entrance directly off the street elevation, the ground floor units for the front building are accessed by an entry courtyard. The projecting bays with tripartite windows and front facing covered decks add a pedestrian element to the building that relate well to the street.

Vertical elements at the east elevation break up the horizontal massing of the structure. Bellybands are included at all levels to added definition to the vertical massing. The west elevation of the three-story structure includes individual entry features that add a sense of arrival. Site lighting is limited to wall-mounted fixtures adjacent to each unit and on porches with can lighting under the long balconies facing the parking lot and with the carports.

Conceptual Landscape/Hardscape Plan Sheet L1.0 of the applicant’s package includes the Landscape and Irrigation Plans. The street frontage is proposed to be planted with three Gold Medallion trees, one Coast Live Oak, seven Victorian Box and four Southern Mamgnioa. Accent shrubs and groundcover will primarily be Agapanthus, Bergenia, Sedge, Ceanothus, Manzanita, Sea Lavender and Groundcover Rose.

REQUIRED FINDINGS:

1. The project must be consistent with the General Plan and Zoning Ordinance.

The project is consistent with the General Plan Land Use designation of Multi-family residential and the R-4 zoning designation in that the project proposes a multi-family development of more than 15 and less than 35 units per acre. The project is consistent with the General Plan and Zoning Ordinance as explained below.

General Plan - Community Goals

General Plan Goal 1.17 states “The overall goal of the Marina General Plan is the creation of a community which provides a high quality of life for all its residents; which offers a broad range of housing, transportation, and recreation choices; and which conserves irreplaceable natural resources is the overall goal of the General Plan.” Subsequent subgoals direct how the city is to develop in order to meet this goal as follows:

- Goal 1.18.5 calls for “A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.”
- Goal 1.18.8 envisions “A city physically and visually distinguish-able from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.”
- Goal 1.18.15 sees “Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.”

Community Land Use Policies

- Policy 2.4.5 “Future land development, whether it involves development of new areas, infilling of existing neighborhoods or commercial areas...shall be organized and have sufficient intensity...to create a pedestrian-oriented community.”

Housing Policies

- Policy 2.31.6 “New housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.”
- Policy 2.31.8 “New housing shall be integrated into the fabric of the City in such a way that it complements existing housing areas and contributes to the overall stability, image, and sense of community of the City.”

General Plan - Community Infrastructure

Transit and Supportive Land Use Policies

- Policy 3.35.1 “Safe and secure bicycle parking shall...be provided in all new multi-family residential projects.”
- Policy 3.38.6 “Internal Circulation. Parking lots should be attractively landscaped and the pedestrian circulation paths clearly evident to provide direct, well lit, internal pedestrian circulation networks provided to building entrances, adjacent public rights-of-way and public transit.”

The project meets the spirit and intent of the above goals and policies of the General Plan in that:

- e. The façade of the project is set back from the street as required by the development standards for the zoning district. To help to create a “street wall”, the applicant has

- added additional height to one of the front buildings and a more human scale element in the bay projection and pedestal base.
- f. The project is oriented so that the building address the street. Although no entrances are directly off Carmel Avenue, covered porched and the bay projection gives the impression of a forward-facing façade. This helps to create an image of vitality that is gained with units that orient toward public spaces.
 - g. The site plan and unit orientation enhances the desired pedestrian environment with the proposed entry courtyard that is physically separated from the vehicular driveway.
 - h. Designated bike parking is provided.

Zoning Ordinance

With approval of a density bonus incentive for open space, the project meets the requirements of the Zoning Ordinance as shown in the table above.

2. *The project must be consistent with the Citywide Design Standards and Guidelines.*

The project is consistent with the Citywide Standards and Guidelines. In particular, a performance objective for sites and parking lots is that site and parking plans shall provide for adequate and safe pedestrian and vehicular traffic. An associated design guideline states:

“With the exception of the portion of entrance drives in the street right-of-way and the intersections of pedestrian and vehicular traffic, driveways and parking areas shall be surrounded by a six (6) inch concrete curb or alternative approved by the Design Review Board that will separate pedestrian and vehicular movement and will help protect safety of pedestrians, landscape plantings and buildings or other site features which might be damaged by vehicular movements. Further, pedestrian movement should be separated from drives by landscaped strips a minimum width of four (4) feet.”

The project provides a buffer between the vehicle drive and the pedestrian entrance. Residents and visitors may enter the site safely from the sidewalk and also have a clear path from the carport and parking areas to the residences. Therefore, the project is consistent with this guideline that is intended to provide safety to pedestrians.

3. *The project must be designed and constructed, and so located, that the project will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of residence or investment or occupation in the city, limit the opportunity to obtain the optimum use and value of the land and improvements, impair the desirability of living conditions on or adjacent to the subject site, conform with the standards included in the local coastal land use plan and/or otherwise adversely affect the general welfare of the community.*

This project will set an example for future multifamily development in the City of Marina by way of enhanced design, pedestrian instead of vehicular orientation and resident amenities.

ENVIRONMENTAL DETERMINATION:

The City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 12.5, Section 15195) applicable to residential infill developments that provides: less than 100 units; a project density above 20 units per acre; and at least 10% affordable housing. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. No further environmental review is necessary.

FISCAL IMPACT:

All development application fees have been paid by the applicant and were included in the 2017-2018 FY budget. Actual construction permit fees, construction costs, and associated impact fees will also be paid by the developer and included in associated departments for the 2018-2019 FY.

CONCLUSION:

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

Respectfully submitted,

Christy Hopper
Planning Services Manager, Planning Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

J. Fred Aegerter, AICP
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

Exhibits:

1. Draft City Council Resolution approving a Combined Development Permit with Attachments.
2. PC Resolution 2018-13 with Attachments.