

RESOLUTION NO. 2018-132

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL ADOPTING A NEGATIVE DECLARATION PREPARED FOR A COMBINED DEVELOPMENT PERMIT APPLICATION CONSISTING OF: 1) A GENERAL PLAN AMENDMENT (GP 2016-03) TO CHANGE THE LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL”; 2) A ZONING MAP AMENDMENT (ZM 2016-04) FOR CHANGE THE ZONING CLASSIFICATION FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP-SHORES AT MARINA” (SPECIFIC PLAN) ZONING DESIGNATION; 3) A GENERAL PLAN AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE; 4) A SPECIFIC PLAN (SP 2016-04) TO GUIDE DEVELOPMENT OF PROJECT SITE; 5) AMENDMENT TO THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL DE SAC AT THE END OF THE DE FOREST ROAD EXTENSION; 6) A CONDITIONAL USE PERMIT (CUP) FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT EXCEEDING 25 UNITS PER ACRE; AND 7) SITE AND ARCHITECTURAL DESIGN REVIEW (DR2016-11) FOR A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Amendment (GP 2016-03) to reclassify the land use designation from “Multiple Use” to “Multiple-Family Residential”; a Zoning Map Amendment (ZM 2016-04) to reclassify the zoning designation from “C-1/Retail Business District” to “SP-Shores at Marina”; adoption of a Specific Plan (SP 2016-04) which incorporates Site and Architectural Design Review (DR 2016-11) for the Site Plan, Building Elevations, and Conceptual Landscape Plan for the project; and

WHEREAS, Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review is there is substantial evidence that the project may have a significant effect on the environment; and

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission; and

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, can be considered to be “less than significant” without mitigation; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting and adopted Resolution 2018-07 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 and October 2, 2018 meetings related to the proposed use.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby adopts a Initial Study/Negative Declaration prepared for a Combined Development Permit application consisting of: 1) A General Plan Amendment (GP 2016-03) to change the land use designation from “Multiple Use” to “Multi-Family Residential”; 2) A Zoning Map Amendment (ZM 2016-04) for change the zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina” (Specific Plan) zoning designation; 3) A General Plan Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare; 4) A Specific Plan (SP 2016-04) to guide development of project site; 5) Amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension; 6) A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre; and 7) Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex 3125 De Forest Road (APN: 032-171-018).

FINDINGS

1. The Initial Study/Negative Declaration of environmental impact were released for the public review and the project as proposed and designed would avoid the effects or mitigate the effects to a point of “less than significance.
2. There is no substantial evidence in light of the whole record before the City of Marina that the project may have a significant effect on the environment.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

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

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

City of Marina
State of California
NEGATIVE DECLARATION

FILED

MAR 16 2018

STEPHEN L. MAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Project Title:	The Shores at Marina/Owhadi
File Number:	GP 2016-03 / ZM 2016-04 / SP 2016-04 / DR 2016-11
Owner:	Ocean Point Development / Chris Owhadi
Project Location:	3125 De Forest Road, Marina
Primary APN:	032-171-018
Project Planner:	David J. R. Mack, AICP
Permit Type:	General Plan Amendment / Zoning Map Amendment / Specific Plan / Use Permit / Site and Architectural Design Review
Project Description:	The project application is combined development application consisting of: 1) Specific Plan (SP 2016-04) to guide development of project site; 2) General Plan Amendment (GP 2016-03) to change the land use designation from "Multiple Use" to "Multi-Family Residential"; 3) Zoning Map Amendment (ZM 2016-04) for change the zoning classification from "C-1/Retail Business District" to "SP-Shores at Marina" (Specific Plan) zoning designation; 4) General Plan Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare; 5) Amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the anticipated De Forest Avenue extension; 6) Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre; 7) Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex; 8) Affordable/Inclusionary Housing Proposal to provide 11% of the units as Very Low Income on-site; 9) 16% Density Bonus and project incentives to allow development of a five-story apartment complex and modifications to development standards.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	City Council
Responsible Agency:	City of Marina – Community Development Department
Review Period Begins:	March 20, 2018
Review Period Ends:	April 20, 2018

Further information, including a copy of the application and Initial Study are available at the City of Marina – Community Development Department - Planning, 209 Cypress Ave, Marina, CA 93923 (831) 884-1220

CITY OF MARINA

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING

209 CYPRESS AVENUE, MARINA, CALIFORNIA 93933

PHONE: (831) 884-1220 FAX: (831) 384-0425



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Ocean Point Development (Owhadi)

File No.: SP2016-04, GP2016-03, ZM2016-04, and DR2016-11

Project Location: 3125 DeForest Road, Marina, California

Name of Property Owner: Chris Owhadi

Name of Applicant: Anthony Lombardo & Associates (Tony Lombardo)

Assessor's Parcel Number(s): 032-171-018

Acreage of Property: 1.438 acres

General Plan Designation: Multiple Use

Zoning District: C-1 "Retail Business District"

Lead Agency: City of Marina

Prepared By: David J. R. Mack, AICP

Date Prepared: March 2018

Contact Person: David J. R. Mack, AICP

Phone Number: 831-884-1251

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The proposed project is located at 3125 De Forest Ave, within the City of Marina. The existing zoning is “C-1” or “Retail Business District”. The project site is located at the terminus of an existing improved street (De Forest) and is immediately adjacent to the Monterey Salinas Transit (MST) Marina Transfer Station. The existing portion of De Forest Road is a public street, however the portion abutting the “Shores” project site is currently a private road, which will need to be developed by the project applicant and subsequently dedicated to the City of Marina after development.

The overall project application is combined development application consisting of:

- 1) Specific Plan (SP 2016-04) to guide development of project site;
- 2) General Plan Amendment (GP 2016-03) to change the land use designation from “Multiple Use” to “Multi-Family Residential”;
- 3) Zoning Map Amendment (ZM 2016-04) for change the zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina” (Specific Plan) zoning designation;
- 4) General Plan Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare;
- 5) Amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the anticipated De Forest Avenue extension;
- 6) Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre;
- 7) Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex;
- 8) Affordable/Inclusionary Housing Proposal to provide 11% of the units as Very Low Income on-site;
- 9) 16% Density Bonus and project incentives to allow development of a five-story apartment complex and modifications to development standards.

The project also includes modified parking requirements as specified for Government Code Section 65915(p)(2), applicable to “transit orientated development”; development of a pedestrian pathway (at the northern property boundary) connecting De Forest Road to the Seacrest Shopping Center; and dedication of a 30-foot road right-of-way easement for development of a public road and associated street improvements (curb, gutter, sidewalk, etc).

The project proposes no phasing and all development/construction will be undertaken and completed as one comprehensive action.

Appropriate Hearing Authority

The existing “C-1” or “Retail Business District” zoning designation allows the development of multiple-family residential dwellings when part of a mixed-use development on a building site, subject to issuance of Use Permit from the City of Marina Planning Commission. However, in this particular case, the applicant is requesting a General Plan Amendment to change the land use designation from “Multiple Use” to “Multiple Family Residential” and a Zoning Map Amendment to change the site zoning classification from “C-1/Retail Business District” to “SP-Shores at

Marina” (Specific Plan). These requested changes require review, approval and adoption by the City of Marina City Council.

The “Multiple Family Residential” land use designation is generally associated with the “R-4” or “Multiple Family Residential” zoning designation, which is intended for development of multi-level, higher density structures, such as apartment complexes. For this reason, the Shores at Marina proposal (the Project) is being analyzed and developed using the “R-4” standards as a baseline. Within the “R-4” zoning designation, multiple dwellings and dwelling groups exceeding a density of twenty-five units per acre may be conditionally approved subject to the granting of Use Permit by the City of Marina Planning Commission. Pursuant to the standards of the “R-4” zoning designation, the applicant has applied for the required Use Permit to exceed twenty-five units per acre for the development of the proposed apartment complex; the applicant is requesting a density of 35 units/acre.

As previously stated, the Planning Commission is the Appropriate Authority to consider the Use Permit, however because the Use Permit is combined with the aforementioned General Plan and Zoning Amendment requests, the overall project requires consideration before the Planning Commission, with formal recommendation for final action to the City Council.

Furthermore, the application includes application for Site and Architectural Review (DR2016-11) for the new five-story, fifty-eight-unit apartment complex. To ensure that CEQA review analyzed the appropriate site design and layout, the City of Marina Site and Architectural Design Review Board (DRB) considered the site plan, parking plan, and draft landscape plan for recommendation to the Planning Commission on December 20, 2017. On December 20, 2017, the DRB formally recommended approval of site and architectural review portion of the project to the Planning Commission and City Council.

2. VACANT MAP

3. SHEET PLAN

4. UNIT MIX PER LEVEL

LEVEL	1-BED	2-BED	3-BED	TOTAL
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3	1	1	1	3
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5. PLANNING DATA

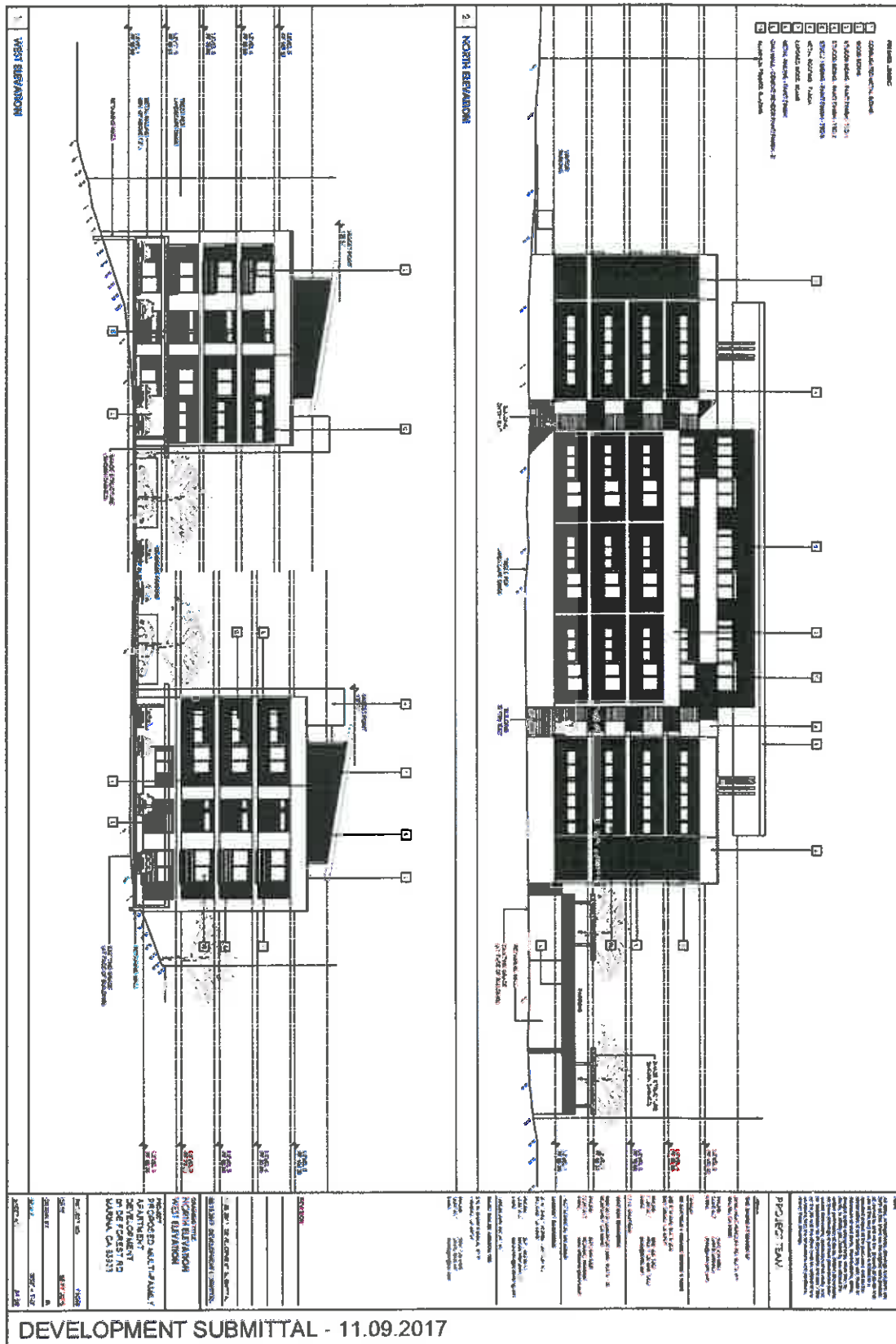
PROPOSED UNIT MIXTURE

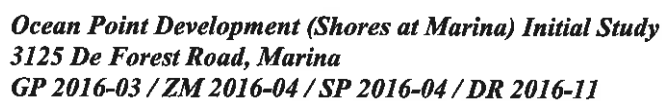
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PROPOSED PARKING

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DEVELOPMENT SUBMITTAL - 11.09.2017





B. Surrounding Land Uses and Environmental Setting:

The project site is located at the terminus of De Forest Avenue, on an existing 1.438-acre undeveloped parcel, which is rectangular in shape. The project site is immediately bound by the Monterey-Salinas Transit (MST) Regional exchange site to the north; the Gates Apartment complex and the Korean First Presbyterian Church of Monterey to the south; the Seacrest Plaza Shopping Center to the west; and the previously entitled (and currently under construction) “De Forest Apartments Specific Plan” (Junsay Oaks/CHIPSA at 3098 De Forest Road) senior housing project (47-units) is located across De Forest Road to the east.



The Shores at Marina has been designed to be directly linked to the adjacent Monterey-Salinas Transit (MST) Regional Transit Exchange property, through a proposed tree-lined pedestrian pathway. This direct linkage provides opportunities for future residents to efficiently use public transportation and connections throughout Monterey County. The location of the project

immediately adjacent to the MST Transfer Station, in combination with the proposed pedestrian pathway connection, qualifies the project as “Transit-Oriented Development” (TOD).

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	☒	Air Quality Mgmt. Plan	☒
Specific Plan	☐	Airport Land Use Plans	☒
Water Quality Control Plan	☐	Local Coastal Program-LUP	☐

2000 City of Marina General Plan

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting pedestrian oriented and friendly development, and establishing community character, vision and identity. The Project includes the provision of bicycle parking/storage facilities.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of open space (public and private). The Project does request two development incentives, additional height/stories and waving of the unit mix requirement, in exchange for the provision of “very low income” housing.

2012 Triennial Air Quality Management Plan Revision/2008 Air Quality Management Plan

The project was reviewed for consistency with the Monterey Bay Unified Air Pollution Control District’s (MBUAPCD) CEQA Air Quality Guidelines for the Monterey Bay Region. The proposed project complies with the requirements of this plan. The proposed project has the potential to impact Air Quality and these concerns are addressed in Section VI.3 of this document. In addition, ozone emissions for the project are accommodated in the emission inventories of the Air Quality Management Plan and will not have a significant impact on the attainment or maintenance of ozone Ambient Air Quality Standards.

Airport Land Use Plan

The Project was reviewed for consistency with the City of Marina Draft Master Plan. The proposed project is not located within the Master Plan area, is not located within an airport approach or airspace reserve area, and will not conflict with the regulations or policies within the Draft Master Plan. The project is not located in an area that will expose humans to excessive airport related noise or vibrations.

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|--|---|--|
| ☒ Aesthetics | ☐ Agriculture and Forest Resources | ☐ Air Quality |
| ☐ Biological Resources | ☒ Cultural Resources | ☒ Geology/Soils |
| ☒ Greenhouse Gas Emissions | ☐ Hazards/Hazardous Materials | ☒ Hydrology/Water Quality |
| ☒ Land Use/Planning | ☐ Mineral Resources | ☒ Noise |
| ☒ Population/Housing | ☒ Public Services | ☐ Recreation |
| ☒ Transportation/Traffic | ☐ Utilities/Service Systems | ☒ Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- ☐ Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

2. Agriculture and Forest Resources. The existing “C-1” or “Retail Business District” zoning designation allows the development of multiple-family residential dwellings when part of a mixed-use development on a building site, however, the applicant is requesting a General Plan Amendment to change the land use designation from “Multiple Use” to “Multiple Family Residential” and a Zoning Map Amendment to change the site zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina” (Specific Plan). Neither of

these land use designations or zoning designations are intended for agricultural purposes. Implementation of the project would not convert prime, unique, or farmlands of statewide importance to non-agricultural use or involve any other changes that would result in the conversion of farmland, impact a Williamson Act contract, or disrupt any agricultural operations. Implementation of the proposed project would not convert forest land or timberland or involve any other changes that would result in the conversion or loss of forest land. ***No Impact.***

3. **Air Quality.** The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). Minor grading proposed for the development of the project has been considered. The proposed development of a multi-family apartment complex will not create or produce objectionable odors or exposes sensitive receptors to substantial pollutant concentrations. The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM10 to be 2.2 acres of disturbance a day. As less than 2.2 acres will be disturbed by the project, it has been judged not to constitute a significant impact. Generally, in the long-term, the primary source of air emissions is vehicular traffic. The development on the project site will not affect AMBAG population projections. ***No impact.***

4. **Biological Resources.** The Project site is an undeveloped, previously disturbed area, currently consisting of non-native grasslands with a small number of shrubs and trees (California bayberry and toyon). Within the project site, the non-native grasslands provide only marginal coverage and forage opportunities. The "Biological Resources Evaluation and Wetland Determination" report prepared by Marcus H. Bole & Associates, for the site in June of 2016, did not identify the presence of special status wildlife or plant species or the specific micro-habitats that could support special status species. Additionally, no sensitive habitats were found within the project site. No wetland or riparian vegetation was found onsite, and no signs of vernal ponds or vernal swales were observed, nor were hydric soil indicators, or hydrological features. Therefore, the proposal will not have substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations; will not have an effect any riparian habitat or other sensitive natural community, or any federally protected wetlands as defined by Section 404 of the Clean Water Act; will not substantially interfere with the movement of any native resident or migratory fish or wildlife species nor impede the use of native wildlife nursery sites; does not conflict with any local policies or ordinances protecting biological resources, including trees preservation policies. The project site is not within or adjacent to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. ***No Impact.***

8. **Hazards/Hazardous Materials.** The proposal does not involve use of hazardous materials that would constitute a threat of explosion, or other significant release that would pose a threat to neighboring properties. No land use will occur which would allow the property owner to use the site as a holding, or disposal area for hazardous materials. Therefore, no transportation of hazardous materials will occur in quantities that would constitute a significant hazard, or violate state or county health and safety regulations, or through a

reasonably foreseeable accident allow the release of hazardous materials into the environment. The proposed project would not involve stationary operations, or create substantial hazardous emissions. The site location and scale of the project site will have no impact on emergency response or emergency evacuation and is not included on any list of hazardous materials sites. The property is located within 1.5 miles of the Marina Municipal Airport however, the Airport property topography sits at a higher elevation than the project site, and the project site is not located within “restricted” or “airport approach” airspace, and the proposed development of the site will not constitute a hazard for people residing or working in the area. **No Impact.**

11. Mineral Resources. Eight exploratory test holes were excavated on the site in June of 2015, which encountered native earth materials composed of older dune sand. The upper 12-18 inches of native soils consisting of grayish brown silty sand that is loose & dry. Below a depth of 1.5 feet the native earth materials are composed of medium dense, slightly moist poorly graded sand. Undocumented fill material was encountered by the presence of man-made construction debris consisting of isolated concrete rubble extending to a depth of 3 feet below the ground the surface. Based on this soil composition, implementation of project is not expected to result in the loss of known mineral resources that would be of value to the region. Additionally, project site is not delineated as a locally important mineral resource recovery site. **No Impact.**

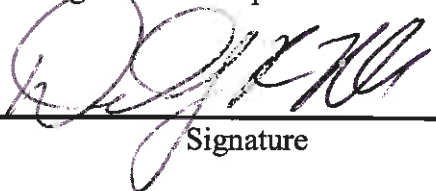
15. Recreation. The proposed project would not increase recreational needs in the area, although the project is creating a residential use. The project includes recreational facilities (outdoor common open space – 25,495 square-feet; private open space – ranging from 91-118 square-feet/unit; common gym/workout space – 667 square-feet), and does not require the construction or expansion of recreational facility that might have an adverse physical effect on the environment.

17. Utilities/Service Systems. The proposed project involves the construction a new 58-unit apartment complex, which will be served by public utilities and services. Water and sewer will be provided by Marina Coast Water District; and gas and electric by Pacific Gas & Electric. The proposed development will not cause a substantial increase nor exceed the capacity of these utilities and services or cause an increase exceeding the treatment requirements of the California Regional Water Quality Control Board. Solid waste from the project will be collected and brought to the Monterey Regional Waste Management District’s Landfill and Recycling Facility, located near the City of Marina. The landfill has the total capacity of 48 million tons, of which 40 million tons is remaining, which is expected to provide service through the year 2107. Therefore, the landfill is sufficient to accommodate the project’s solid waste disposal needs and will have no impact, resulting in compliance with federal, state, and local statutes and regulations related to solid waste. **No Impact.**

B. DETERMINATION

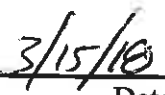
On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

David J. R. Mack, AICP



 Date

Senior Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Less Than Significant With Mitigation Incorporated			
Would the project:		Potentially Significant Impact	Less Than Significant Impact	No Impact	
a)	Have a substantial adverse effect on a scenic vista? (Source:)	☐	☐	☐	☒
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source:)	☐	☐	☐	☒
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source)	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source:)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

The proposed project would develop an existing vacant site with two separate five-story multi-family apartment structures, comprising 58 total units, consisting of a mix of 1-bedroom (42 units), 2-bedroom (14 units), and 3-bedroom (2 units) residential units. Unit sizes will range in size from 665 to 1,452 square feet. Associated amenities include a 667-square foot leasing office, and a 667-square foot fitness room.

The site is surrounded by commercial on its western border and residential development on the southern, and eastern borders, and the Monterey-Salinas Transit Transfer Center on the northern border. The proposed layout involves two rectangular buildings near the northern and southern parcel lines, with parking located between and at the front and rear of the buildings with perimeter landscaping and pedestrian pathways throughout the lot. Points of entry into the buildings and units are located off the central parking area.

Common facilities (leasing office and fitness room) and some units will be located on the ground floor of buildings. All floors of each individual building will include residential units. Trash/recycling enclosures are also located on the ground level of each building with access to each enclosure being provided from the central parking area.

The project design incorporates a total of 8,116 square feet of passive recreation space, including roof-top BBQ areas, outdoor dining space and viewing terraces. Two roof-top recreation spaces will be provided for each building. The purpose of place outdoor recreation areas at the top of each building is to bring potential residents into a safe communal area, while providing a multi-level experience of the overall development.

The “Shores Apartments at Marina” is proposed to be constructed of a “modern” architectural style, with bold straight lines, accents by large glass windows and walls. The design incorporates

patios/decks on all sides, and a roof mounted solar-voltaic system to offset energy consumption of the development.



The project is proposing to provide 11 percent (6 units) affordable “very low income” rental units, which under state law, would allow the developer to request and receive two project incentives.

One of the development incentives being requested, is an increase in allowable maximum height. The “R-4” (Multi-Family) development standards restrict buildings to no more than 42 feet and 3

Ocean Point Development (Shores at Marina) Initial Study

3125 De Forest Road, Marina

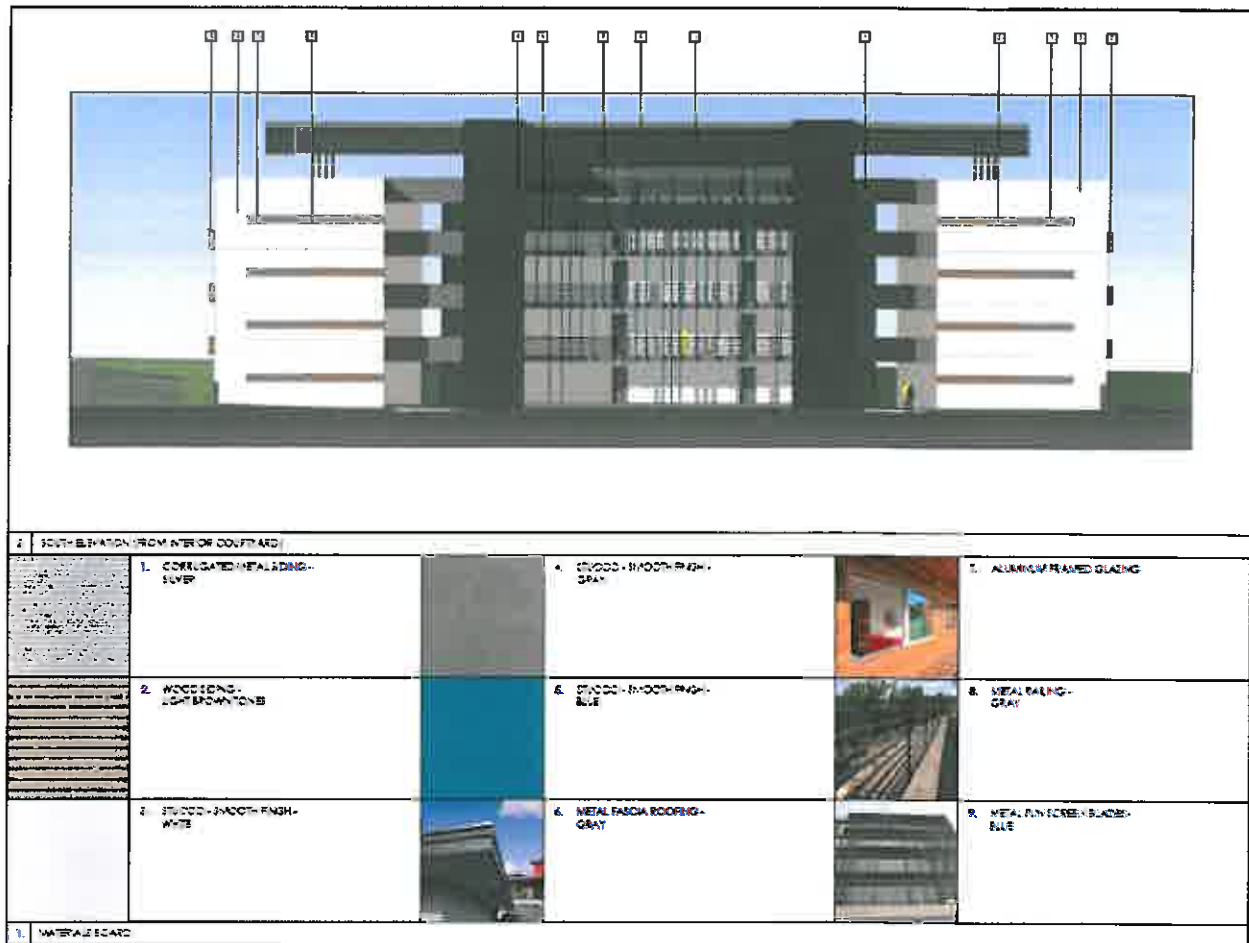
GP 2016-03 / ZM 2016-04 / SP 2016-04 / DR 2016-11

stories tall. The Shores project is requesting to construct to 63 feet and 5 stories. According for the topography of the site, the potential increase in height/stories will not create a building which is substantially higher than existing development to the east or south of the Project site.

The apartment complex proposes the following colors and materials:

Materials	Colors
Corrugated Metal Siding	Silver
Wood Siding	Light Brown Tones
Stucco Siding	White; Gray; Blue
Metal Fascia Roofing	Gray
Aluminum Framed Glazing; Metal Railing (Gray); Metal Sun Screen Blades (Blue)	







Conclusion:

(a) (b) – No Impact

There are no viewshed or design-related policies applicable to the subject property within the City of Marina General Plan. There are no scenic resources within the vicinity of the project area. Therefore, the project will not impact any scenic resource or viewsheds.

(c) – Less-Than-Significant Impact

The five-story apartment complex will be visible from the surrounding residential and commercial districts; however, the project will not degrade the visual character of the area. The character of the area is a mix of commercial, residential, and public services/civic uses. The proposed development is bordered on the south and eastern sides by multi-level residential (apartment) developments and will have similar height to these structures. The western border of the project site consists of commercial buildings and large retail parking-lots. The project site is currently vacant and consists of man-made walking paths that are scattered with vegetation and debris. The development will include a new structure, parking and landscaping on the undeveloped site. A landscaping plan will be required as a condition of approval to insure landscaping is installed to create a natural visual buffer between the residential district and adjacent church property from the project site. The proposed development will be a new residential development similar to other developments within the area. It will not be out of character and will thus not degrade the visual character of the area.

(d) – Less-Than-Significant Impact

The five-story apartment complex proposes interior and exterior lights that may potentially impact the adjacent residential areas due to off-site glare. The baseline condition of the residential district is impacted by exterior lighting from the surrounding shopping center and other adjacent residential uses. The proposed development is five-stories high and may create further lighting impacts. Pursuant to the “Exterior Site and Building Lighting Guidelines and Standards” the all exterior lighting shall be generally subdued and present a uniform lighting pattern with minimum potential for glare, by using a combination of multiple indirect lighting sources and constructed or located so that only the intended area is illuminated, long-range visibility is reduced and off-site glare is controlled. Additionally, general site and parking lot lighting should tend toward warmer color spectrum (incandescent and sodium-vapor lighting). A lighting plan is required as a standard condition of project approval to ensure that off-site impacts from exterior lighting is minimized. Therefore, the proposed lighting, subject to standard conditions of approval, is considered a less-than-significant impact.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source:)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source:)	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source:)	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source:)	☐	☐	☐	☒

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

See Section IV.2.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source:)	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source:)	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source:)	☐	☐	☐	☒
d) Result in significant construction-related air quality impacts? (Source:)	☐	☐	☐	☒
e) Expose sensitive receptors to substantial pollutant concentrations? (Source:)	☐	☐	☐	☒

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Create objectionable odors affecting a substantial number of people? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See Section IV.3

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source:)	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source:)	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source:)	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source:)	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source:)	☐	☐	☐	☒

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

See Section IV.4

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source:)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source:)	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source:)	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source:)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:**5(a, b, c) – No Impact.**

The project site is a heavily disturbed, undeveloped site, which is currently vegetated with dry non-native grasses. The parcel is flat, and contains car tracks and other walking paths throughout the site. A “Cultural Resources Analysis” was prepared by EBI Consulting, for the neighboring site (Post Office site), which analyzed the general area, and found that the area is characterized by few accessible natural resources (water, etc), and that the area would have had little or no presence of native inhabitants. Additionally, the general area had structures and activity dating back to 1947, which have since demolished (1998). The demolition of the area(s) structures and subsequent plowing and maintenance have resulted in significant ground disturbance in the general area. Additionally, no prehistoric archaeological sites are recorded within a ½ miles (804.7m) radius of the project site.

5(d) – Less Than Significant Impact.

The site is not expected to contain any human remains, including remains interred outside of a formal cemeteries. As part of the project review and compliance with the California Environmental Quality Act, the City of Marina sent a letter to the Native American Heritage

*Ocean Point Development (Shores at Marina) Initial Study**Page 23**3125 De Forest Road, Marina**GP 2016-03 / ZM 2016-04 / SP 2016-04 / DR 2016-11*

Commission (NAHC) requesting a Sacred Lands File (SLF) Search. The response, dated December 20, 2016, stated that a search of the SLF was completed with negative results, however the NAHC requested contact with local tribe representatives. Pursuant to that request, consultation letters were addressed to the following in July of 2017: Esselen Tribe of Monterey County, Amah Mutsun Tribal Band, Indian Canyon Mustun Band of Costanoan, Amah Mutsun Tribal Band of Mission San Juan Bautista, Ohlone/Costanoan-Esselen Nation, and the Costanoan Rumsen Carmel Tribe. Only one consultation request was received from the Ohlone/Costanoan-Esselen Nation (Chairperson, Louise J. Miranda Ramirez), wherein a request to for a sacred lands search be conducted. As mentioned previously, the SLF search was conducted and resulted in no finding. Based on this information, the project is anticipated to result in less than significant impact to disturbance to human remains.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii)	Strong seismic ground shaking? (Source:)	☐	☐	☒	☐
iii)	Seismic-related ground failure, including liquefaction? (Source:)	☐	☐	☒	☐
iv)	Landslides? (Source:)	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil? (Source:)	☐	☐	☒	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source:)	☐	☐	☐	☒
d)	Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source:)	☐	☐	☐	☒

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:**6(a)(i) – No Impact.**

The site is not located within any Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act, no faults have been mapped within the project site, and no evidence of faulting was found; therefore, the potential for surface fault rupture is low.

6(a)(ii) – Less than Significant.

The project site may be subject to strong seismic ground shaking. However, the apartment complex is required to comply with the California Building Code (CBC) to minimize any damage associated with seismic ground shaking. A standard condition of approval will be incorporated to ensure the recommendations in the Geotechnical Investigation are followed and that the potential impacts will be less than significant.

6(a)(iii) – Less than Significant.

Seismic-related ground failure is associated with predominantly sandy soils; the soils observed on-site were identified silty sand and poorly graded sand with a low expansion potential. However, according to the “Exploratory Trenching Report” prepared by LandSet Engineers, Inc., in June 2015, determined the potential for liquefaction to occur on the site to be low, and the risk for lateral spreading is considered low at the project site. A condition of project approval, requiring the applicant to demonstrate that all development on site is in conformance with the Geotechnical Report, has been incorporated to reduce the risk of liquefaction and ensure that potential impacts will be less than significant.

6(a)(iv) – No Impact

The construction area is relatively flat and has been situated to avoid significant slopes; there is no potential for adverse impacts from landslides. No evidence of slope instability has been mapped by previous studies, or the “Exploratory Trenching Report” prepared for the site in June 2015. The potential for landsliding to affect the project is very low.

6(b) – Less than Significant

The soil materials underlying the site consist of cohesionless sandy soil with a very high erosion potential. As such a properly designed drainage and erosion control plan are essential for the long-term sustainability of the project. In response to this concern, the applicant prepared a “Preliminary Stormwater Control Plan” (Whitson Engineers, June 2016) which layouts out the parameters for properly maintaining a 100-year storm and all surface runoff onsite. The Control Plan has identified the need for three (3) Drainage Management Areas (DMAs) which will be located and installed onsite to adequately capture all drainage and direct it to underground

chambers. A condition of approval has been incorporated to ensure the recommendations in the Stormwater Control Plan are followed and that the potential impacts to loss of top soil or soil erosion will be less than significant.

6(c - d) – No Impact

The site is suitable from a soil engineering standpoint for the proposed development. No special measures are required to for the effect of soil expansion on foundations, and interior or exterior concrete slabs-on-grade (See 6a and 6b above). The soil composition of the site does not pose a substantial risk to life or property.

6(e) – No Impact

The project will receive public sewer connection from the Marin Coast Water District, and therefore will not involve the installation of septic tanks or alternative wastewater disposal systems.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source:)	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source:)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

7(a) and (b) – Less Than Significant.

As discussed under Air Quality above, implementation, construction and operation of the proposed project will not exceed established thresholds for air quality emissions. The project is anticipated to generate carbon dioxide emissions (CO₂e) at a level of 3,578.00 lbs/day. This emission amount when computed to metric tons/year (lbs/day times 365 days/year divided by 2204.62) equals a total emission level of 592.38 metric tons CO₂e/year.

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) has not established Greenhouse Gas thresholds for CEQA analysis; therefore, MBUAPCD recommends that projects compared using thresholds adopted by neighboring air districts, such as San Luis Obispo. The SLO Air District threshold for Greenhouse Gas emissions (CO₂e) is 1,150 metric tons per year. Using this threshold, the projected project related CO₂e is 51.5% of the recommended threshold for greenhouse gases. The project will not conflict with any of the applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions. The project will not exceed recommended thresholds for greenhouse gas emissions, will not conflict with applicable plans, policies or regulations adopted for the purpose of reducing emissions; therefore, the project will have a less than significant.

8. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source:)	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source:)	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source:)	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source:)	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source:)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source:)	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source:)	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

See Section IV.8.

9. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements? (Source:)	☐	☐	☒	☐
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source:)	☐	☐	☐	☒
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source:)	☐	☐	☒	☐
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source:)	☐	☐	☒	☐
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source:)	☐	☐	☒	☐
f)	Otherwise substantially degrade water quality? (Source:)	☐	☐	☒	☐
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:)	☐	☐	☒	☐
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source:)	☐	☐	☐	☒
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source:)	☐	☐	☐	☒
j)	Inundation by seiche, tsunami, or mudflow? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

The project is located within a designated “*urbanized area*”; and standard conditions will be placed on the project requiring the applicant to prepare and provide engineered drainage plans and stormwater control plans, that would retain all storm water on site. The project is subject to the implementation of Post-Construction Stormwater Management requirements (PCRs), and the intent of the PCRs is to ensure that the potential pollutant discharges from the project are minimized to the maximum extent practicable, and preventing stormwater discharges from causing or contributing to the degradation of water quality.

Preliminary Stormwater Control Plans were submitted and reviewed by the City of Marina Community Development Department-Engineering. They have been found to be in compliance with the PCR applicable to the site.

9 (a, c, d, e, and f) – Less Than Significant.

The proposed project will not violate any water quality standards or waste discharge requirements. Although implementation of the project will require site grading, the project will not substantially alter the existing drainage pattern of the site or area, and will not alter the course of a stream or river, nor cause or result in substantial erosion or siltation or flooding on or off-site. The project applicant will be required to submit a Stormwater Control Plan prepared by a registered professional engineer, along with supporting calculations, addressing the Post-Construction Management Requirements (PCRs). Compliance and implementation of these requirements will result in impacts to storm water quality being “less than significant.”

9 (b) – No Impact:

The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate or pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for the which permits have been granted). The project will receive water from Marina Coast Water District, a municipal water supplier. Based upon this, there is no impact to groundwater resources.

9(g, h, i, and j) – No Impact.

The project is not located within a FEMA flood zone and the project will not place housing and/or other structures within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The site is not located near a levee or dam that would expose people or structures to significant loss or death if failure resulting in flooding were to occur. The project site is not located in an area subject to inundation by seiche, tsunami, or mudflows.

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source:)	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source:)	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:**10 (a) – No Impact**

The proposed project will not physically divide the existing community. The project site is located at the terminus of De Forest Road, on an existing undeveloped 1.438-acre parcel. The project site is immediately bound by the Monterey-Salinas Transit (MST) Regional exchange site to the north; the Gate Apartment complex and the Korean First Presbyterian Church of Monterey to the south; the Seacrest Plaza Shopping Center to the west; and the previously entitled (and currently under construction) “De Forest Apartments Specific Plan” (Junsay Oaks/CHIPSA at 3098 De Forest Road) senior housing project is located across De Forest Road to the east. The location of the project site along De Forest Road, and the scale of the proposed development does not create a physical barrier that has the potential to divide the community.

10 (b) – Less Than Significant.

The proposed project complies with the 2000 City of Marina General Plan, and the Zoning Ordinance (Title 17) as detailed below:

Development Standards

The proposed project, as designed, is consistent with all applicable development setbacks except for height/number of stories (see separate section below). As part of the overall proposal, the site will be reclassified from a Multiple Use land use designation to Multi-Family Residential land use designation, and rezoned from “C-1” (Retail Business District) to “SP – Shores at Marina” (Specific Plan) zoning district.

The Multi-Family Residential land use designation is generally associated with the “R-4” or Multi-Family Residential zoning designation, which is intended for development of multi-level, higher density structures, such as apartment complexes. For this reason, the Shores at Marina proposal (the Project) is being analyzed and developed using the “R-4” standards as a baseline.

The Project has been designed to hold a front setback of more than 53 feet (12 feet is required), position buildings more than 13 feet from the side property lines (5 feet is required), and will maintain a rear setback exceeding 64 feet (10 feet is required).

The maximum allowable density in the Multi-Family land use designation is 35 units per acre. Based on a parcel size of 1.438 acres, this site would be allowed a total of 50 units. The Project proposes the construction of 58 total units, of which 6 units (11 percent) are proposed to be “very low income”.

Height/Stories

Ocean Point Development (Shores at Marina) Initial Study
3125 De Forest Road, Marina
GP 2016-03 / ZM 2016-04 / SP 2016-04 / DR 2016-11

The Project proposes a maximum height of sixty-three (63) feet and five (5) stories. The additional height and stories is requested as the first of two development incentives in exchange for the provision of affordable housing units. In this case, the Project proposes to allocate 6 units (11 percent) of the development as “very low income” housing on site.

The provision of affordable units is consistent with General Plan policy 2.4.8, which states: *“construction of a broad range of housing types shall be permitted and promoted in order to provide greater housing choice and diversity”*.

Unit Mix

The “R-4” development standards (Section 17.20.180 – Special Regulations) requires that residential developments of at least ten units, provide a unit mix of at least forty (40) percent of the total number of multiple-family units shall consist of two or more bedrooms; and at least ten (10) percent of the total number of multiple dwelling units have be at least three bedrooms.

For a 58-unit apartment complex to meet this requirement, at least 23 units would need to be at least two bedrooms or more and at least 6 of those units would need to consist of three bedrooms or more. In other words, to meet the unit mix requirement, the project would need to consist of the following at a minimum:

- 35 – one-bedroom units;
- 17 – two-bedroom units; and
- 6 – three-bedroom units.

The Project proposes to construct 42 one-bedroom units, 14 two-bedroom units, and 2 three-bedroom units (58 total units), which does not comply with the unit count requirement. However, the applicant is requesting the waving of this requirement as the second of two development incentives in exchange for the allocating 6 units (11 percent) of the development as “very low income” housing units.

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 cities need of “very low income” housing to be 157 units. The Shores at Marina is proposing to supply of the 6 of 157 units to meet this requirement; therefore, waving of the unit mix requirement in exchange of the “very low income” units is justified.

Open Space Requirements

The “R-4” development standards (Section 17.20.040 – Open Space, Common and Private) requires that multiple-family dwelling on a building site in the R-4 district provide a minimum of three hundred-fifty (350) square feet of open space per one-bedroom apartment plus an additional fifty (50) square feet for each additional bedroom. Furthermore, a portion or all the required usable open space shall be private or shared; a minimum of eighty (80) square feet private open space

shall be supplied for ground floor units and a minimum of forty (40) square feet private open space for units located on the second level or higher.

Based on a proposal of 58 units (42 one-bedroom; 14 two-bedroom; 2 three-bedroom) the total open space required is 21,200 square feet $[(58 \times 350) + (14 \times 50) + (4 \times 50)]$. Included in the total provision of open space, each ground floor unit is required to have 80 square feet of private open space, and each unit on the second level or higher shall be provided with 40 square feet of private open space.

As designed, the Project provides approximately 17,379 square feet of open space at grade level and 8,116 square feet of open space on the common roof deck/patio area for a total open space provision of 25,495 square feet. This provision exceeds the requirement for total open space. Furthermore, as the above table shows, each ground floor unit is allocated more than 80 square feet (one-bedroom units – 91 SF; two-bedroom units – 98 SF; and three-bedroom units – 118 SF); while units located on the second level or higher are allocated more than 40 square feet (one-bedroom units – 91 SF; two-bedroom units – 98 SF). The provision of open space, both common and private, is in compliance with applicable regulations.

Parking Requirements.

Marina Municipal Code (Section 17.44.020.D – Parking Requirements) require that multiple dwelling projects (apartments) provide the following number of parking spaces per dwelling unit:

- One-Bedroom Units – 1 space (covered) for each unit, plus 1 additional space for every five units or fraction thereof;
- Two-Bedroom Units - 1.5 spaces (1 covered) for each unit, plus 1 additional space for every five units or fraction thereof;
- Three-Bedroom Units - 2 spaces (1 covered) for each unit, plus 1 additional space for every five units or fraction thereof.
- Visitor Parking Twenty (20) percent of required parking spaces shall be unreserved and labeled for visitor parking.

Based on a proposal of 58 units (42 one-bedroom; 14 two-bedroom; 2 three-bedroom) the total required parking spaces is 80 total spaces, of which 16 should be reserved for visitor parking. However, as mentioned above, the Project is located adjacent to the MST Transfer Station, and qualifies as Transit-Oriented Development (TOD). As a TOD related project, the Project qualifies for parking provision reductions under Government Code 65915, which supersedes the Zoning Code parking requirements

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 “very low income” housing for the proposed development and is adjacent to the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The proposal includes 76 total bedrooms and is required to provide 38

parking spaces. As designed the Project includes 64 total parking spaces, exceeding the 38-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.

10 (c) – No Impact

The subject property does not have a habitat conservation plan or natural community conservation plan and therefore would not conflict with either of these two plans.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source:)	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See Section IV.11

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source:)	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source:)	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	☐	☐	☒	☐

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:**Noise 12(a, b, c, d) - Less than Significant.**

The project would involve a site preparation phase and construction phase which could span at least 12-14 months. The City of Marina General Plan, Tables 4.1 and 4.2, establish the allowable noise levels for residential developments, and stationary noise sources. Table 4.1 identifies the allowable noise standard for residential properties to be 60 dBA exterior, and 45 dBA interior; Table 4.2 identifies the Stationary Noise Standards as 50 dBA hourly (daytime hours of 7:00am through 10:00pm) with a maximum of 70dBA (7:00am – 10:00pm), as measured at the receptors property line.

During construction, short term increases in noise can occur from the operation of heavy equipment and tools. Working hours will be from 7am to 5pm Monday thru Friday and some Saturdays. Site preparation would consist of grading, and implementing erosion control measures. The project will not require any pile driving and all shoring beams will be placed in drilled soil mixed holes. The use of jackhammers and impact hammers may be necessary during excavation, which has the potential to produce noise levels of 85db from 50 feet away. The closest noise sensitive receptors to the project are the multi-family residential apartments (The Gates) located to the west and south approximately 100-250 feet away. Additionally, the Junsay Oaks Senior Housing (CHISPA) housing complex, currently under construction is located across De Forest Road to the west, approximately 50-100 feet away. At these distances, it is expected that the noise associated with the site preparation and complex construction will be audible, but the distance of these receptors will reduce the levels to less than the thresholds established in Table 4.1 and Table 4.2 of the 2000 General Plan.

The apartment design limits outdoor areas for residential uses, rooftop BBQ/patio terrace and private balconies/patios, and it is anticipated that long term noise associated with the project such as traffic and general residential activities/events will not result in a substantial permanent increase in ambient noise levels, therefore impacts would be less than significant.

Noise 12(e, f) – No impact.

The project is not located within an airport land use plan. While the project is located within a mile radius of the Marina Municipal Airport runway (1.5 miles), a public airport, the project is not within the “flight path” or the reserved airspace of the airport. Additionally, the project site topographically sits at a lower elevation than the airport property (land rises in elevation towards the East), therefore the elevation of the proposed apartment complex will not be subject to public or private planes passing by. Based on the topography and distance from the airport property, the project is not expected to expose people residing within the development to excessive noise levels.



13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source:)	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source:)	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:**(a) – Less Than Significant Impact**

The project will not create substantial population growth to the area. The project will create and provide much needed housing (rental) stock to an area of the core “downtown”, on a site adjacent to an existing apartment complex, and across the roadway from another residential development, (currently under construction). The development is essentially infill on a vacant lot which will not create new opportunities for new or unforeseen growth.

(b) and (c)– No Impact.

The project will not displace existing housing or people due to the construction or use of the proposed apartment complex. The new apartment complex will be located on a 1.438-acre property designated for commercial uses and/or residential uses. The property is intended to be developed with either commercial or residential style uses (subject to a Use Permit) under both the existing land use designation and zoning and the requested new land use designation and zoning classification. The project does not propose removal of existing house or hazards that may require displacement of people to a different location.

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection? (Source:)	☐	☐	☒	☐
b)	Police protection? (Source:)	☐	☐	☒	☐
c)	Schools? (Source:)	☐	☐	☒	☐
d)	Parks? (Source:)	☐	☐	☐	☒
e)	Other public facilities? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:**Public Service 14(a, b, c) – Less than Significant Impact.**

The City of Marina Fire Station is located on Palm Avenue, approximately 0.86 mile from the project site. This station is equipped with a paramedic Advanced Life Support (ALS) engine company. The Marina Police Department, also located on Palm Avenue and 0.86 mile away, will respond to emergencies in the general area of the project site. The project would result in a less than significant impact to both fire and police protection because the project is located within an existing service area, and the project would likely only result in the need for these services on an occasional basis. Although the City of Marina Fire Department does not currently own a ladder-truck, which would be required to extinguish a “high-rise” fire, the City has numerous mutual aid contracts with the surrounding fire departments, including Monterey Regional Fire, City of Seaside, and Presidio of Monterey (POM), all of which have ladder-trucks.

The construction of the apartment complex could bring additional families into the “downtown” area, which could bring additional students into the school system. It is unknown how many families with school-age children may reside within the complex. The schools located within the City of Marina are not impacted, and have adequate capacity for additional students. Furthermore, the developer will be required to pay the applicable school fees prior to issuance of a building permit, which is intended to provide funding to schools within the area for continual upgrade and maintenance.

Public Service 14(d, e) – No Impact.

The apartment complex will not employ a significant number of people or require an increase in regional park spaces. Additionally, the complex itself includes on-site private and public recreational space, including BBQ terraces and an in-house workout room.

15. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source:)	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

See Section IV.15

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source:)	☐	☐	☒	☐
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source:)	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source:)	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source:)	☐	☐	☐	☒
e) Result in inadequate emergency access? (Source:)	☐	☐	☒	☐

16. TRANSPORTATION/TRAFFIC				
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source:)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

A project specific traffic study was prepared for the proposed apartment complex, by C2 Consult Corp, in July 2016, and updated via Memorandum in October of 2017. Both reports were prepared to analyze the impacts associated with the proposed development within and adjacent to the De Forest Road area. The study specifically evaluated potential impacts to the following three intersections: Reservation Road/Del Monte Blvd (Intersection 1); Reservation Road/De Forest Road (Intersection 2); and Reservation Road/Crescent Avenue (Intersection 3).

Intersection operations were evaluated based on the Level of Service (LOS) concept, and the LOS standards adopted by the City of Marina. LOS is a rating of an intersection's operation, ranging from LOS A (free flow uncongested traffic) to LOS F (highly congested traffic conditions). LOS descriptions for the signalized intersections are included on Page 5 of the July 2016 Traffic Impact Study. The City of Marina established a level of service standard, which states LOS should be maintained at "D" or above during peak hours. Based on traffic counts conducted for the 3 separate intersections, the peak hours of traffic volume were determined to be 8:00-9:00am (AM peak) and 4:00-5:00pm (PM peak). Under current conditions, all studied intersections operate at LOS A during both the AM and PM peak hours.

The project takes access off De Forest Road, which is a short collector road, which provides access to the Monterey-Salinas Transit Regional Transfer Station, the US Postal Service Post Office, and the currently under construction Junsay Oaks (CHIPSA) Senior Housing development. De Forest Road intersects Reservation Road, which is a main arterial road dissecting the City of Marina. All project generated traffic will travel through this intersection.

In the July 2016 Traffic Impact Study, the proposed project was anticipated to generate approximately 400 daily trips (Appendix C), with 34 occurring during the AM peak hour (6 in; 28 out) and 39 trips occurring during the PM peak hour (26 in; 13 out), which will travel through the De Forest Road/Reservation Road intersection. However, these numbers were revised and updated in the October 2017 Memorandum, which used a more appropriate generation code for the project: Land Use Code 223 – Mid-Rise Apartment versus Land Use Code 230 – Residential Condominium/Townhouse. The October 2017 update also assumed a total of 400 daily trips, with a total of 10 AM peak hour trip (3 in; 7 out) and 17 PM peak hour trips (10 in; 7 out). The use of the Mid-Rise Apartment generation code resulted in a 55% reduction in the PM peak hour trips. Under both calculations, the LOS for each studied intersection remained at "A" for both AM and PM peak trips.

16(a-b) – Less Than Significant Impact(s).

The proposed project will not conflict with any plans, ordinances, or policies establishing the performance of the circulation system, including the policies and thresholds of significance adopted by the City of Marina or other standards established by the Transportation Agency for Monterey County (TAMC).

The proposed project will not degrade the level of service (LOS) of the roadways within the project vicinity, below those levels deemed acceptable by the public agencies holding jurisdiction over the study intersections. The traffic study prepared for the project concluded that all study intersections would operate at an acceptable level of service for each respective intersection under “existing conditions”. When the anticipated project generated traffic factored in under “existing plus project”, negligible changes in LOS are anticipated and all intersections will remain at LOS “A”.

The project is subject to the regional development impact fee required by TAMC and defined in the Regional Development Impact Fee Program Nexus Study Update.

Additionally, the project is required to pay the City of Marina (City) Traffic Impact Fee. The payment of these fees will mitigate the cumulative impact of the project upon the City of Marina and other regional intersections. Payment of all Traffic Impact Fees is required prior to issuance of building permit(s).

16(c) – No Impact.

The project will not result in any change in air traffic patterns, including increases in air traffic or a location change that will pose a safety risk.

16(d-f) – Less Than Significant Impact

The proposed project requires no changes to the existing established roadway system, except for the creation of one access driveway, and all project specific parking can be accommodated on site; therefore, it will not result in a conflict with adopted policies, plans, or programs regarding bicycle, or pedestrian facilities, or decrease the performance or safety of such facilities. The project will not impede or cause inadequate emergency access.

The project proposes to install/improve pedestrian access along De Forest Road, by installing/upgrades new sidewalks and gutter along the roadside border of the property. The implementation of the project will not restrict or impede access or travel along with regional bikeways.

17. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source:)	☐	☐	☐	☒
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source:)	☐	☐	☐	☒
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source:)	☐	☐	☐	☒
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source:)	☐	☐	☐	☒
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source:)	☐	☐	☐	☒
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source:)	☐	☐	☐	☒
g)	Comply with federal, state, and local statutes and regulations related to solid waste? (Source:)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

See Section IV.17

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source:)	☐	☐	☒	☐
b) Have impacts that are individually limited, but cumulatively considerable? (Source:) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source:)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source:)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

(a) - Less Than Significant

A preliminary archaeological assessment was prepared for the project which confirmed that no identified historic resources, archaeological sensitive sites, paleontological resources, or prehistoric site are located on or within one kilometer of the project site. Therefore, the project will not eliminate important examples of the major periods of California history or prehistory.

No special status plant or wildlife species were observed or document on site, through the course of biological evaluations. The project will not cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. Additionally, the project is not located on or near a wetland. The project will not poses a cumulative impact to the quality of the environment or reduce the habitat of fish or wildlife species beyond a level of less than significant.

(b) – Less Than Significant

Implementation of the proposed project will not result in cumulative considerable impacts to the environment. As discussed in Air Quality and Greenhouse Gases, construction of the project will

involve the release of emissions, but not above the acceptable levels of established thresholds; therefore, cumulative impacts to air quality and greenhouse gases can be considered to be less-than-significant.

In relating to potential traffic impacts, the project will increase traffic on roadways within the local vicinity, but will not degrade any segment of intersections below the adopted thresholds for level-of-service (LOS). The project will pay required traffic impact fees to: the City of Marina (City Traffic Impact Fee), and TAMC Regional Development Impact Fee (RDIF). Payment of these fees will reduce potential traffic related impacts to a level of less than significant.

(c) –Less Than Significant.

Implementation of the project will have a less-than-significant adverse effect on human beings, either directly or indirectly. Construction of the new apartment development will involve temporary site preparation (grading) and construction impacts, including noise, air quality, and increased traffic. However, these potential impacts are anticipated to occur over a short period of time (12-14 months) and none of the potential impacts will exceed established thresholds of significance nor degrade operations of surrounding roadways beyond acceptable levels of service. Additionally, implementation of the proposed project will not result in an overburdening of public service systems (police, fire, ambulance) or public utilities (water and/or waste services). The project site is located in an area zoned and anticipated for development, and is in the immediate vicinity of two other residential and commercial developments.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.wildlife.ca.gov.

Conclusion: The project will not be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to GP 2016-03 / ZM 2016-04 / SP 2016-04 / DR 2016-11 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plans
2. 2000 City of Marina General Plan
3. Title 17 of the Marina Municipal Code (Zoning Ordinance)
4. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008 and 2012 Triennial Plan Revision.
5. “Shore at Marina CEQA Greenhouse Gas Emissions and Air Quality Report”, prepared by EMC Planning Group, Monterey, California, July 10, 2017.
6. “Traffic Impact Study for the Marina Projects”, prepared by C2 Consult Corp., Fresno, California, July 2016.
7. “Traffic Impact Study Update Memorandum”, prepared by C2 Consult Corp., Fresno, California, October 20, 2017.
8. “Findings of Exploratory Trenching” for the De Forest Apartments, prepared by LandSet Engineers, Inc., Salinas, California, June 25, 2015.
9. “Preliminary Stormwater Control Plan – De Forest Road Apartments”, prepared by Whitson Engineers, Monterey, California, June 29, 2016
10. “Biological Resources Evaluation and Wetland Determination for Ocean Point Development Property, APN 032-0171-18, and Monterey-Salinas Transit Property, APN 032-171-005-00, City of Marina”, prepared by Marcus H. Bole & Associates, California, June 10, 2016.
11. “Cultural Resources Analysis – Marina Post Office Property”, prepared by EBI Consulting, Scottsdale, Arizona, November 2011.
12. Site Visits conducted by the project planner in September 2017, October 2017, November 2017, February 2018, and March 2018.

RESOLUTION NO. 2018-133

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A GENERAL PLAN LAND USE MAP AMENDMENT (GP 2016-03) TO RECLASSIFY THE PROPERTY LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL” FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Land Use Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”, as shown in “**EXHIBIT A**” attached hereto; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider a General Plan Land Use Map Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”, 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 June 14, 2018 meeting and adopted Resolution 2018-08 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 and October 2, 2018 meetings related to the proposed use.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested General Plan Land Use Map Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential” for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Land Use Amendment is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:
 - (a) City of Marina Housing Element 2008-2014
The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential.
 - (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with 58 apartments at a density of 35 units per acre will realize this infill potential, address the need for affordable apartments and help the City of Marina to achieve its Housing Element goals.

- (c) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.
- (d) Policy 2.31.6 requires that 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.
- (e) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.
- (f) Policy 3.3.8 requires that the City link existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.
- (g) Policy 3.34.6 directs that new development and redevelopment within the City of Marina should be designed with a network of streets to disperse traffic loads evenly and provide route options and direct travel for pedestrians and bicyclists.
- (h) Policy 3.3.5 requires that the City ensure that walking and bicycling routes are integral parts of street design and form a safe and preferred transportation network.
- (i) Policy 4.73.4 seeks to provide a pedestrian/bicycle link to residences south of Reservation Road via an extension of De Forest Road.
- (j) Policy 3.34.1, the City's Pedestrian Network Map identifies this link as part of the City's future pedestrian network.
- (k) Policy 3.35.1 requires that adequate bicycle parking shall be provided at all existing civic and recreational destinations, including comprehensive support facilities and in all new multi-family residential projects

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

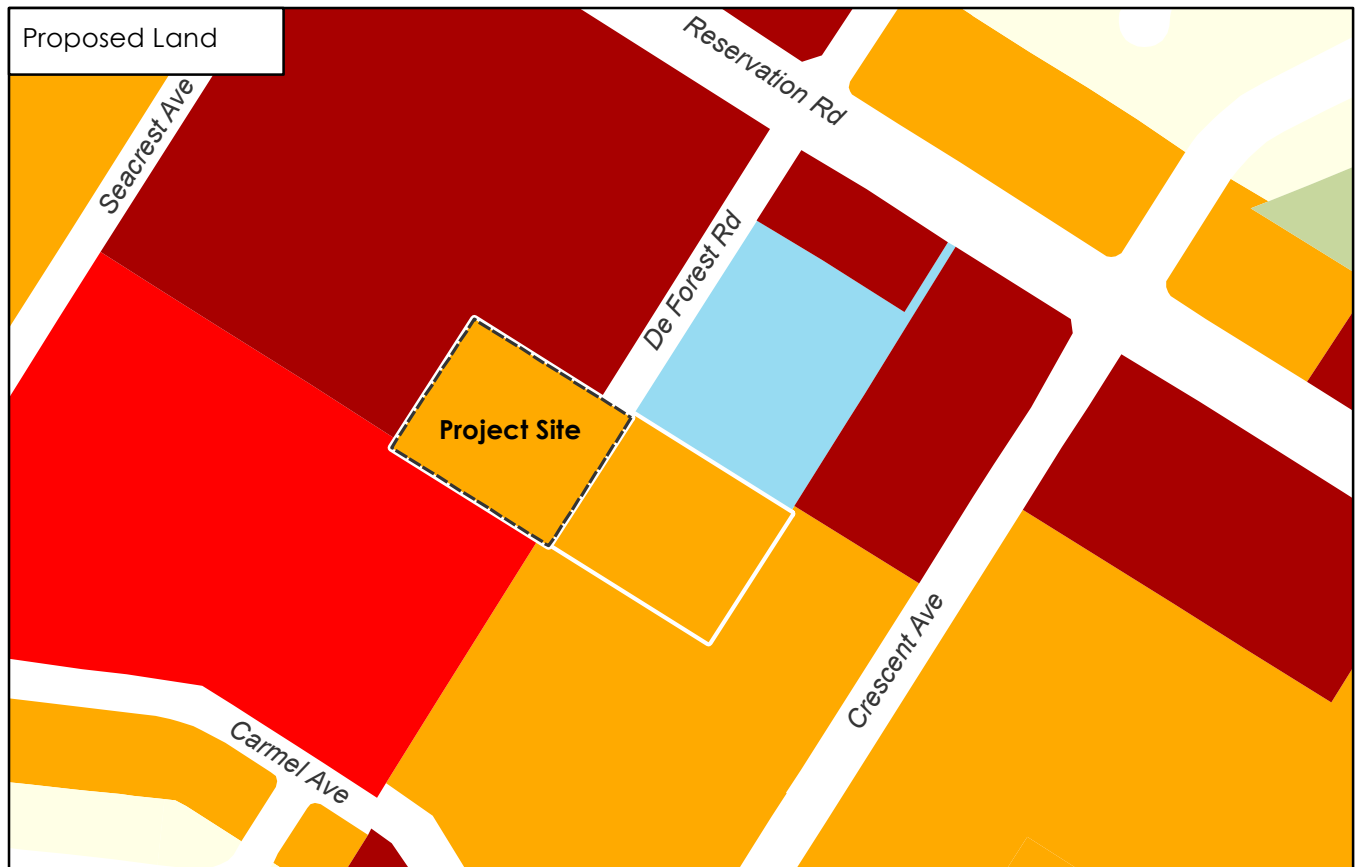
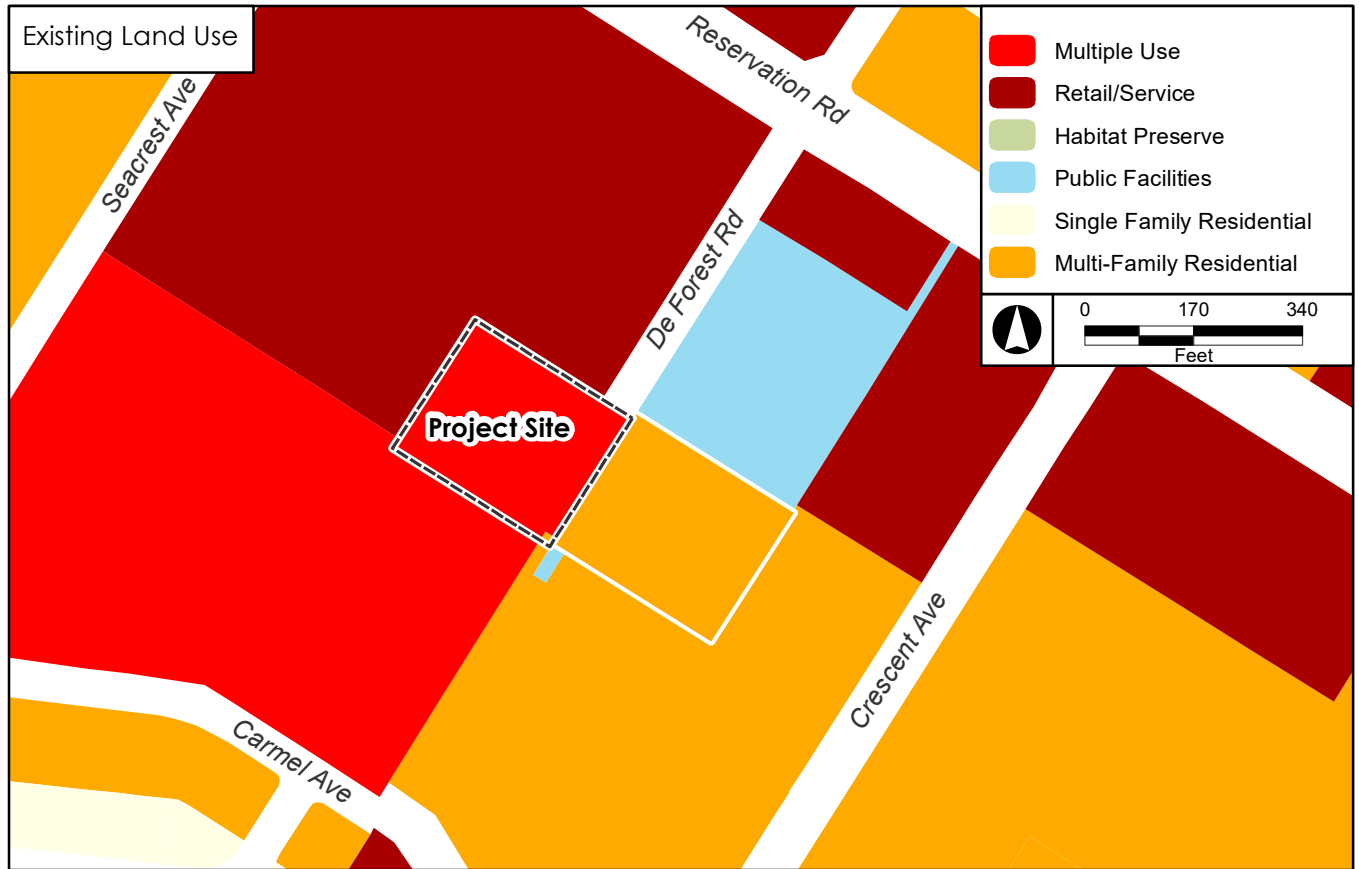
ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Attachment 2 - Exhibit A



Marina General Plan Map

Figure 4

3125 De Forest Rd

4/28/2012

RESOLUTION NO. 2018-134

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL ADOPTING AN ORDINANCE AMENDING THE CITY OF MARINA ZONING MAP (ZM 2016-04) REZONING THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018) FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP – SHORES AT MARINA (SPECIFIC PLAN)

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a Zoning Map amendment to change the zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina”, as shown in **“EXHIBIT 1” TO EXHIBIT A**” attached hereto; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider recommending that the City Council adopt an ordinance amending the City of Marina Zoning Map rezoning the property from “C-1/Retail Business District” to “SP-Shores at Marina”, 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 June 14, 2018 meeting and adopted Resolution 2018-09 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 and October 2, 2018 meetings related to the proposed use.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby adopts an ordinance amending the City of Marina Zoning Map rezoning the property located at 3125 De Forest Road (APN 032-171-018) from “C-1/Retail Business District” to “SP-Shores at Marina”, making the following findings:

FINDINGS

1. Zoning Map Amendment – That Zoning Map Amendment ZM 2016-04 will maintain zoning consistency with General Plan Land Use Map Amendment GP 2016-03 and that ZM 2016-04 will not be detrimental to the public health, safety or general welfare of the Marina community or the surrounding area.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

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

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

DRAFT
ORDINANCE NO. 2018-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING ZONING MAP AMENDMENT (ZM 2016-04) TO CHANGE THE
ZONING DISTRICT FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP-
SHORES AT MARINA” FOR A ±1.43 ACRE PROJECT SITE LOCATED AT 3125
DE FOREST ROAD (APN 032-171-018)

THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN THAT:

ONE, AMENDMENT TO THE MARINA ZONING MAP: That the Zoning Map is amended from “C-1/Retail Business District” to “SP-Shores at Marina” for the approximately 1.43-acre project site located at 3125 De Forest Avenue (APN 032-171-018), as shown in “**EXHIBIT 1**” attached hereto:

TWO, EFFECTIVE DATE: This Ordinance shall take effect and shall be in full force upon the 30th calendar day following the City Council’s second reading and adoption of this ordinance.

THREE, POSTING OF ORDINANCE: Within fifteen (15) calendar days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on ____, 2018, and was passed and adopted at a regular meeting duly held on the __ day of ____ 2018, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS

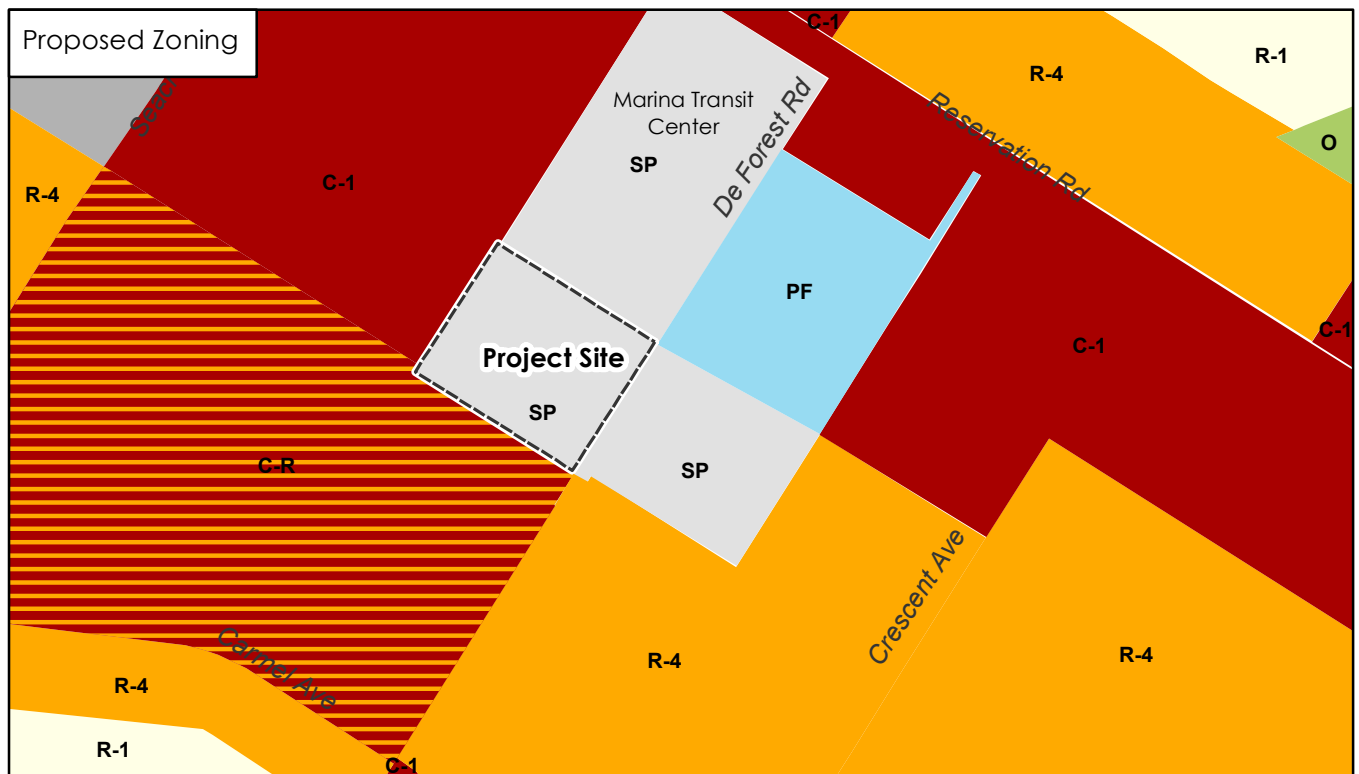
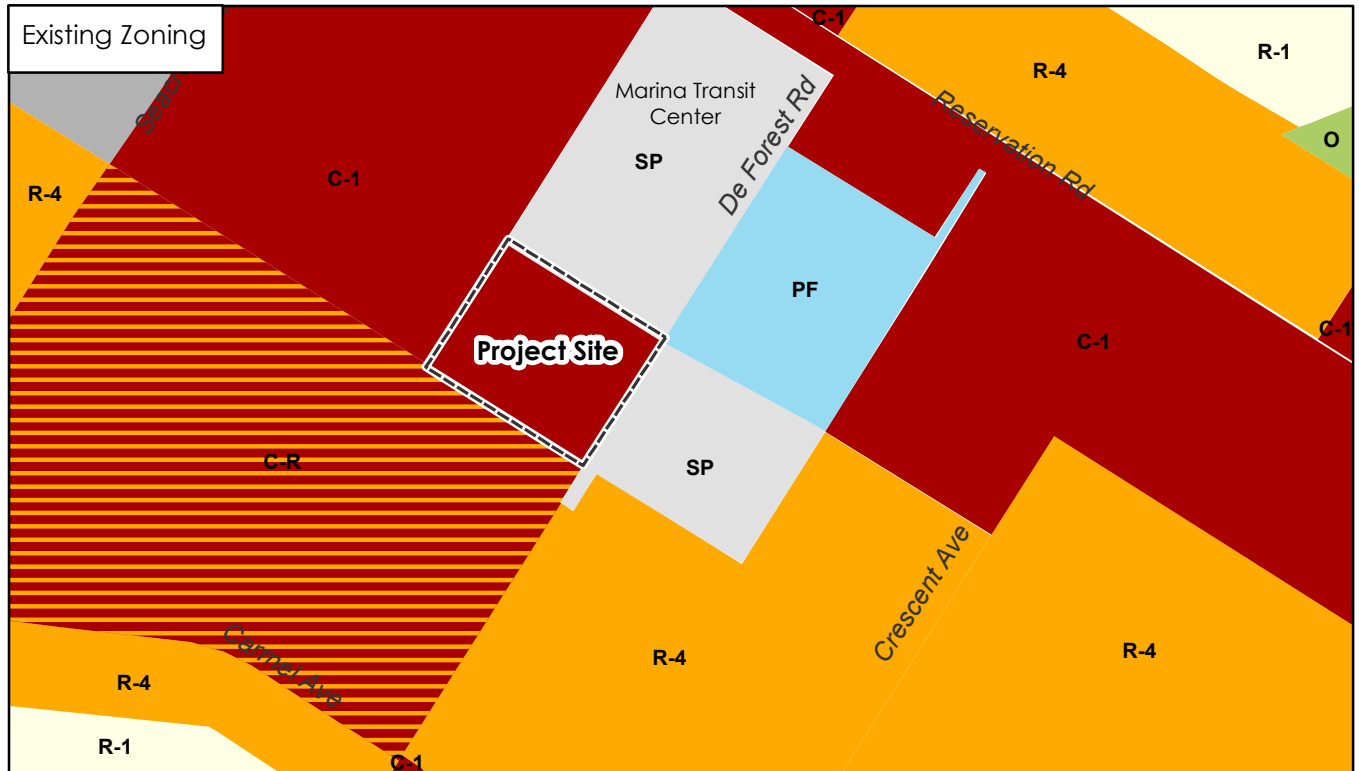
ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

Bruce C. Delgado, Mayor

ATTEST:

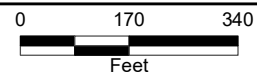
Anita Sharp, Acting Deputy City Clerk



- | | | |
|----------------------------------|-----------------------------------|------------------------|
| Retail Business District (C-1) | Single-Family Residential (R-1) | Specific Plan (SP) |
| Commercial/Multiple-Family (C-R) | Multiple-Family Residential (R-4) | Special Treatment (ST) |
| Public Facility (PF) | Open Space (O) | |



Marina Zoning Map



3125 De Forest Rd

6/7/2018

RESOLUTION NO. 2018-135

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A GENERAL PLAN CODE TEXT AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare as shown on “**EXHIBIT A**”, and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare, 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 June 14, 2018 meeting and adopted Resolution 2018-10 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 meeting related to the proposed use; and

WHEREAS, the deletion of the General Plan Policy 2.63.5 furthers the Goals and Policies of the General Plan by allowing the development of the project site with multi-family residential dwelling units (apartments), which fulfills the City’s desire to increase housing stock, including affordable housing, and helps the City achieve its Housing Element Goals.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Code Text Amendment is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:

- (a) City of Marina Housing Element 2008-2014

The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential.

- (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with 58 apartments at a density of 35 units per acre will realize this infill potential, address the need for affordable apartments and help the City of Marina to achieve its Housing Element goals.
- (c) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.
- (d) Policy 2.31.6 requires that 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.
- (e) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

**PROPOSED DELETION OF GENERAL PLAN CODE TEXT – CENTRAL MARINA
(GENERAL PLAN PAGES 59-60)**

- 2.63 In the areas adjoining Carmel and Sunset Avenues, the above list of permitted uses in Section 2.58 is modified such that housing is restricted to no more than 70 percent of the floor area of a project only for housing uses on sites of one or more acres. Sites of less than one acre may be developed exclusively for residential use. (2005-82)
- ~~2.63.5 The 1.44 acre site at 3125 De Forest Road shall include child care and/or uses allowed in areas with a “Retail and Personal Services” designation, and said uses shall occupy a building area equal to or greater than one half of the minimum floor area ratio of the site. Credit for said childcare and/or retail and personal service land use square footage requirements may be granted by the City at a rate of 275 square feet per parking space, if parking is to be used by a retail or personal service land use on an adjoining site is provided on the site at 3125 De Forest Road. (2002-128)~~
- 2.63.51 The boundaries of the Downtown Vitalization Area are illustrated in Figure 2.4. Prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies. (2008-111)

RESOLUTION NO. 2018-136

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A SPECIFIC PLAN (SP 2016-04) FOR A ±1.43 ACRE PROJECT SITE LOCATED AT 3125 DE FOREST AVENUE (APN 032-171-018), SUBJECT TO CONDITIONS

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Avenue; and

WHEREAS, the subject property is located within the boundary of the Downtown Vitalization Area and General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies, and;

WHEREAS, the Specific Plan has been prepared pursuant to Government Code Sections 65450-6547, and;

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider Specific Plan (SP 2016-04) for a ±1.43 acre project site located at 3125 De Forest Avenue (APN 032-171-018), 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 June 14, 2018, meeting and adopted Resolution 2018-11 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 and October 2, 2018 meetings related to the proposed use.

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission; and

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project's potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are "less than significant" without mitigation; and

FINDINGS

1. Specific Plan -

The Specific Plan for the "Shores at Marina" Apartments has been prepared in accordance with General Plan Policy 2.63.51 and with the requirements of the California Government Code, Sections 65450-65457. These sections establish the Specific Plan as a legal mechanism which allows a particular area's development, design and infrastructure requirements to be established separately and to supersede any previously established zoning in a manner that is consistent with the goals, policies and implementation objectives of the City of Marina General Plan.

The Specific Plan for the “Shores at Marina” is consistent with and furthers the goals, policies and implementation objectives of the Marina General Plan in that it provides details regarding the development of an infill site near the Marina transit exchange to develop the site in a manner that will enhance both the image and the fiscal base of the City of Marina.

CONDITIONS OF APPROVAL

1. Substantial Compliance - The project shall be accomplished in substantial compliance with the “Shores at Marina” Specific Plan (“**EXHIBIT A**”) attached to this resolution.
2. Permits - The applicant shall obtain all required grading and/or building permits prior to initiating construction.
3. Indemnification - The 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 the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

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

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

SHORE APARTMENTS at MARINA

DRAFT SPECIFIC PLAN



Date: **November 1, 2018**

Prepared for: **OCEAN POINT DEVELOPMENT**
a: 29160 Heathercliff Road #411, Malibu CA 90265
w: www.oceanpointdevelopment.com
t: 424.234.5550
c: Chris Owahdi

CONTENTS

- 1.0 Executive Summary**
- 2.0 Introduction**
 - 2.1 Project Background*
 - 2.2 Project Location*
- 3.0 Land Use & Development**
- 4.0 Mobility**
- 5.0 Development Standards & Design Guidelines**
- 6.0 Infrastructure & Public Services**
- 7.0 Sustainability**
- 8.0 Implementation**

1.0 EXECUTIVE SUMMARY

The *SHORE APARTMENTS at MARINA Specific Plan* establishes the framework for the development of a 1.438 +/- acre parcel of land located at the end of De Forest Avenue (APN 032-171-018). This Specific Plan guides the development of this parcel through:

- A clearly stated vision for the property as a five story 58 unit multi-family apartment complex containing a mix of 1 Bedroom, 2 Bedroom & 3 Bedroom residential housing units ranging from 665 to 1,452 square-feet;
- Clearly articulated land use and development standards;
- Appropriate design guidelines and regulations for the proposed project.
- Linkages to the Monterey Salinas Transit Center and surround retail commercial services.

This Plan implements the City of Marina General Plan (2010) elements of the City's *Draft Downtown Vitalization Specific Plan*, the *Downtown Design Guidelines* and the *Pedestrian and Bicycle Master Plan*. This Plan is intended to compliment the *De Forest Apartments Specific Plan* (approved March 19, 2012) and to be compatible with the surrounding land uses.

This Specific Plan is part of a combined application including:

- A Zoning Map Amendment from a "C-1" District (Retail Business District) to an "SP-Shores at Marina" District (Specific Plan) zoning district.
- An amendment to the Official Plan Lines to eliminate the cul-du-sac at the end of the anticipated De Forest Avenue extension.
- A Conditional Use Permit for a multiple family residential development exceeding 25 units per acre.
- An Affordable/Inclusionary Housing Proposal to provide 20% of the units as Very Low Income on-site.
- A 16% Density Bonus and project incentives to allow development of a five-story apartment complex and modifications to parking requirements for transit oriented development
- Dedication for future a developed pedestrian pathway at the northern property boundary connecting DeForest Road to the Seacrest Shopping Center, and dedication of a 30' road right of way easement for a future public road.
- Site and Architectural Design Review, including landscape.

2.0 INTRODUCTION

The *SHORE APARTMENTS at MARINA Specific Plan* outlines the future development of the 1.438± acre parcel of land owned by Ocean Point Development is located at the end of De Forest Avenue (APN 032-171-018) in Marina, CA. De Forest Avenue is a partially developed Street extending in a south westerly direction from Reservation Road. The project site is immediately west of the Monterey Salinas Transit (MST) transit center across from the US Post Office and is immediately west of the approved De Forest Apartments senior housing project. .

The *SHORE APARTMENTS at MARINA Specific Plan* establishes a development framework for the land use, infrastructure improvements, development standards, resource protection standards, design guidelines and implementation measures for the Specific Plan parcel.

The development consists of two five-story, ± 52,304 square foot apartment structures with 58 housing units. Associated amenities include a 667 square-foot leasing office, a 667 SF. fitness room, and four rooftop BBQ , outdoor dining, and passive recreation area terraces for residents totaling 8,116 square-feet.

The 8,116 square-foot resident rooftop BBQ, outdoor dining, and passive recreation area terraces (two per building) will provide opportunities for residents to cook , dine, and engage in outdoor activities in an elevated location while enjoying views not available to units at lower levels. By placing common areas at the rooftop, residents are invited to experience the development at a series of levels (level 1 for arrival, levels 1 thru 5 for living, and rooftop for common terraces and outdoor gatherings).

The *SHORE APARTMENTS at MARINA* project site will be linked to the adjacent MST bus exchange through a proposed tree-lined pedestrian pathway. Pedestrian pathways will link the main entrances of each building with the public right-of-way and all common areas throughout a localized natural landscape design.

The *City of Marina General Plan* and *Draft Downtown Vitalization Specific Plan*, and the Association of Monterey Bay Area Governments publication '*Envisioning Monterey Bay: A Blueprint for Sustainable Growth and Smart Infrastructure*' all identify the vacant properties surrounding the MST bus exchange as key opportunities for growth and to increase residential density to the City of Marina. The *SHORE at MARINA APARTMENTS* development is the second development which proposes to develop the area at the end of De Forest Road directly adjacent the MST bus exchange.

The *SHORE APARTMENTS at MARINA* development has been designed to be an upscale, multi-family landmark development in the center of the City's business district and to use sustainable planning to provide natural light & ventilation to all units. The modern/urban aesthetic design is intended to attract a young-family/professional demographic that will take full advantage of the proximity to the MST transit center, adjacent retail outlets and the coastal community of Marina.

2.1 Project Background

The project proponents had a series of meetings with City staff in the first half of 2015. Following those meetings, Ocean Point Development purchased the site in June, 2015 and began work on a conceptual plan which addressed the priorities the staff identified:

- An upscale multi-family apartment development which could set the standard for future similar development in the City.
- A 5 story development
- Linkage of the proposed development to the MST bus exchange and surrounding commercial uses.
- 100 percent storm retention on site

2.2 Project Location

The *SHORE APARTMENTS at MARINA* project site, a 1.438± acre parcel of land owned by Ocean Point Development, is located at the end of De Forest Avenue (APN 032-171-018) in Marina, CA. De Forest Avenue is a partially developed street extending in a south westerly direction from Reservation Road. The project site is immediately bounded by the Monterey-Salinas Transit Bus Exchange to the north, the Gates Apartment Complex and the Korean First Presbyterian Church of Monterey to the south, Seacrest Plaza Shopping Center to the west, and the vacant parcel (APN 032-171-036) which was approved in 2012 for a 47-affordable, age-restricted housing unit development known as 'De Forest Apartments Specific Plan' to the east (**Figure 1-1 & 1-2: Vicinity Map**).

2.2.1 Purposes and Objectives of the Specific Plan

This Specific Plan details the proposed land uses, infrastructure improvements, development standards, resource protection standards, design guidelines, and implementation measures for the Specific Plan Area.

Objectives:

- Provide multi-family housing adjacent to the MST bus exchange and downtown shopping;
- Complement the Marina Transit Center Specific Plan and the 'De Forest Apartments Specific Plan.'

Figure 1-1. Vicinity Map

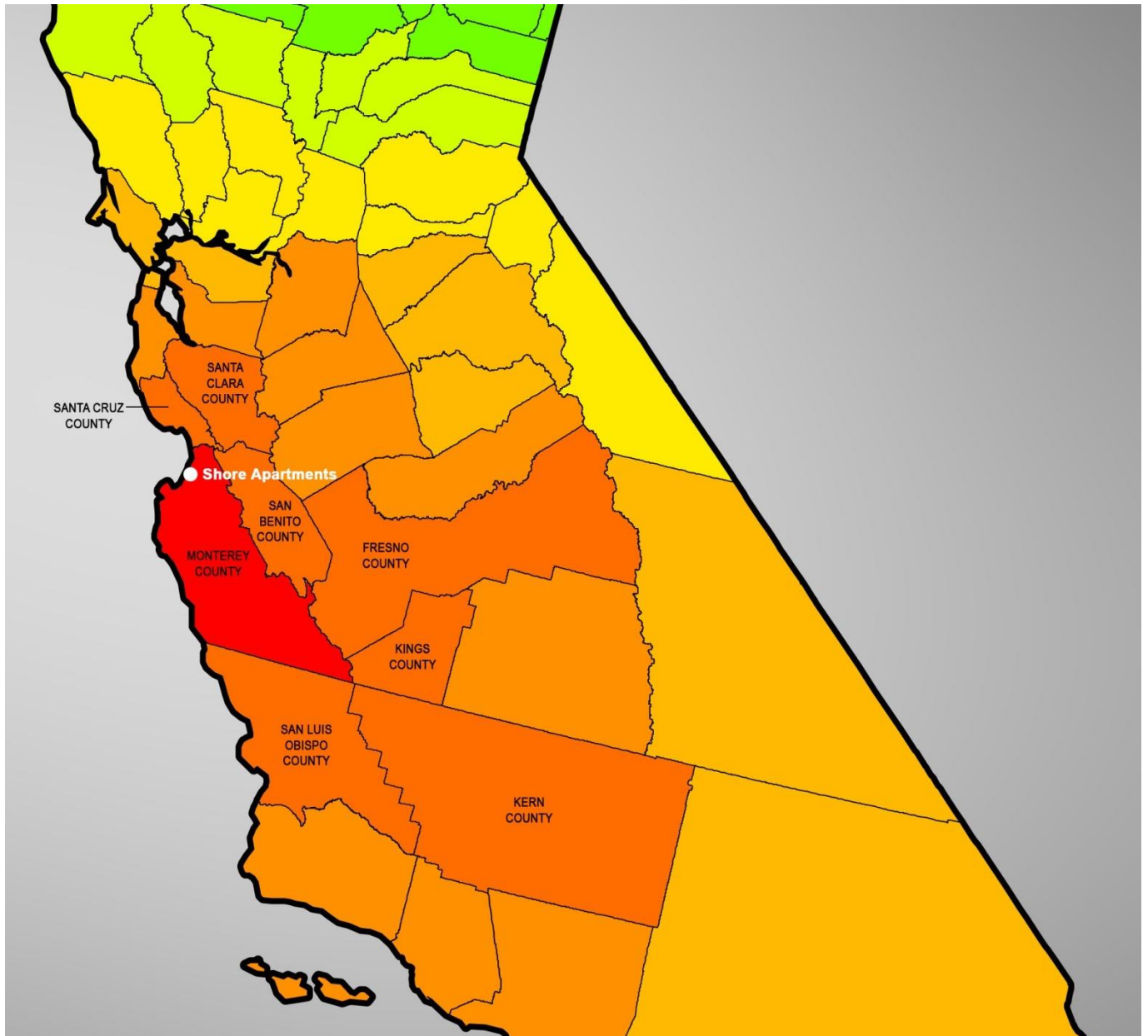


Figure 1-2. Vicinity Map: Showing Post Office and MST Site



2.2.2 Existing Development and Current Land Use

The Specific Plan area is currently undeveloped with some clustered shrubs scattered throughout the property. The site slopes downhill from the high point at the south-east corner toward the northern (adjacent the MST bus exchange) and western (adjacent the Seacrest Plaza Shopping Centers utilities access drive) property lines.

The Specific Plan Area is sloped primarily around the edges, with the flattest developable area located centrally on the site.

The undeveloped adjacent property runs uphill along the eastern side of the property. The proposed development utilizes an existing 30 foot wide private road and utility easement on site.. At the time of development of the 'De Forest Apartments', the two developments will share a common private road for access to the projects.

2.2.3 Regulatory Authority

A Specific Plan is a tool for the systematic implementation of the General Plan and must comply with Sections 65450-65457 of the California Government Code. The law requires that a Specific Plan include text and diagrams which specify all the following in detail:

- The distribution, location and extent of the uses of land, including open space, within the areas covered by the plan;
- The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
- Design standards and criteria by which development would proceed and standards for the conservation, development, and utilization of natural resources, where applicable; and
- A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out project phasing.

This Specific Plan shall be the primary means of regulating and directing land use planning and zoning in the Specific Plan Area. Development of the Specific Plan Area will be in conformance with the policies, standards, and guidelines set forth in this Specific Plan.

2.2.4 Statement of Consistency with the City of Marina General Plan and Planning Documents

As required by state law, the *SHORE APARTMENTS at MARINA Specific Plan* is consistent with and serves as an extension of the City of Marina General Plan. The goals, policies, and objectives of the City's General Plan, as supplemented by this specific plan apply to the specific plan area.

It has been determined through the courts that consistency with the general plan requires only that projects be in substantial conformance to the general plan. Consistency with the general plan does not require full compliance with each and every policy within the general plan.

The first sentence of the City's General Plan reads "The Marina General Plan is a statement of what the residents of Marina believe to be in the best interest of their community." To that end the General Plan establishes seventeen community goals which are the guide for the evaluation of development proposals within the City. The General Plan states:

"As incorporated into the General Plan, these framework goals provide the overall direction necessary to ensure that, as it grows, the city will be well functioning and attractive; that it will balance the needs of residents and business; and that appropriate use will be made of its natural, human and economic resources:

1. Housing within the means of households of all economic levels, ages and lifestyles, and, therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.

The *SHORE APARTMENTS at MARINA* meets this goal by providing a range of size and bedrooms in a building designed to attract young professionals, young families, students and seniors. Being located adjacent to a broad range of commercial services and public transportation makes this project extremely attractive and viable for a broad range of potential residents

2. Community development which avoids or minimizes to the greatest extent possible the consumption or degradation of nonrenewable natural resources including natural habitats, water, energy, and prime agricultural land.

The *SHORE APARTMENTS at MARINA* is to be located on a site that is essentially devoid of natural resources. No habitat or wetlands exist on the site and it is not prime farmland. The project is designed to incorporate both passive and active solar efficient design and state of the art water conservation features. Landscaping will emphasize the use of drought tolerant, native species.

3. A city within which the majority of the residences, businesses and community facilities are served by frequent, cost-effective transit.

The project site is adjacent to the MST transit center which provides opportunities to efficiently use public transportation to connect throughout Monterey County, Santa Clara County, Santa Cruz County and San Luis Obispo County.

4. A balance of jobs and housing that provides the greatest possible opportunity both to live and work in Marina.

SHORE APARTMENTS at MARINA is designed attract young professionals, young families, students and seniors and provides the potential for a mix of residents. While the *SHORE APARTMENTS at MARINA* will not by itself provide a significant number of new jobs, the residents will add to the size and diversity of the City's employee pool for the City's full time and part time jobs.

5. 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.

The *SHORE APARTMENTS at MARINA* is located immediately adjacent to the Seacrest Plaza Shopping Center and near other services which are readily accessible by foot to residents of the project.

6. A balanced land use/transportation system which minimizes traffic congestion, noise, excessive energy consumption, and air pollution.

The project site is adjacent to the MST transit center which provides opportunities to efficiently use public transportation to connect throughout Monterey County, Santa Clara County, Santa Cruz County and San Luis Obispo County.

7. A city that helps avoid sprawl in the region by making efficient use of lands designated for community development purposes.

The project site is a vacant in-fill parcel in the middle of the downtown area. The site's use is maximized by its multi-story and high density design. Development of this site is compatible with and may be an incentive for the development of the CHISPA site. Development of this site will also build momentum for the development of the unused portion of the MST site.

8. A city physically and visually distinguishable from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.

The *SHORE APARTMENTS at MARINA* will be the first five story apartment development in the city center and will be distinguishable not only by its height but also by its modern design. There are no similar buildings in the downtown area. The *SHORE APARTMENTS at MARINA* will set a standard for the design of future projects in the area. The intention is not for the design to be copied but to be an example of breaking from the norm in creating a new and diverse character for downtown Marina.

9. A diversified and sound economic base that will permit the delivery of high-quality public services to city residents and businesses.

The *SHORE APARTMENTS at MARINA* will not significantly impact services in the City. It has been determined that adequate sewer and water services are available. Through meetings with City staff it has been found that adequate police and fire exists or can be provided. All of the projects on-site impacts will be fully mitigated by careful site planning, design and construction methods. Off-site impacts will be mitigated either by immediate physical improvements, payment of City mandated fees or both. It is expected that the diverse population of the residents will support local businesses and will be an impetus for the development of new economic development in the area.

10. A community responsive to the housing and transportation needs of Monterey County.

The *SHORE APARTMENTS at MARINA* will fill the housing need for a range of residents and capitalize on the location of the site and the ability to walk to most needed services and to easily access public transportation.

11. One or more centers which bring together commercial, civic, cultural and recreational uses and serve as a focus for community life.

The *SHORE APARTMENTS at MARINA* site is already within a community center which brings together a broad range of commercial and personal services, all within easy walking distance of the project and public transportation. This is an infill site which will provide much needed housing and support the local community businesses.

12. A physically and socially cohesive community in which existing and future land uses, transportation facilities, and open spaces are well integrated.

The *SHORE APARTMENTS at MARINA* is proposed on an infill site which will work in conjunction with the CHISPA site, the future development of the MST site and support the existing commercial development in the community. Development of this site combined with other future development will provide increased opportunity to expand the City's network of pedestrian and bicycle ways and tie them to public transportation.

13. Ample opportunities for outdoor recreation for all residents, both within their immediate neighborhoods, elsewhere in the city, and in the immediate environs.

The *SHORE APARTMENTS at MARINA* will provide onsite recreation facilities including a gymnasium and roof top areas which will provide for outdoor leisure and activities, BBQ, relaxation areas and will provide a 360 degree viewing opportunity. The *SHORE APARTMENTS at MARINA* site will also tie to the MST site which includes landscaped walking paths and a small community

park area. The immediate adjacency of the MST transit center will provide a readily available and convenient opportunity to access other recreational opportunities in the City and the region.

14. Development which maintains continuity with the city's history and is responsive to the climate and the natural and scenic features of the local and regional setting, including the city's strategic position as the Monterey Peninsula's scenic entry.

The *SHORE APARTMENTS at MARINA* site is an infill site located approximately 450 feet west of Reservation Road. The project's modern design and five story height will be unique in the area and will be an architectural landmark and a standard for new development and redevelopment of the area.

15. Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.

The *SHORE APARTMENTS at MARINA* design is distinctive and will be easily and clearly differentiated from the surrounding development and the future CHISPA project. As the design for development of the MST site continues care will be taken to assure it is complimentary to the *SHORE APARTMENTS at MARINA* while having its own distinguishing design features.

16. Prevention of threats to life and property from flooding, slope failure, and seismic activity.

The *SHORE APARTMENTS at MARINA* site is not in a flood plain. All drainage and runoff will be controlled on site and will be directed to the City's storm drainage systems. The lot is mildly sloping so slope failure is not likely. There are no known geologic hazards that will not be readily mitigated by conventional construction practices under the Uniform Building Code.

17. Equitable distribution of responsibilities and benefits between existing and future residents and businesses.

The *SHORE APARTMENTS at MARINA* will be subject to a range of development impact fees which will pay their proportionate share for City services including, streets, police and fire protection, water and waste water service, recreation and similar amenities.

It is important to recognize that uses which are in general keeping with the General Plan are determined to be consistent with that plan although there may be inconsistency with some specific language of the plan. As previously noted it has been determined through the courts that consistency with the general plan requires only that projects be in substantial conformance to the general plan. Consistency with the general plan does not require full compliance with each and every policy within the general plan.

2.2.5 City of Marina Housing Element

As part of the project, the property will be re-designated on the General Plan Land Use Map to Multi-Family Residential. The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential. Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina.

The maximum allowable density in the City's multi-family designation is 35 units/acre. That density would allow for a maximum of 50 units in the specific plan area. The *SHORE APARTMENTS at*

MARINA Specific Plan includes 10 units (20%) of very low income housing on site and intermingled with other units in the project. The inclusionary units will be a size and design consistent with all other units in the development and will be similarly equipped.

Per City Code and State law projects which provide 20% or more of very low income units shall be granted a density bonus of 20% (10 units) and at least three project incentives. With a 35% density bonus, a maximum of 68 could be allowed. The *SHORE APARTMENTS at MARINA* is proposing a density bonus of 16%, which allows 8 additional units and project incentives to allow a revised unit mix, an allowance for residential only uses in a mixed use district, and exclusion from a site specific requirement for on-site childcare facilities. The *SHORE APARTMENTS at MARINA* is also proposing a waiver of development standards to allow an increase in the maximum height and number of floors, as the three-story limitation in City code would physically preclude the construction of the project at the proposed density.

Details of the affordable housing are included in Appendix A.

2.2.6 Marina General Plan

The *SHORE APARTMENTS at MARINA Specific Plan* furthers the goals of the Marina General Plan by:

- ***Adding 58 additional multi-family residential units to the downtown area***

- *General Plan Primary Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.*

- *Policy 2.31.6 requires that 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.*

The housing types in the immediate vicinity are a mix of older mobile home parks, low rise wood frame apartments and single family detached homes. The *SHORE APARTMENTS at MARINA* are significantly different through its use of higher density, multiple story modern design featuring exterior material of stucco with wood features, corrugated metal, and glass wall (see rendering). While there are other apartments available in the City of Marina, there are few which are designed to maximize the use of the land through the use of compact, multi-story design, internal circulation within the buildings and a mix of bedroom choices. The design and style will be more attractive to young professionals, couples and seniors who seek a more modern choice in their housing options.

The design of the buildings is different than any other buildings in the immediate area and may become a standard for design for development or redevelopment of land in the area.

- ***Providing housing in an appropriate location where residents can walk to transit, shopping, services and other destinations.***

- *Primary Policy 2.4.5 of the General Plan requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.*

The site is located immediately adjacent to the Seacrest Plaza Shopping Center which includes a range of commercial uses, including grocery shopping, restaurants, banks, retail and personal services. Other commercial services are available in easy walking distance. The site also adjoins the MST transit center making access to regularly scheduled public transportation readily available to

future residents and their guests. The project includes development of a pedestrian pathway connecting DeForest Road uses to the Seacrest shopping center.

- ***Accommodating the connectivity of existing City streets through development of pedestrian/bicycle pathways***

- *Primary Policy 3.3.5 requires that the City ensure that walking and bicycling routes are integral parts of street design and form a safe and preferred transportation network.*

- *Policy 4.73.4. seeks to provide a pedestrian/bicycle link should to residences south of Reservation Road via an extension of De Forest Road.*

- *The City of Marina's adopted Pedestrian Network Map (Policy 3.34.1) identifies this link as part of the City's future pedestrian network.*

The project design incorporates clear paths of travel for pedestrians and bicyclists to access public streets. Access easements and improvements, where they are needed and can be safely provided, will be dedicated and the developers will pay a proportional share of the cost for the development of the needed improvements.

- ***Providing adequate private and public bicycle parking to encourage cycling by building residents and the public who will use the resident center.***

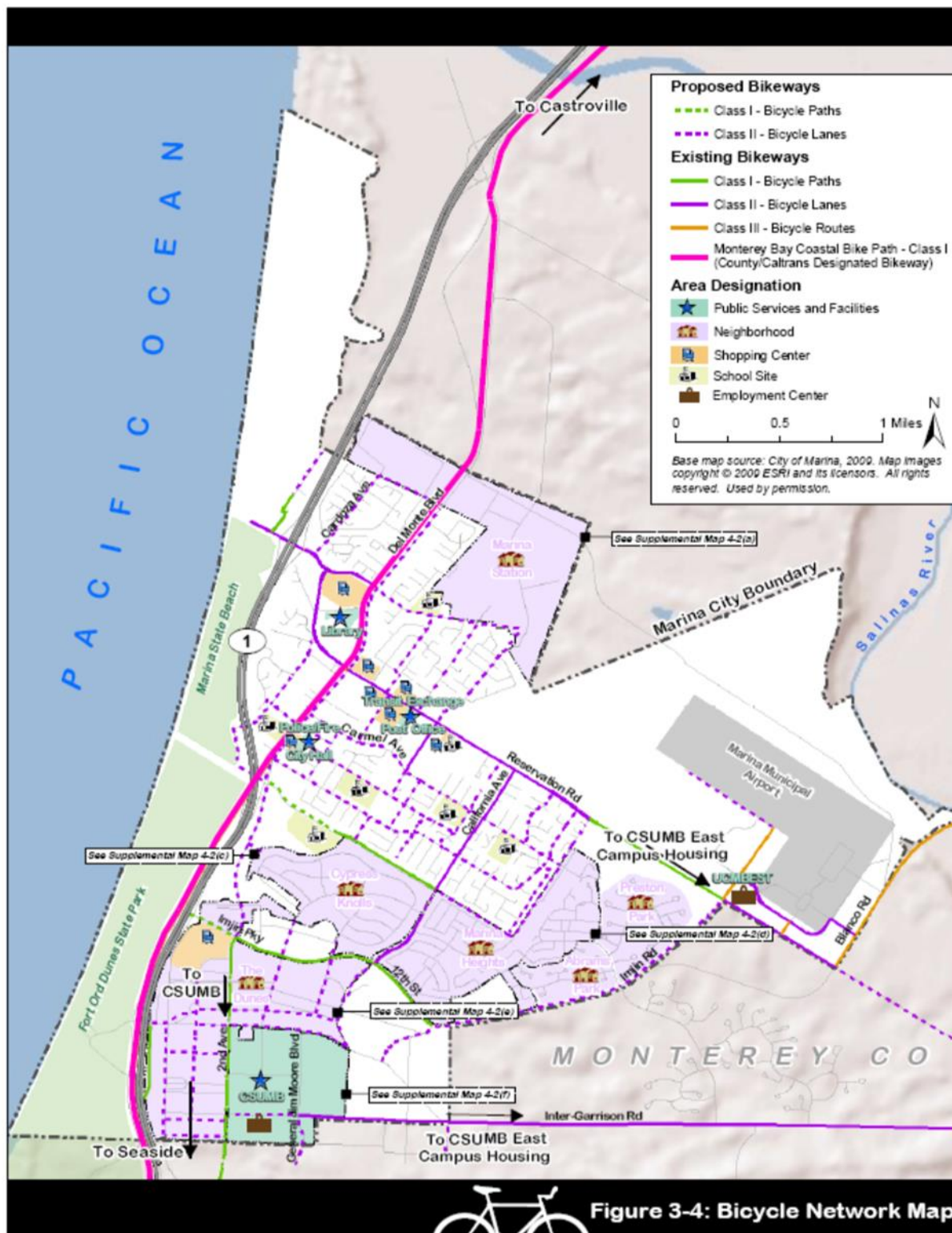
- *Policy 3.35.1 requires that the City of Marina provide adequate bicycle parking at all existing civic and recreational destinations, including comprehensive support facilities and in all new multi-family residential projects.*

Bicycle parking facilities are incorporated into the project design.

2.2.7 Pedestrian and Bicycle Master Plan

The *SHORE APARTMENTS at MARINA Specific Plan* draws from the guidelines and prioritized projects outlined in the City's *Pedestrian and Bicycle Master Plan*, which expands on the direction given in the Marina General Plan. The *Pedestrian and Bicycle Master Plan* has three primary purposes: providing guidelines for pedestrian and bicycle facilities improvements; positioning the City for grants to finance improvements; and playing a role in the City's work to reduce greenhouse gas emissions. Multiple bicycle storage rooms will be provided throughout the Specific Plan Area.

Figure 3-4. City of Marina Existing and Proposed Bicycle Network



Map courtesy of City of Marina Pedestrian and Bicycle Master Plan

2.2.8 City of Marina Draft Downtown Vitalization Specific Plan Design Guidelines and Standards

The *Draft Downtown Vitalization Specific Plan Design Guidelines* were developed as a follow-up to the Downtown Vision and adopted by the City Council in July 2005. The public planning process started in 2005 resulted in the *Pedestrian and Bicycle Master Plan* and the *Draft Downtown Vitalization Specific Plan*. These two documents, and the *City of Marina Design Guidelines and Standards* formed the *SHORE APARTMENTS at MARINA Specific Plan*.

2.3 Land Use Plan

2.3.1 Planning Principles and Design Strategy

The *Marina General Plan* and *Draft Downtown Visualization Specific Plan* will guide the development of a 58 unit, five-story apartment building as part of the City's strategy to bring multi-family, transit-oriented residential development to the downtown core.

2.3.2 Transit-Oriented Development (TOD)

TODs are a compact mixture of residential, employment, shopping and civic uses located within an easy walk of a bus or rail transit center. As the name implies, transit-oriented development is designed to be served by transit rather than, or in addition to, the automobile. Networks of streets and multi-use paths are also created to provide a walkable and bikeable environment that is conducive to living, working, and shopping in the same area. There are many benefits associated with transit-oriented development, including:

- reducing vehicle miles traveled;
- decreasing air pollution;
- absorbing population growth;
- constraining sprawl and conserving open space;
- lowering infrastructure costs;
- economic growth and increased land values;
- leveling the jobs-housing balance;
- promoting a healthier, more active lifestyle;
- providing new housing for seniors and first-time home buyers;
- creating vibrant new public spaces; and
- reducing the demand for land dedicated to parking.

The *SHORE APARTMENTS at MARINA Specific Plan* will fulfill this policy completely.. The location is uniquely suited to this policy in that it is directly adjacent the MST bus exchange and the downtown shopping and services district which will make it possible for tenants to walk, bike or use public transit to accomplish most of their daily needs.

2.4 Regional Planning Framework

2.4.1 Regional Blueprint and Sustainable Communities Strategy

Association of Monterey Bay Area Governments (AMBAG) staff, Transportation Agency for Monterey County (TAMC) staff, and staff from all local jurisdictions in the Monterey Bay Area developed a regional growth and conservation strategy called the "Monterey Bay Regional Blueprint: Envisioning the Monterey Bay Area" ("Regional Blueprint") and a "Sustainable Communities Strategy" to implement that vision..

The *SHORE APARTMENTS at MARINA Specific Plan* incorporates many of the objectives of the Regional Blueprint by:

- design for and encourages walkability;
- provide multi-family development near shopping and transit facilities such as the existing Monterey-Salinas Transit bus exchange and planned Monterey Peninsula Light Rail Stations (Figure 2-1); and
- promote sustainable design and construction practices (refer to Chapter 5, Sustainability).

2.4.2 Monterey Peninsula Light Rail Transit

The Transportation Agency for Monterey County is currently in the environmental review stage of a proposed fixed guideway service to and from the Monterey Peninsula. The first phase of the project would run between Monterey and north Marina with key stations in Monterey, Seaside, Sand City, Marina/CSUMB, and connecting bus service to Pacific Grove and Carmel to the south and Salinas to the east.

3.0 LAND USE DEVELOPMENT

This Specific Plan will provide the regulatory framework for the development of the *SHORE APARTMENTS at MARINA* project. All development on the site must be found to be consistent with and in substantial compliance with the Specific Plan. Where the provisions of this Specific Plan differ with other portions of the City Code, the provisions of the Specific Plan shall apply. Should any development be proposed that is not consistent with the Specific Plan, an amendment to the Specific Plan will be required.

3.1 Land Use and Development Goals

The SHORE APARTMENTS at MARINA development consists of two four-story buildings, with a total of 58 housing units including 42 one bedroom units, 14 two bedroom units and 2 three bedroom units. Associated amenities include a 667 square-foot leasing office, a 667 SF. fitness room, and four rooftop BBQ, outdoor dining, and play area terraces for residents totaling 8,116 square-feet. .

3.2 Required Entitlements

The proposed project will require City approval of the following entitlements (planning applications) prior to starting grading or construction:

This Specific Plan is part of a combined application including:

- A Zoning Map Amendment from a “C-1” District (Retail Business District) to an “SP-Shores at Marina” District (Specific Plan) zoning district.
- An amendment to the Official Plan Lines to eliminate the cul-du-sac at the end of the anticipated De Forest Avenue extension.
- A Conditional Use Permit for a multiple family residential development exceeding 25 units per acre.
- An Affordable/Inclusionary Housing Proposal to provide 10% of the units as Low Income.
- A 16% Density Bonus and project incentives to allow development of a five story apartment complex and modifications to parking requirements for transit oriented development
- Dedication for future a developed pedestrian pathway at the northern property boundary connecting DeForest Road to the Seacrest Shopping Center, and dedication of a 30’ road right of way easement for a future public road.
- Site and Architectural Design Review, including landscape.

The Plan Set is attached to and incorporated as an integral part of the *SHORE APARTMENTS at MARINA Specific Plan* (Appendix B).

This chapter addresses the role of mobility to support the *SHORE APARTMENTS at MARINA Specific Plan* vision and goals, and includes policies related to vehicular, bicycle, and pedestrian circulation, pedestrian-oriented street design and vehicular and bicycle parking.

4.1 Mobility Goals

The mobility goals of the *SHORE APARTMENTS at MARINA Specific Plan* are as follows:

Mobility Goal 1. Create visually pleasing pedestrian and bicycle circulation that safely, efficiently, and effectively serves the Specific Plan site, making it a place where residents and their visitors can easily walk, bike, or use public transit rather than use a vehicle.

Mobility Goal 2. Maintain an adequate level of parking infrastructure to meet the needs of the residents and their visitors, while maintaining the site's aesthetic goals.

Mobility Goal 3 Increase population density at a site adjacent to essential public transit and shopping.

Mobility Goal 4. Encourage residents of the *SHORE APARTMENTS at MARINA* to walk, bicycle, use transit, and carpool.

4.1.1 Existing and Future Pedestrian and Bicycle Networks

The existing and future networks of pedestrian and bicycle facilities adopted within the *City of Marina General Plan* are shown in Figure 3-1: Existing Pedestrian Network and Figure 3-2: Existing Bicycle Network. The pedestrian sidewalk network within downtown Marina is well developed, with existing sidewalks on collector and arterial roadways and along most local streets.

Development of the subject site will bring to downtown Marina 58 new apartments, housing between 76 and 152 people. These people are potential beneficiaries of the Marina pedestrian and bicycle network.

4.1.2 Pedestrian and Bicycle Circulation

The proposed pedestrian and bicycle linkages are depicted in Figure 3-3: Circulation Network. Consistent with the City's *Pedestrian and Bicycle Master Plan*, the *SHORE APARTMENTS at MARINA Specific Plan* shall facilitate a pedestrian, bicycle, and auto connection between the residential development, the MST bus exchange and the rest of downtown Marina.

The *SHORE APARTMENTS at MARINA Specific Plan* property will have connecting pedestrian paths to adjacent mixed-use developments and the MST Transit Center. The project plans include development of a landscaped public pedestrian connection between the Shores Apartments and the MST bus station from DeForest Road to the Seacrest Shopping Center

A 4-foot sidewalk will be constructed on the west side of the future De Forest Road extension. This sidewalk will run from the southern property boundary to connect with the Monterey-Salinas Transit bus exchange located to the north along De Forest Road.

4.1.3 Existing Transit Facilities

Monterey-Salinas Transit (MST) transit center which is adjacent to the project site provides a bus exchange within downtown Marina. It is located on the south side of Reservation Road at the intersection of Reservation Road and De Forest Road (Figure 3-5: Pedestrian and Bicycle Linkages

Between De Forest Apartments, MST Bus Exchange and Downtown Marina). From the MST bus exchange, the following routes are available:

- #16 Monterey to Marina via CSUMB;
- #19 Marina to Monterey;
- #20 Monterey to Salinas via Marina;
- #27 Watsonville to Marina;
- #71 Presidio to Marina Express; and
- MST on call service for Marina and Seaside.

The *SHORE APARTMENTS at MARINA Specific Plan* will link the residents of the 58 apartments planned for the site to the MST bus exchange and to downtown Marina by a sidewalk along the De Forest Road extension.

4.1.3 Planned Monterey Peninsula Light Rail Project

The Transportation Agency for Monterey County (TAMC) is the lead agency for planning the Monterey Peninsula Light Rail Project. The proposed light rail transit (LRT) system is proposed to link downtown Monterey with Castroville, providing important transit connections from Marina to the region. The nearest LRT station to the *SHORE APARTMENTS at MARINA* is proposed to be located at Reservation Road and Del Monte Boulevard, less than one half mile from the project site.

The *SHORE APARTMENTS at MARINA Specific Plan* development will add between 72 and 122 people to the downtown area who could take advantage of the proposed light rail transit system.

Construction of a LRT system is not imminent and may not occur for a number of years. Development of the *SHORE APARTMENTS at MARINA* is not in any way dependent or predicated on the construction of the LRT.

4.1.4 Parking Plan

The *SHORE APARTMENTS* project plan proposes 70 parking space on-site, in excess of the standard parking requirement of 38 spaces (0.5 spaces per bedroom as a transit oriented development). Two of the parking spaces located close to the building entries are designated accessible, in compliance with the Americans with Disabilities Act (ADA).

Multiple bicycle storage rooms will be provided throughout the Specific Plan Area.

5.0 DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

The design of the *SHORE APARTMENT at MARINA* reflects the development and design standards (Figure 4-1 below) articulated in the Draft Downtown Vitalization Specific Plan and the City of Marina Design Guidelines and Standards.

This chapter provides standards, guidelines, and goals for development within the *SHORE APARTMENT at MARINA* Specific Plan area. [Architectural Plans](#) (Appendix B) includes a full site plan, floor plans of the buildings and units and exterior elevations.

There are numerous measures within this chapter which promote sustainability and green building practices. These items are noted with this symbol: *J/J*

Site Development Standards

The design of *SHORE APARTMENT at MARINA* reflects the development standards in Table 5.1: Development Standards, as well as guidance from the General Plan and City of Marina Design Guidelines and Standards.

Table 5-1: Development Standards

Land Use Designation	Multi-Family Residential	
Building Setback (approximate)	14' from the southern property line 64' from the western property line 14' from the northern property line 54' from the eastern property line -- feet minimum between buildings	
Building Height	5 stories and 63' maximum	
Open Space	Common and Private Open Space Per Unit	1 Bedroom: 83 SF. 42 units, 14,000 SF total) 2 Bedroom: 83 SF. 14 units, 14,000 SF total) 3 Bedroom: 82 SF 2 units, 4,950 SF. total} TOTAL: 4810 SF
	Proposed Common and Private Open Space	At grade – 17,380 SF Private Balconies: 4,810 SF. Roof Terrace: 8,120 SF Indoor Community 1334. SF. TOTAL: 31644SF

Development Standards and Design Guidelines

The current Site Plan includes 70 parking spaces, approximately 1.1 parking spaces per unit. The universal stall size of 8 feet wide and 18 feet long is an appropriate parking stall standard, for resident parking. These parking stall sizes can easily fit compact sedans or compact SUV's and will allow for an increase in the overall amount of parking available to residents. To decrease pervious surfaces and help preserve onsite trees, the stall length used in the Specific Plan area may be 17.5 feet when abutting landscaping or a curb. Parking stall lengths can be reduced by 1 foot to preserve trees, such that the stall length is reduced from 18 feet to 17 feet. These spaces shall be marked "compact".

Parking areas and circulation systems shall be convenient and easily maneuverable by motorists, bicyclists, pedestrians, and emergency vehicles. Vehicular and pedestrian paths shall be separated where possible. Pedestrian paths and crosswalks will be provided through the parking lot to connect from onsite walkways to offsite connections.

Pedestrian facilities shall connect building entrances with the sidewalk in the abutting public street and with onsite parking facilities.

Parking areas, entrances, and walkways shall be illuminated at night for security.

Parking areas shall be landscaped to minimize glare, the heat island effect, and negative visual impact of large paved areas.

5.3 Design Standards and Guidelines

5.3.1 Building Setbacks and Step-backs

The site shall be developed consistent with the Site Plan and Architectural Plans ([Appendix B](#)). Setback dimensions shown on the Site Plan are described in Table 5-1 (Development Standards).

Setback areas along the perimeter of the site shall include native or drought-tolerant landscaping and should be used to screen views of parking areas while enhancing the overall character of public and private realms.

5.3.2 Architectural Guidelines

The buildings shall be developed consistent with the Exterior Elevations ([Appendix B](#)), as described in Table 5-1 (Development Standards)

Buildings shall be a maximum of five stories. Tower elements and roof pitches may project above the top floor for visual interest and shall not exceed the maximum height restriction. —

The exteriors facades shall be articulated to break up the building massing. Articulation may be accomplished through: —

- Recessing a portion of the facade
- Providing projecting elements (e.g., overhangs or awnings)
- Providing window fenestration or balconies
- Changing the colors and materials (changes should be made on outside edges only)

Areas used for utilitarian aspects of the project shall be designed to protect nearby areas from unsightly, noisy, and noxious environments.

Mechanical equipment (e.g., electrical meters, cable and junction boxes, and irrigation controllers) shall be located in a utility room, wherever feasible. Where these cannot be located inside a utility room, they shall be located along a side or rear elevation and screened from view.

Utility lines shall be underground, wherever feasible. Individual unit satellite dishes shall be prohibited.

Site Planning

Refuse enclosure and maintenance building walls and fences shall be designed with materials and finishes that complement building design, and should include vines, shrubs, and trees, where appropriate.

A combination of low walls and landscaping shall be used to screen unsightly project elements (e.g., on-ground HVAC systems).

All benches, or other site amenities that could be used for "grinding" or be damaged by skateboarding, shall have scalloped edges or decorative amenities that prevent this practice.

One trash and recycling enclosure shall be provided in the parking lot near each of the buildings. Enclosures shall be designed with similar materials, colors, and design treatments as

the building design. Landscaping should be incorporated into the design of enclosures. Refer to the Preliminary Landscape Plan for proposed locations of enclosures.

Landscaping and trees should also be planted in a way that does not block upper story window views from the street. Allowing clear views to walkways and courtyards will promote a safe environment and will encourage eyes to be on the street.

Landscaping

Site landscaping shall be provided consistent with the Preliminary Landscape Plan (Appendix B).

In general, native and/or drought-tolerant landscape options shall be used to encourage water efficiency.

Native species used in landscaping shall originate from local sources to protect the genetic integrity of those species in natural areas and shall be raised locally. Exceptions may be made when it can be demonstrated that no adverse impacts will occur.

The use of turf is strongly discouraged, except where used for recreation, to moderate pedestrian traffic, or to fulfill an aesthetic purpose. When turf is selected, lower-water demand varieties shall be specified.

A plant palette specifying some native plants is required.

In parking lot medians and areas with high pedestrian traffic areas, strategies for the protection of the plant material shall be employed, which may include physical barriers.

Landscaping shall be professionally maintained for aesthetics and the health of landscaping.

Trees shall be planted within parking areas and should generally be spaced every 10 parking spaces, or more frequently. Trees with larger canopies are encouraged within parking areas to provide shade to parked vehicles and reduce the heat island effect.

Tree plantings within street rights-of-way, utility easements, or within 10 feet of any public improvements shall be submitted to and approved by the Marina Public Works Department.

Trees planted along the north-south oriented corridors shall not interfere with fire access from the Marina Fire Department, and should not block the view of the upper story window views.

Watering of landscaped areas shall be accomplished as specified by ordinance of MCWD.

Signs

Signing shall be limited to:

- No more than two signs identifying the entrances to the *SHORE APARTMENTS at MARINA*.
- *Two Building Identification signs per building.*
- *Internal site directional signs as needed to facilitate access and circulation.*
- *Signing as required including handicap access signing for internal circulation and safe ingress and egress to the site.*

The design and materials shall be in harmony with the overall building design.

Sign location shall not interfere with sight distance for turning movements into and out of the project site.

Fire lane signage shall be provided on site in locations to be approved by the Marina Fire Department.

Exterior Lights

Exterior lighting shall be provided throughout the parking lot, along the walkways and other

landscaped areas. Lights shall also be mounted on buildings near entrances and balconies. Lighting levels shall be sufficient for the safety of residents and guests, but shall not spill onto adjacent properties. Lighting should not directly shine into windows, balconies (except for building-mounted lighting within balconies), and other private areas.

Pedestrian-scaled and bollard lighting should be used along walkways. Pole-mounted lighting should be used throughout the parking lot with a maximum height of 20 feet. Building-mounted lighting used near building entrances and within balconies should be indirect illumination fixtures that focus lighting and have low levels of illumination to prevent glare into nearby windows. String lighting may be provided within the courtyards.

Illumination levels within common areas shall average less than three foot candles with a maximum of five foot candles. It is preferred to have additional fixtures at a lower level of light output than to have fewer fixtures with a higher level of light output. Light color temperature should be 3,500 degrees Kelvin or less, except for LED lighting.

All exterior lighting fixtures shall be International Dark Sky Association (IDA) certified. Motion activated lighting is strongly encouraged wherever its use is feasible to conserve energy consumption and reduce night sky light pollution.

Up-lighting used should be directed in such a way as to highlight the intended element (e.g., a tree) without shining into interior spaces or directly into the night sky.

Prior to the issuance of building permits, the applicant shall submit a Lighting Plan (photometric plan and lighting specifications) for review by the Community Development Director.

5.1 Design Goals

The design goals of the *SHORE APARTMENTS at MARINA Specific Plan* provide the foundation for the guidelines of this chapter, and are as follows:

Design Goal 1. Create a modern and vibrant design for a new multi-family development and to set a standard for innovative design in the City of Marina.

Design Goal 2. Design pedestrian-oriented buildings and spaces with a focus on physical and visual connectivity, clear relationships to the street, and strong aesthetic appeal.

Design Goal 3. Respond to environmental constraints and energy savings throughout the design process. The SHORE APARTMENTS will be built to meet the Build it Green energy standards.

Design Goal 4. Encourage high quality development that reflects the cultural diversity of Marina, and protects and enhances property values and overall community economic viability.

To meet these Goals the following architectural elements and forms that will be integrated into the building architecture and common spaces include:

Roof and Building Forms

- Multiple structures to reduce bulk and scale of development
- Exterior walkways / pedestrian circulation spaces to promote natural cross ventilation to units
- Multiple roof planes with extended and articulated roof eaves
- A combination of activate roof terraces and pitched roofs to create variation and diversity in building form

Doors and Windows

- Multi-paned windows of varying shapes and sizes
- Floor to ceiling windows to connect living/balcony spaces
- Prominent horizontal paned windows with wood accents
- Distinctively colored residential dwelling unit entry doors

Colors and Materials

- Vivid accent colors
- Natural materials and colors
- Use of high quality modern materials
- Ornamentation
 - Roof and rafter ornamentation
 - Wall mounted sconce light fixtures
 - Horizontal metal balcony railings
 - Landscape and Irrigation elements and forms that will be integrated into the site and landscape spaces include:
- Landscape Planting
 - Emphasize native and adaptable drought tolerant plants and trees.
 - Utilize plants and trees appropriate for the climate and exposure. Group plants of similar water needs into hydrozones.
 - Insure plants and trees are the appropriate size at maturity to reduce or eliminate the need for severe pruning and to give the site a natural and pleasing appearance.
 - Create attractive and pleasing pedestrian pathways that connect to adjacent multi-use developments.

* Landscape Irrigation

- Design high efficient irrigation system with low flow bubblers, precision spray sprinklers or drip irrigation as required.

- Comply with Model Water Efficient Landscape Ordinance (MWELO) with landscape and irrigation design.
- Irrigation system is to feature an active weather control system based on current weather conditions (ET – evapotranspiration).

6.2 Connectivity

6.2.1 Common Outdoor Areas and Connective Pathways

The *SHORE APARTMENTS at MARINA Specific Plan* includes significant public space and social gathering places.

Guidelines:

a. The Specific Plan area will provide a series of connective walkways, ramps and stairs providing residents of each building the ability to easily navigate between structures and common areas. Pathways will also be provided to connect with the proposed sidewalk extension along De Forest Road to provide pedestrian connectivity with the adjacent Marina-Salinas Transit bus exchange. In addition, a pedestrian walkway is designed to connect residents of both the SHORE APARTMENTS at MARINA and surrounding developments with adjacent Seacrest Plaza Shopping Center. Due to the steeper nature of the terrain, the De Forest Road extension will exceed the ADA allowable 5% longitudinal slope. The sidewalk however will be connected with the street, and therefore “allowable” under current ADA regulations.

b. The new apartment buildings will provide a total of four common space roof top outdoor terraces with a variety of active and passive recreational functionalities.

c. Outdoor furniture and fixtures will be compatible with the project architecture and will be carefully considered as integral elements of the project.

6.3 Property Design Guidelines

6.3.1 Parking Location, Design, and Treatment Guidelines:

- Parking areas and circulation systems will be convenient and easily maneuverable by motorists and pedestrians, while minimizing pavement areas.
- Parking areas will be landscaped to minimize summer glare and heat buildup and to reduce the negative visual impact associated with large areas of paving.
- Parking areas will include landscaping, lighting, and adequate pedestrian circulation.
- Parking areas will provide bicycle and motorcycle parking.
- To enhance the view of the landscaping from De Forest Road and from the apartments and to maintain a safer line of sight across the property for residents and visitors the parking lot will not have carports.

6.3.2 Signs

An entrance sign will be located at the front of the parking lot. Its design and materials will be in harmony with the overall building design, will not exceed 30 square feet in size and will include the street address and project name.

6.3.3 Utilities

Areas used for utilities will be located and designed to protect nearby areas from unsightly, noisy, and noxious environments.

Guidelines:

- A. Mechanical equipment including gas and electrical meters, cable boxes, junction boxes, and irrigation controllers will be located within a utility room to the extent feasible. Where this cannot be achieved, they will be designed as an integral part of the building on a rear or side elevation and will be screened from public view.
- B. Electrical, telephone, and cable utility lines will be underground wherever possible.
- C. Centralized satellite dishes will be provided which will serve multiple apartments. Tenants will not be permitted to have individual satellite dishes on their apartments or balconies.

6.3.4 Trash and Recycling Enclosures

Trash and recycling enclosures will be carefully designed, located and integrated into the main buildings rather than independent structures on the site. Design and materials will complement overall building design.

6.3.5 Lighting

Lighting levels will be sufficient for the safety of occupants and visitors but will not be allowed to spill onto adjacent properties. Lighting shall be to the Illuminating Engineers Society standards for public spaces, which ensure that a human face is recognizable at twenty feet. Lighting shall be LED area lights with 18 foot poles within the parking areas. Light source or glare will be controlled so that it will not spill onto neighboring properties.

Lighting will not directly illuminate off-site areas or shine in on-site or off-site windows. Low-mounted fixtures (less than 30 inches high) are preferred for lighting pedestrian circulation. Where light standards are preferred for parking areas and other common areas, fixtures with an overall height of 18 feet or less will be used. Wall mounted fixtures will be down-lit, with low illumination levels that will not create glare conditions or “hot spots” on walls. Illumination levels at the ground in public and common areas will average less than 3 foot candles with a maximum of 5 foot candles. The preferred way to illuminate is with more fixtures of lower light output, rather than fewer fixtures with greater light output. Light color temperature should be 3, 500 degrees Kelvin or less except in the case of LED lighting.

Motion activated lighting is strongly encouraged wherever its use is feasible and safe to conserve energy consumption and to reduce night sky light pollution.

All exterior fixtures will be International Dark Sky Association (IDA) certified.

Prior to the issuance of building permits the applicant shall submit a Photometric Plan and lighting specifications for review and approval by the Community Development Director.

6.3.6 Walls, Fences, and Screening Guidelines:

- a. Walls and fences will be designed with materials and finishes that complement project architecture and should be planted with vines, shrubs, and/or trees.
- b. All non-transparent perimeter walls and/or fences should be articulated with similar materials and details on both sides, and should incorporate landscaping whenever possible. Walls will be constructed of wood or of masonry with cement plaster finish. Semi-transparent perimeter fences shall be made of wrought iron and should incorporate landscaping whenever possible.
- c. All fences and walls required for screening purposes should be six feet tall and of solid material. A combination of low walls and landscaping should be used to screen unsightly elements of a project.

6.3.7 Sustainable Design

Sustainable design and green building techniques are incorporated into the SHORE APARTMENTS design to minimize the impacts to the environment through energy demand reduction techniques in site planning, design, and construction.

The following guidelines support and supplement the goals, policies, and development standards outlined in Chapter 7.0, Sustainability.

Guidelines:

- a. Landscaping. Monterey County native and adaptable drought tolerant plant species are used for landscaping. High-efficiency irrigation systems with active weather control and existing natural drainage will be utilized in landscaping where feasible.
- b. Stormwater Management. A combination of below surface collection and filtration systems and bio-swales shall be used to contain 100% of storm water on site.
- c. Water Demand. Irrigation infrastructure should be installed to accommodate the use of recycled water should it become feasible in the future.
- d. Energy Efficiency. Energy demand in new structures will exceed meet or exceed Title 24 requirements.

7.0 INFRASTRUCTURE AND PUBLIC SERVICES

7.1 Streets and Circulation

Streets, sidewalks, ramps and pathways to be provided by the developer are addressed in Chapter 4.0 Mobility.

7.2 Water Service

Water will be is provided by the Marina Coast Water District (MCWD).

The MCWD has allocated a finite quantity of groundwater to the City of Marina for new development. In accordance with Policy 3.45 of the City of Marina General Plan, the City will not permit new development requiring water allocations in excess of available supply.

The MCWD has water use factors for various land use categories, which are used to estimate the water demand. MCWD Ordinance 37 was used to estimate the water demand for the project to be 15.9 AFA. The estimated water demand of approximately 15.9 AFA combined with the existing water demand of approximately 2,400 AFA would not exceed MCWD's current allocation for central Marina of 3,020 AFA.

Existing infrastructure in the vicinity of the project site includes an existing MCWD 8-inch main water line located in the right-of-way of De Forest Road, which extends approximately 50 feet from Reservation Road. Smaller water lines branch off to the MST bus exchange site and the U.S. Post Office. There is sufficient water supply and distribution infrastructure in place for the project. The water main will be extended south According to Section 3.12 of the MCWD Water Code, new development is required to pay connection and meter fees. Capacity charges are based on equivalent dwelling units for residential water use, square footage or land use for commercial water use, and acreage for landscaping water use.

7.3 Wastewater Collection

Wastewater collection facilities within the City of Marina are owned, operated and maintained by Marina Coast Water District. Wastewater collected within the City of Marina is treated at Monterey Regional Water Pollution Control Agency's (MRWPCA) wastewater treatment plant (WWTP) located at the "Monterey Regional Environmental Park" off of Del Monte Boulevard approximately 2 miles north of Marina.

According to the City of Marina General Plan, the existing WWTP is able to accommodate the entire service area, including the Specific Plan Area. Wastewater generation is highly related to use, fixture count, and number of people using fixtures. The wastewater generated by the 58 apartment bathrooms and two bathrooms associated with the sales suite and fitness facility are not expected to have a significant impact on the existing wastewater collection and treatment facilities.

Based on water demand of 15.9 acre feet annually and reducing that usage by a factor of 25% for consumption, irrigation, and evaporation; the developer estimates wastewater generation at 11.9 acre feet annually.

According to existing documentation, there is ample capacity in the existing system to service the project. The developer will be required to extend the sewer infrastructure down the De Forest Road extension.

7.4 Storm-water and Drainage

Storm-water in this area of Marina is collected and percolated within on-site detention and infiltration facilities. The sandy geology of the region allows for fast percolation rates and effective local storm-water control.

Policy 3.57.2 of the City of Marina General Plan requires that storm-water runoff from large paved areas used by vehicles be pretreated using primary settlement structures, routing through settlement ponds, or routing through adequately long natural swales or slopes. In addition, all development plans shall conform to the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit, ordinances, and Best Management Practices (BMPs) to effectively prevent the discharge of pollutants in storm-water runoff.

The City of Marina has produced, in partnership with other municipalities on the Central Coast, guidelines for implementing a Low Impact Development (LID) program. LID is a rapidly growing approach to storm-water management that offers the opportunity for communities to develop a comprehensive natural resource and water quality protection program. The LID program for the Central Coast is intended to help facilitate the transition to new requirements being developed by the Regional Water Quality Control Board (RWQCB) for hydro-modification control. As part of this program, the City of Marina would require the project applicant to implement site planning control measures, source control measures, and runoff volume reduction measures.

Furthermore, pursuant to Section 16.06.150 of the Marina Municipal Code the project site shall retain all storm-water runoff.

Detailed site planning associated with the landscape plan will specify the location and type of collection and disposal system. As required to retain all stormwater on-site, a subsurface collection and percolation facility will be provided. All on-site drainage facilities must be reviewed and approved by the City of Marina.

7.5 Grading

Earthwork Summary: Grading will consist of 1850 cu. yd. of excavation (cut), including rough grading and grading for the underground drainage retention system; and 1420 cu. yd. of fill, including loss to shrinkage of 10%. Excess soil of 420 cu. yd. will be exported off-site. Notes:

1. Quantities do not include over-excavation.

Rough grading quantities include assumed building rough grading for an assumed building foundation of 12", parking lot structural section of 8", and pathway structural section of 6".

7.6 Public Services

7.6.1 Public Safety

Police and fire service is provided by the City of Marina's Public Safety Department located at 211 Hillcrest Avenue in the City of Marina.

The fire station located at 211 Hillcrest Avenue would serve the proposed Specific Plan Area. According to the Marina Fire Department, the response time to the project site would be less than five minutes.

There is one existing fire hydrant located at the corner of project site near the intersection of Reservation Road and De Forest Road. There is also an existing fire hydrant located along the western property line at the adjacent shopping center parking lot. New fire hydrants are proposed to be located on site as required by the Fire Department.

At the present time the Marina Fire Department does not have equipment to adequately respond to fires in a five story building. As a condition of approval of any permit issued pursuant to this specific plan the owner/applicant must provide evidence to the satisfaction of the Community Development Director and the Fire Chief that the building will be protected through acquisition of additional equipment, mutual aid agreements, design and materials or other such means that are found to provide, individually or cumulatively, adequate fire protection for the occupants of the building.

Should it be determined that the five story building approved by this specific plan cannot be adequately protected the Director of Community Development is authorized to approve such modifications as deemed necessary to assure adequate fire protection.

7.6.2 Solid Waste and Recycling

GreenWaste collects solid waste generated in the central part of the City of Marina. Solid wastes are disposed of at the Monterey Regional Waste Management District's (MRWMD) landfill site located north of the City of Marina.

The City of Marina participates in curbside recycling for single-family residences and apartments. The curbside recycling program diverts approximately 50 percent of the City's waste-stream, which is consistent with the state mandated diversion rate.

Construction of the *SHORE APARTMENTS at MARINA* will result in an increase in population of between 76 and approximately 152 persons within the MRWMD's service area. Based on a solid waste generation rate of 1.28 tons per person per year, the proposed Specific Plan would generate approximately 194 tons of solid waste per year. The existing landfill has an estimated 150-year remaining lifespan. All existing recycling programs in the central City would apply to this project site, and waste will be hauled consistent with current practices from centralized refuse collection areas.

The developer will work with GreenWaste to provide tenant education on recycling.

7.7 Utilities

PG&E provides gas and electric service to the site. Comcast is the local cable television provider. AT&T provides telephone service. As the Specific Plan area is an urban infill site, all providers have facilities either immediately adjacent to or very near the project site. There is no anticipated need to extend system infrastructure to the site beyond basic hookups and connections. All upgraded or existing utilities will be undergrounded as part of the development, if not done so already.

8.0 SUSTAINABILITY

Sustainable design refers to design and construction practices that significantly reduce or eliminate the negative environmental impacts of development. A sustainable design approach can be defined by a variety of green building practices and the availability of pedestrian-oriented amenities.

The *SHORE APARTMENTS at MARINA Specific Plan* encourages sustainable planning and design concepts. The following goals and policies identify the overall sustainable design goals rooted in New Urbanism and Smart Growth principles, and the Build It Green rating system.

Development under the *SHORE APARTMENTS at MARINA Specific Plan* should strive to implement as many policies and developments standards as feasible.

8.1 Sustainability Goals

<u>Sustainability Goal 1.</u>	Support sustainable development on the project site.
<u>Sustainability Goal 2.</u> the	Allow for high-density residential development to reduce dependency on automobile, and support other modes of transportation.
<u>Sustainability Goal 3.</u>	Employ green building practices that reduce overall environmental impacts associated with development.

8.2 Sustainability Policies

The sustainability policies of the *SHORE APARTMENTS at MARINA Specific Plan* are as follows:

- SP-1 Reduce residents' and workers' dependence on fossil fuels, and other non-renewable natural resources. *(Implements Goal 1 and Goal 2)*
- SP-2 Create a high-density development that promotes travel by transit, walking and bicycling. *(Implements Goal 2)*
- SP-3 Green building techniques that conserve resources and produce more healthful living and working environments shall be used. *(Implements Goal 1)*
- SP-4 Renewable energy sources and meaningful energy conservation measures shall be used. *(Implements Goals 1 and 3)*
- SP-5 Low Impact Development (LID) technologies, including pervious pavers and surfaces, filter strips, tree boxes, rain gardens, vegetated bio-swales and stormwater filtration galleries shall be used. *(Implements Goals 4, 5 and 6)*
- SP-6 Landscaping shall incorporate native plant species and/or drought tolerant species, with selection appropriate for location. *(Implements Goals 1 and 3)*
- SP-7 Water and lighting fixtures shall be designed for efficiency. Water conserving fixtures shall include low-flow faucets, shower-heads, and toilets, as well as drip irrigation systems. *(Implements Goals 1 and 3)*

- . SP-8 Irrigation and all water elements within Specific Plan Area shall maximize the use of available reclaimed water, if available. (*Implements Goals 1 and 3*)
- . SP-9 Utilize construction materials and methods appropriate to the local area. Materials should be locally available (within 200 miles) wherever possible, and preferably have at least some recycled components. (*Implements Goals 1 and 3*)

8.3 Achieving Sustainability

8.3.1 Defining Sustainability

The *State Office of Planning and Research General Plan Guidelines* address issues of sustainability as follows: “In a community that is developing sustainably, the neighborhood is the basic building block of urban design and is characterized by walkability, mixed-use development, and mixed-income housing.”

The *Draft Downtown Vitalization Specific Plan* incorporates the following sustainable development goals and policies for downtown Marina:

- o Decrease urban sprawl through: the promotion of compact, multiple use, transit-oriented infill development; the restoration of urban centers; and limiting non-contiguous development.
- o Protect environmentally sensitive lands by conserving habitat lands and habitat connectivity; minimizing impacts to watershed functions; and avoiding natural hazards.
- o Promote energy and resources efficiency through: supporting waste reduction programs; promoting alternative forms of transportation; and promoting energy- and resource-efficient buildings.
- o Promote equitable development through: fair treatment under development policies and regulations, promoting alternative housing development.
- o The development of the 58-apartments, at grade landscaped space, and common roof top terraces will reflect these sustainable guidelines, to the greatest degree possible.

The following *City of Marina General Plan* Goals relate to pedestrian and bicycle activity:

Goal A. A city within which the majority of the residences, businesses, and community facilities are served by frequent cost-effective transit.

Goal B. A city designed for attractive, comfortable, convenient, welcoming, and secure walking for people of all ages and abilities, in which most housing, shops, businesses, plazas, civic buildings, and other community facilities are within easy walking distance of each other.

Goal C. A balanced land use/ transportation system minimizing induced traffic congestion, noise, excessive energy consumption, and air pollution.

The development of the apartment building within the Specific Plan Area will reflect these transportation goals of the *General Plan* and the goals and recommendations articulated in the *City of Marina Pedestrian and Bicycle Master Plan*.

- Paths and sidewalks shall connect the Specific Plan site to the Marina bus exchange located at De Forest Road and Reservation Road.
- Bicycle parking will be provided in private areas around the building.

8.3.2 Sustainable Development Standards

Based on the understanding of sustainability outlined in Section 7.3.1 and the goals and policies contained herein, the following green building design measures have been identified. These measures should be utilized for new development and redevelopment within the Specific Plan Area to the greatest extent feasible.

Site Design

- Incorporate passive solar orientation to optimize solar access
- Use water conservation measures wherever possible
- Create water-efficient landscapes
- Install water-efficient irrigation systems and devices, such as ET (evapotranspiration) active weather irrigation controls

Building HVAC and Appliance

- Install High Efficiency Toilets that meet or exceed specifications set by Marina Coast Water District
- Install ENERGY STAR® Appliances
- Design and install HVAC System to ACCA recommendations
- Install Sealed Combustion (Direct Vent) furnaces and water heaters
- Install light emitting diodes (LEDs) for outdoor lighting
- Install High Efficiency HVAC Filter
- Install tankless water heaters or high efficiency central boiler
- Install water heaters with Energy Factor >0.62
- Install High Efficiency Furnace (AFUE 90 % or higher)

Building Architecture and Materials

- All new buildings shall incorporate sustainable building design and meet Build It Green Greenpoint Label certification criteria to the maximum extent feasible
- Include adequate storage for waste and recycling
- Meet ENERGY STAR®'s Indoor Air Quality Package Requirements
- Apply Optimal Value Engineering (Advanced Framing)

- Install Insulation that is low emitting for formaldehyde and volatile organic compounds (Certified Section 01350)
- Use Low-VOC or Zero-VOC Paint
- Use Low-VOC, water-based wood finishes
- Use Low-VOC Adhesives and Caulks
- Provide permanent walk-off mats at building entrances
- Use rapidly renewable trim materials
- Use recycled-content materials
- Reduce Formaldehyde in Interior Finishes
- Use flooring that is low-emitting (Section 01350 or Green Label Plus)

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to: soil, vegetation, concrete, lumber, metal, and cardboard)
- Provide education and publicity about reducing waste and available recycling service
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas
- Incorporate under-counter recycling bins in apartment kitchens
- Design garbage enclosure to include easily accessible recycling containers

Transportation and Motor Vehicles

- Provide adequate bicycle parking near buildings to promote cyclist safety, security, and convenience
- Provide education and information about public transportation options available to all tenants

Sustainable Living Standards

- Provide a variety of programmed common roof top terrace spaces for tenant use
- Provide education materials to encourage recycling and composting by tenants
- Include under-counter recycling bins
- Provide bicycle parking and storage

9.0 IMPLEMENTATION

This chapter provides a discussion of the implementation of the *SHORE APARTMENTS at MARINA Specific Plan*. Implementation is carried out primarily through the submittal of non-discretionary applications, such as ‘plan check’ items.

This chapter also provides a discussion of the California Government Code provisions, which govern the amendment of this Specific Plan, including criteria under which the City Council may approve such Amendments.

9.1 Plan Administration and Implementation Procedures

The City of Marina Community Development Department is responsible for the administration, implementation and enforcement of the *SHORE APARTMENTS at MARINA Specific Plan*. The Community Development Director is responsible for making the determination of whether an amendment to the Specific Plan text or maps is needed. Amendment procedures are described below.

9.1.1 Specific Plan Adoption

Concurrent with the adoption of the *SHORE APARTMENTS at MARINA Specific Plan*, the City of Marina shall amend the City's *General Plan Land Use Map* and the City's *Zoning District Map*. This will ensure consistency with the Specific Plan land uses. This Specific Plan has been prepared, submitted, and approved in a manner consistent with California Government Code section 65451. Adoption of this Specific Plan is by Resolution (Section 65453) of the City Council.

9.1.2 Specific Plan Amendment Procedures

The California Government Code (Sections 65453-65454) allows Specific Plans to be prepared, adopted, and amended in the same manner as General Plans. Amendments to the Specific Plan shall be prepared, adopted, and amended in a similar manner as it was adopted. Amendments to this Plan may be initiated by a developer or individual with concurrence of the property owner, or by the City, in accordance with any terms and conditions imposed during the original approval.

A Specific Plan amendment must include the following detailed information:

- Revised Specific Plan text and/or a revised *General Plan Land Use Map* amendment, as relevant, depicting the amendment requested.
- Any proposals must document the need for such changes. The City and/or the applicant should indicate the economic, social or technical issues that generate the need to amend the Specific Plan.

The City and/or the applicant must provide an analysis of the amendments impacts relative to the adopted environmental document. The need for such analysis shall be determined by the City of Marina in accordance with the California Environmental Quality Act.

9.1.3 Specific Plan Implementation

In addition to the *General Plan Land Use Map* amendment and the Zoning District change previously noted, and fulfillment of any conditions of approval established by the City Council, a number of permits

and applications are required to implement the *SHORE APARTMENTS at MARINA Specific Plan*. These include:

- Improvement Plans
- Submittal of all materials as necessary to obtain Grading and Building Permits

All applicable state and federal standards and codes apply to this Specific Plan. All codes and standards of the City of Marina, with the exception of those standards contained herein, also apply. In cases where specific standards are not addressed by this Specific Plan, the standards contained within the appropriate sections of the Municipal Code shall apply.

The grading, street, and infrastructure improvements, including utilities, lighting and landscaping, shall be constructed concurrently with the site development. Such improvements will be offered to the City (in the case of public street rights-of-way), or easements will be dedicated to the various utility providers.

9.1.3.3 Interpretations and Minor Adjustments

A specific plan, as a planning document, while fairly precise does not anticipate every nuance of the development and construction. At some point there may be a need to interpret this Specific Plan and its requirements in relation to an unforeseen circumstance or for other minor adjustments to the project. The Community Development Director has significant latitude in interpreting and administering this specific plan in those situations. The Community Development Director's interpretations should be substantially guided by the overall intent, direction, scale and framework of this project.

Any request for minor adjustments or interpretations shall be made in writing and shall be accompanied but such plans, data, reports or other information as be deemed necessary by the Community Development Director.

Any decision by the Community Development Director to approve or deny an interpretation or a proposed minor adjustment may be appealed to the Planning Commission and City Council.

9.2 Development Review and Application Procedures

Development applications for the multi-family development anticipated in the *SHORE APARTMENTS at MARINA Specific Plan* shall be submitted to the Community Development Director. Applications shall contain all required submittal items for multi-family development. Development applications which are found by the Community Development Director to be consistent with the *SHORE APARTMENTS at MARINA Specific Plan* may be eligible for administrative review and ministerial approval.

Appendix A

Inclusionary Housing

The Shores Apartments

Affordable Housing Plan

The Shores Apartments consists of two five-story, ± 52,304 square foot apartment structures with 58 housing units. Associated amenities include a 667 square-foot leasing office, a 667 sq. ft. fitness room, and four rooftop BBQ , outdoor dining, and passive recreation area terraces for residents totaling 8,116 square-feet

The Shores Apartments is a residential apartment complex offering units for rent. Individual units will not available for sale. The development will offer 10% of the units for rent to individuals/families who qualify as low income. Pursuant to state and federal regulations, the Area Median Income refers to the median income for the Metropolitan Statistical Area. For the City of Marina, this area refers to Monterey County. County Median Income as published by HCD must be used to establish income groups for the purpose of the Housing Element. A copy of the Monterey County 2016 Rental and Income Limits is attached.

50 units x 20% Very Low = 10 units

Per City Code and State law projects which provide 20% or more of units designated as available to parties qualifying as very low income are to be granted a density bonus of 35% plus three project incentives. With a 35% density bonus, a maximum of 68 units could be allowed. The SHORE APARTMENTS is proposing a density bonus of 8 units for this project and project incentives to allow a revised unit mix, residential uses only in a mixed use district, exclusion of a site specific requirement for on-site daycare, and a waiver of development standards to all an increase to height and number of floors, as the three story limit would physically preclude construction of the project at the proposed density. Parking requirements are reduced to 0.5 spaces per bedroom as this is a transit oriented development.

The inclusionary unit location and mix is identified in the attached floor plan exhibits. The units to be designated as available to persons qualifying as low income are as follows:

LEVEL 1 – Three units (1 Bedroom)	667 sq.ft.	2016 Rent \$ 856
LEVEL 1 – Two units (2 Bedroom)	1117 sq.ft.	2016 Rent \$ 1027

LEVEL 2 – Three units (1 Bedroom)	667 sq.ft.	2016 Rent \$ 856
LEVEL 2 – One unit (2 Bedroom)	1117 sq.ft.	2016 Rent \$ 1027
LEVEL 3 - One unit (1 Bedroom)	667 sq.ft.	2016 Rent \$ 856

The project is not a phased development. Designated inclusionary units will be available for rent concurrent with market rate units. Potential tenant qualifications as meeting the very low income standard shall be verified by the City of Marina or an appropriate agency as designated by the City of Marina.

RESOLUTION NO. 2018-137

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A
RESOLUTION TO AMEND THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL-
DE-SAC AT THE END OF THE DE FOREST ROAD EXTENSION FOR THE PROPERTY
LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include an amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road Extension; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the requested amendment to the Official Plan Line to eliminate the cul-de-sac at the end of the De Forest Road extension, 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 June 14, 2018 and recommended approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 and October 2, 2018 meetings related to the proposed use; and

WHEREAS, the amendment to the Official Plan Line to eliminate the cul-de-sac at the end of the De Forest Road extension furthers the Goals and Policies of the General Plan by allowing the development of the project site and future potential connection of De Forest Road to Carmel Avenue (via Busby Lane) which fulfills the City's desire to increase roadway circulation networks for both vehicles and pedestrians and helps the City achieve its desire to improve pedestrian and citizen access to surrounding neighbors and commercial/shopping areas.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project's potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are "less than significant" without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. Official Plan Line (OPL) Amendment – The amendment to the Official Plan Line (OPL) is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:
 - (a) Policy 3.3.8 requires linking of existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.
 - (b) Policy 2.31.6 requires that new housing developments shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods. The amendment of to the Official Plan Line to remove the cul-de-sac at the end of De Forest Road will allow a potential future connection to Carmel Avenue.
 - (c) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-138

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A COMBINED DEVELOPMENT PERMIT CONSISTING OF A CONDITIONAL USE PERMIT (CUP) FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT EXCEEDING 25 UNITS PER ACRE AND SITE AND ARCHITECTURAL DESIGN REVIEW (DR 2016-011) FOR A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted an application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 DeForest Road; and

WHEREAS, the applicant has applied for a General Plan Amendment (GP 2016-03) to reclassify the land use designation from “Multiple Use” to “Multiple-Family Residential” which would allow the development of multi-family apartment style residential units; and

WHEREAS, the applicant has applied for a Zoning Map Amendment (ZM 2016-04) to reclassify the zoning designation from “C-1/Retail Business District” to “SP-Shores at Marina” Specific Plan zoning; and

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

- A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre;
- Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex;

WHEREAS, the subject property is located within the boundary of the Downtown Vitalization Area. General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies. As such, a Specific Plan and associated development plans have been prepared for the project; and

WHEREAS, the project is subject to Site and Architectural Design Review per City Code Section 17.59.040 (A); and

WHEREAS, on December 20, 2017, the Design Review Board (DRB) considered the Site and Architectural Design Review portion (DR2016-11) 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. 2017-07); and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting and adopted Resolution 2018-12 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting related to the proposed use.

WHEREAS, development standards and design guidelines pertaining to multi-family residential dwellings have been incorporated into the proposed project; and

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the Ocean Point Development Combined Development consisting of a Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre and Site and Architectural Design Review (DR 2016-011) for a new five-story, fifty-eight (58) unit apartment complex located on a + 1.43-acre project site (APN 032-171-018) located at 3125 De Forest Road as reflected in the Specific Plan for the site.

Findings

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

The project is consistent with requested General Plan Land Use designation of Multi-family residential and the R-4 zoning designation in that the project proposed a multi-family development of 35 units per acre.

General Plan Goals and Policies

Community Goals

- 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.”
- Goal 1.18.1 states:
“Housing within the means of households of all economic levels, ages and lifestyles, and therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.
- Goal 1.18.5 states:
“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 requires:
“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 states:
“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 states:
“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 states:
“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.”

Transit and Supportive Land Use Policies

- Policy 3.35.1 states:
“Safe and secure bicycle parking shall...be provided in all new multi-family residential projects.”

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting of pedestrian oriented and friendly development, and establishing community character, vision and identity. The Project includes the provision of bicycle parking/storage facilities.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of open space (public and private). The Project does request two development incentives, additional height/stories and waving of the unit mix requirement, in exchange for the provision of “very low income” housing.

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

The project is consistent with the Citywide Design Standards and Guidelines. The project site and parking plan provide for adequate and safe pedestrian and vehicular traffic. Vehicular routes are separated from pedestrian routes and the project includes a separate pedestrian walkway to the adjacent transit center, which is sited independently from the streetscape area. Parking stall sizes and circulation patterns allow for adequate vehicular movement. Landscaping is in common open space areas between paved areas to soften the hardscape development(s).

3. That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons riding or working in the neighborhood and the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

The use of the site as a higher-density development will not be detrimental to the neighborhood, as it has been designed to be pedestrian-friendly, includes a turn-around to meet the needs of general vehicular traffic, and reduces reliance on the automobile based on its location. In addition, the location of building at the street would begin to create a street wall which will visually connect the side streets to the future downtown and increase walkability.

4. ***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.***

The Shores at Marina development has been designed as an upscale, multi-family landmark development in the center of the City's business district. The modern/urban design aesthetic is intended to set a new standard for similar and future development in the City. The project has also been designed to be complimentary to the adjacent and previously entitled "Junsay Oaks" project (across De Forest Rd.). The project includes pedestrian linkages to the adjacent MST Transit Center and surrounding shopping centers/facilities.

Conditions of Approval

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans dated November 13, 2017 and attached hereto as **"EXHIBIT A"**.
2. 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.
3. 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.
4. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.

5. Utilities–Underground – All new utility and distribution lines shall be placed underground.
6. Verification of Building Height – Prior to issuance of a building permit, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Community Development-Planning and the Chief Building Official for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved and associate with the project.
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. Development of Pedestrian Pathway – The Owner/Applicant, shall develop and construct a pedestrian walkway along the northern property boundary, linking the project site to the Seacrest Shopping Center located to the north-west, and the MST Transit Exchange site to the north, all within substantial conformance of Sheet A1.02 of the project plans dated November 13, 2017.
10. 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 (very 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 substantial conformance with the specifications mentioned and approved in the Specific Plan prepared for the project.
11. Development of De Forest Road and Dedication – Prior to issuance of building and/or grading permit(s), the Owner/Applicant shall develop plans for public street/sidewalk improvements to allow adequate turning movements at the end of De Forest Road. Such improvements shall include the dedication of a 30-foot right-of-way on the western one-half of De Forest Road, curb, gutter, sidewalk, parking strip, and parking in a manner that allows a compact cul-de-sac feature within the south-western portion of De Forest Road. The improvements shall be installed prior to issuance of occupancy for the development.

Prior to construction of these improvements, the Owner/Applicant shall enter into a Public Improvement Agreement (PIA), which shall be accepted by the City Council. Upon completion and/or demand of the City of Marina, the Owner/applicant shall dedicate that portion of land to the City of Marian for use a public road.

12. Fire Department – The construction plans shall indicate that the sprinkler plans will be a deferred submittal for a “13” system that includes stand pipes on each floor.
13. Fire Department – The construction plans will include the installation of a generator of the appropriate size to power an electric fire pump sized for the proposed structure(s), elevator(s), and emergency lighting and signage for the overall development.
14. Fire Department – The development shall include “rolled curbing” in areas determined by the Fire Chief, to allow large vehicle/fire truck access and appropriate turnaround abilities.
15. 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 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.
16. Bicycle Facilities – On the Site Plan the applicant shall show the location(s) of indoor and outdoor bicycle lockers, including but not limited to bicycle racks placed in a secure and prominent location.
17. Trash Enclosures and Maintenance Building - Prior to the issuance of building permits the applicant submit shall coordinate with the waste hauler and the Monterey Regional Waste Management District to ensure that adequate current and future waste services will be accommodated for the project site. Proof of adequate services shall be submitted to the CDD-Planning department.
18. Monterey Bay Air Resources District (Permit) - Prior to issuance of construction permit(s), the Owner/Applicant shall submit evidence, to the Planning Department, that the appropriate permits have been obtained from the Monterey Bay Air Resources District for use of stationary emission sources (boilers and/or generators). Questions regarding MBARD permitting should be directed to MBARD staff at (831) 647-9411.
19. Monterey Bay Air Resources District (BMPs) - The Owner/Applicant shall utilize Best Management Practices (BMPs) for fugitive dust control measures. BMP notes shall be included on all building and/or grading permits for construction activities that may result in soil/ground disturbance.

20. Monterey Bay Air Resources District (Construction Equipment) - The Owner/Applicant shall utilize construction equipment that conforms to Air Resources Board (ARBs) Tier 3 or Tier 4 emission standards, which include but are not limited to, use of alternative fuels such as compressed natural gas, propane, electricity or biodiesel.
21. Landscaping Rock Garden- Prior to issuance of the first building permit, the Owner/Applicant shall submit a revised Landscaping Plan that reflects the unique culture of the City and creates continuity of design with the immediately adjacent neighborhood that will support landscaping sustainability through reduced water demand using a rock garden concept and will enhance the pedestrian experience through use of park benches and/or other aesthetic elements that integrate the rock garden themes.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

SHORE at MARINA PROPOSED MULTI-FAMILY DEVELOPMENT

CONSISTING OF:
5 STORY BUILDINGS WITH 58 RESIDENTIAL DWELLINGS
AND 64 ON-GRADE PARKING SPACES

LOCATED AT:
DEFOREST ROAD, MARINA CA 93933
APN: 032-171-018

[illegible]

Notes:

A1 Ideas, arrangements, drawings and plans set out on the sheet are the original work, product and design of the artist and are protected by copyright. The artist's name must be printed in a specified position on the purchase, and for the construction of one building, any use, reuse or distribution of the purchase, and for the construction of self plans, reproductions, ideas, designs and arrangements, other than by the artist, are prohibited without the artist's written permission or a third party's written directions on these drawings shall have precedence over scaled drawings, contractors' detail verify, and be signed by the artist, must be signed and any use of the self must be notified of any other drawings, arrangements and conditions shown thereon drawings).

PROJECT TEAM

OWNERS
THE SHORE AT MARINA LP
29180 HEATHCROFT RD, SUITE 411
MALIBU, CA 90265
PHONE: (424) 234-5550
CONTACT: CHRIS OVHADI
EMAIL: chris@shoreport.com
DESIGN:

DE BARTOLOLO + FIMMANIC DESIGN STUDIO

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PHONE: (858) 220 5262
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WHITSON ENGINEERS

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GEOTECHNICAL ENGINEER

GEOTECHNICAL ENGINEERING

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LANDSCAPE ARCHITECT

DAVID BIGLER ASSOCIATES

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FRESNO, CA 93704

PHONE: (559) 726-9485
CONTACT: DAVID BIELER
EMAIL: davebie@earthlink.com

EMAIL: dsy@

REVISION
11.09.2017 DEVELOPMENT SUBMITTAL
05.15.2017 DEVELOPMENT SUBMITTAL

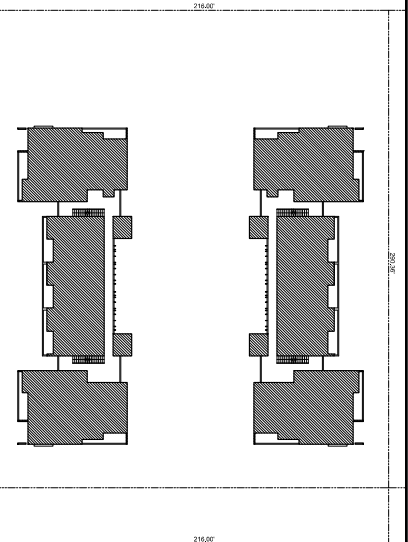
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COVER SHEET

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PROPOSED MULTIFAMILY
APARTMENT
DEVELOPMENT
on DE FOREST RD
MARINA, CA 93933

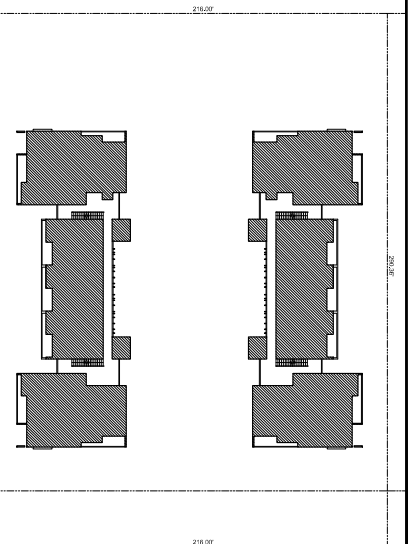
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DATE:	SEPT 2011
DRAWN BY:	IF
SCALE:	N/
SHEET NO:	A1.0

Attachment 7 - Exhibit A

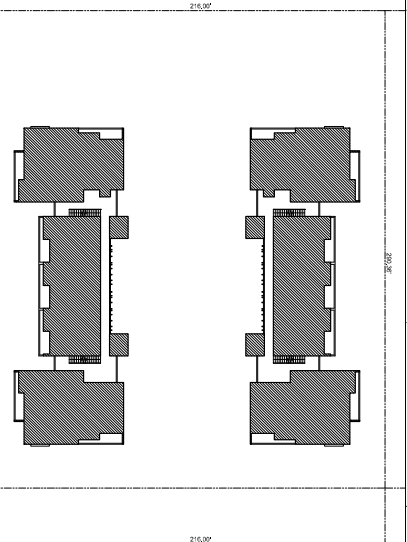
LEVEL 3
GFA = 12,008 sf.



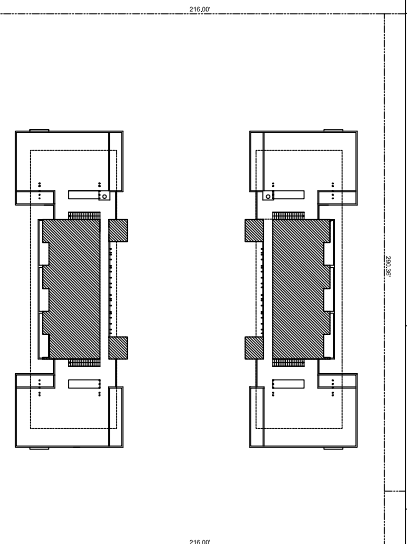
LEVEL 4
GFA = 12,008 sf.



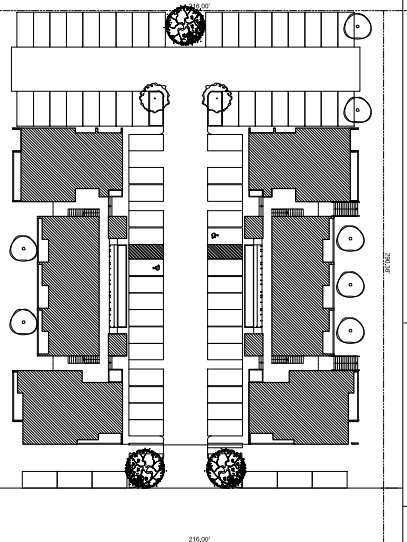
LEVEL 2
GFA = 12,008 sf.



LEVEL 5
GFA = 4,062 sf.



LEVEL 1
GFA = 13,024 sf.



1. FAR DIAGRAM

2. FAR CALCULATIONS

■ DENOTES GFA (GROSS FLOOR AREA)

LEVEL 5 GFA = 4,062 sf.
LEVEL 4 GFA = 12,008 sf.
LEVEL 3 GFA = 12,008 sf.
LEVEL 2 GFA = 12,008 sf.
LEVEL 1 GFA = 13,024 sf.
TOTAL = 53,110 sf.

LOT SIZE = 62,289 sf.
FAR = 0.9

NOTES:

1. All easements, encroachments, setbacks and other restrictions shown on this plan are to be observed by and for the property of the applicant and its successors. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

PROJECT TEAM

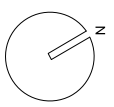
OWNER:
THE SHORE AT MARINA, LP
2500 HEATHERIDGE RD, SUITE 411
DUBLIN, CA 94568
CONTACT:
CHIEF ARCHITECT: CHIEF CONSULTANT
CHIEF ENGINEER: CHIEF CONSULTANT

DESIGNER:
DR. MATTHEW J. RIVKIN, ARCHITECT
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SAN FRANCISCO, CA 94111
PHONE: (415) 239-2022
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EMAIL: pmr@rivkin.com

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PHONE: (831) 754-2222
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EMAIL: www.watsonengineers.com

GEOTECHNICAL ENGINEER:
LANDMARK ENGINEERS
300 CANYON HWY, CANYON RD
SANTA MONICA, CA 90407
PHONE: (818) 744-0070
FAX: (818) 744-0070
EMAIL: info@landmarkengineers.com

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EMAIL: david@dbloom.com



REVISION

11.09.2017 DEVELOPMENT SUBMITTAL
05.15.2017 DEVELOPMENT SUBMITTAL

DRAWING TITLE

PROPOSED MULTIFAMILY
APARTMENT
DEVELOPMENT
ON DE FOREST RD
MARINA, CA 93933

PROJECT NO: 15048

DATE: SEPT 2015

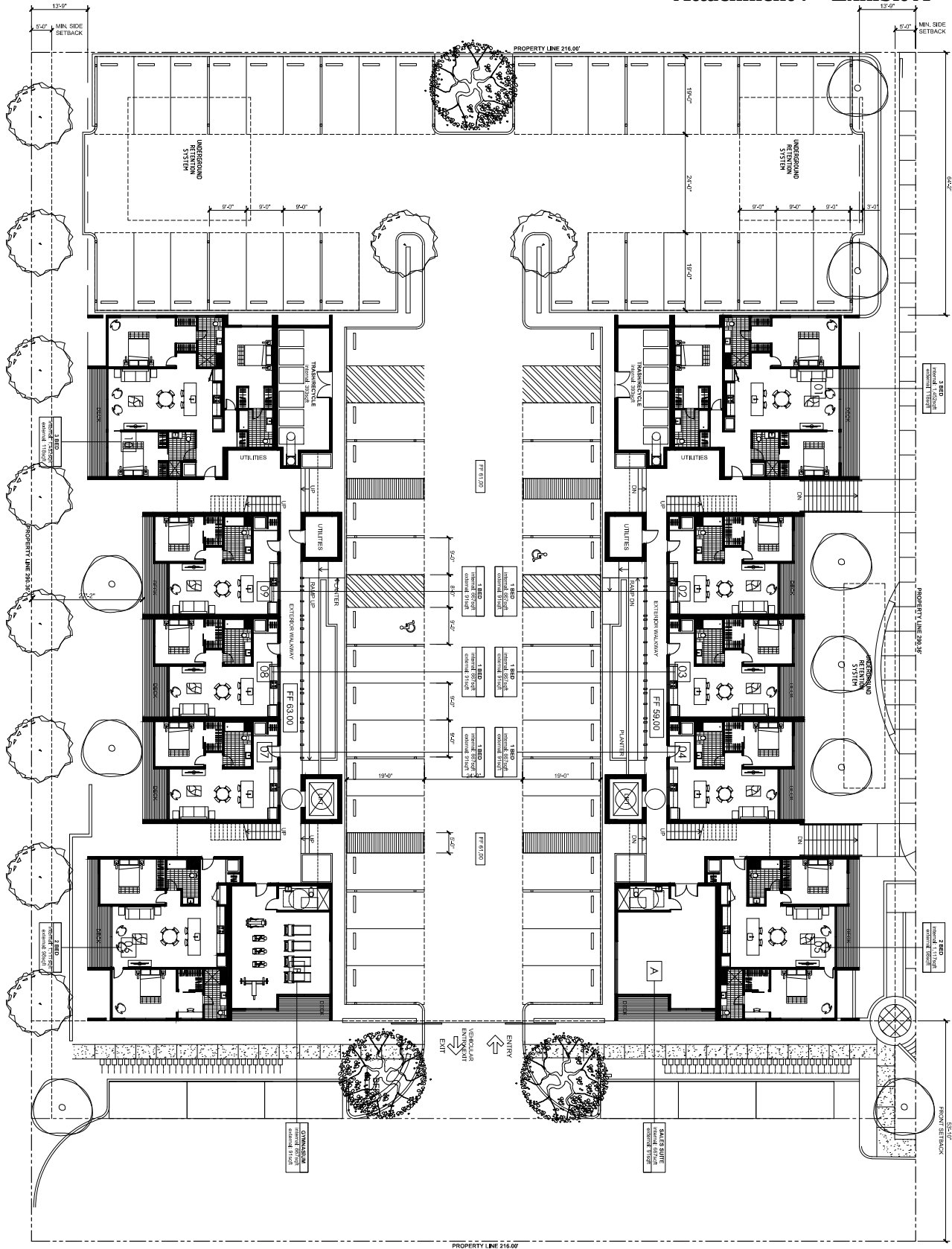
DRAWN BY: RS

SCALE: N/A

SHEET NO: A1.03

Attachment 7 - Exhibit A

1. LEVEL 1 PLAN FLOOR PLAN



PROJECT TEAM OWNER: THE SHORE AT MARINA LP 2500 HEAVENLY HILLS RD. SUITE 411 DUBLIN, CA 94568 PHONE: (916) 239-8232 FAX: (916) 239-8232 EMAIL: on@shoreatmarina.com		DESIGN: ARCHITECT: DE BARTOLO & RIVKIN DESIGN STUDIO 300 S 17th AVE., SUITE 200 SAN FRANCISCO, CA 94111 PHONE: (415) 239-8232 FAX: (415) 239-8232 EMAIL: info@debartholodesign.com	
ENGINEER: WATSON ENGINEERS 4660 BLUE LARKSPUR LANE, SUITE 105 MONTEREY, CA 95030 PHONE: (831) 344-8222 FAX: (831) 344-8222 EMAIL: info@watsonengineers.com		LANDSCAPE ARCHITECT: LANDSCAPE ARCHITECTS 300 S 17th AVE., SUITE 200 SAN FRANCISCO, CA 94111 PHONE: (415) 239-8232 FAX: (415) 239-8232 EMAIL: info@debartholodesign.com	
REVISION: 11.09.2017 DEVELOPMENT SUBMITTAL 05.15.2017 DEVELOPMENT SUBMITTAL		PROJECT: PROPOSED MULTI-FAMILY APARTMENT DEVELOPMENT ON DE FOREST RD MARINA, CA 93933	
DRAWING TITLE: LEVEL 1 FLOOR PLAN		PROJECT NO.: 19048 DATE: SEPT 2015 DRAWN BY: RS SCALE: 3/32" = 1'-0" SHEET NO.: A104	

Attachment 7 - Exhibit A



1. LEVELS 2 & 3 FLOOR PLAN

PROJECT TEAM OWNER: THE SHORE AT MARINA LP 2550 HEATHERIDGE RD. SUITE 411 DAIRY, CA 94569 PHONE: (916) 239-8232 FAX: (916) 239-8232 EMAIL: info@shoreatmarina.com ARCHITECT: DE MARCO + RIVANO DESIGN STUDIO 301 E 14th AVE., SUITE 200 SAN FRANCISCO, CA 94103 PHONE: (415) 239-8232 FAX: (415) 239-8232 EMAIL: info@demarco-rivano.com ENGINEER: WATSON ENGINEERS 8889 BLUE LARKSPUR LANE, SUITE 105 MCARTNEY, CA 95040 PHONE: (916) 734-6222 FAX: (916) 734-6222 EMAIL: info@watsonengineers.com GEOTECHNICAL ENGINEER: LANGRISH ENGINEERS 304 CROFTY HORSE CANYON RD. SAN MARINO, CA 91087 PHONE: (916) 734-6222 FAX: (916) 734-6222 EMAIL: info@langrishengineers.com LANDSCAPE ARCHITECT: DAVID BODER ASSOCIATES 2015 SHAW AVE. SUITE 101 FRESNO, CA 93704 PHONE: (559) 234-4466 FAX: (559) 234-4466 EMAIL: info@boderassociates.com		REVISION: 1. 11.09.2017 DEVELOPMENT SUBMITTAL 2. 05.15.2017 DEVELOPMENT SUBMITTAL 3. 05.15.2017 DEVELOPMENT SUBMITTAL 4. 05.15.2017 DEVELOPMENT SUBMITTAL 5. 05.15.2017 DEVELOPMENT SUBMITTAL 6. 05.15.2017 DEVELOPMENT SUBMITTAL 7. 05.15.2017 DEVELOPMENT SUBMITTAL 8. 05.15.2017 DEVELOPMENT SUBMITTAL 9. 05.15.2017 DEVELOPMENT SUBMITTAL 10. 05.15.2017 DEVELOPMENT SUBMITTAL 11. 05.15.2017 DEVELOPMENT SUBMITTAL 12. 05.15.2017 DEVELOPMENT SUBMITTAL 13. 05.15.2017 DEVELOPMENT SUBMITTAL 14. 05.15.2017 DEVELOPMENT SUBMITTAL 15. 05.15.2017 DEVELOPMENT SUBMITTAL 16. 05.15.2017 DEVELOPMENT SUBMITTAL 17. 05.15.2017 DEVELOPMENT SUBMITTAL 18. 05.15.2017 DEVELOPMENT SUBMITTAL 19. 05.15.2017 DEVELOPMENT SUBMITTAL 20. 05.15.2017 DEVELOPMENT SUBMITTAL 21. 05.15.2017 DEVELOPMENT SUBMITTAL 22. 05.15.2017 DEVELOPMENT SUBMITTAL 23. 05.15.2017 DEVELOPMENT SUBMITTAL 24. 05.15.2017 DEVELOPMENT SUBMITTAL 25. 05.15.2017 DEVELOPMENT SUBMITTAL 26. 05.15.2017 DEVELOPMENT SUBMITTAL 27. 05.15.2017 DEVELOPMENT SUBMITTAL 28. 05.15.2017 DEVELOPMENT SUBMITTAL 29. 05.15.2017 DEVELOPMENT SUBMITTAL 30. 05.15.2017 DEVELOPMENT SUBMITTAL 31. 05.15.2017 DEVELOPMENT SUBMITTAL 32. 05.15.2017 DEVELOPMENT SUBMITTAL 33. 05.15.2017 DEVELOPMENT SUBMITTAL 34. 05.15.2017 DEVELOPMENT SUBMITTAL 35. 05.15.2017 DEVELOPMENT SUBMITTAL 36. 05.15.2017 DEVELOPMENT SUBMITTAL 37. 05.15.2017 DEVELOPMENT SUBMITTAL 38. 05.15.2017 DEVELOPMENT SUBMITTAL 39. 05.15.2017 DEVELOPMENT SUBMITTAL 40. 05.15.2017 DEVELOPMENT SUBMITTAL 41. 05.15.2017 DEVELOPMENT SUBMITTAL 42. 05.15.2017 DEVELOPMENT SUBMITTAL 43. 05.15.2017 DEVELOPMENT SUBMITTAL 44. 05.15.2017 DEVELOPMENT SUBMITTAL 45. 05.15.2017 DEVELOPMENT SUBMITTAL 46. 05.15.2017 DEVELOPMENT SUBMITTAL 47. 05.15.2017 DEVELOPMENT SUBMITTAL 48. 05.15.2017 DEVELOPMENT SUBMITTAL 49. 05.15.2017 DEVELOPMENT SUBMITTAL 50. 05.15.2017 DEVELOPMENT SUBMITTAL 51. 05.15.2017 DEVELOPMENT SUBMITTAL 52. 05.15.2017 DEVELOPMENT SUBMITTAL 53. 05.15.2017 DEVELOPMENT SUBMITTAL 54. 05.15.2017 DEVELOPMENT SUBMITTAL 55. 05.15.2017 DEVELOPMENT SUBMITTAL 56. 05.15.2017 DEVELOPMENT SUBMITTAL 57. 05.15.2017 DEVELOPMENT SUBMITTAL 58. 05.15.2017 DEVELOPMENT SUBMITTAL 59. 05.15.2017 DEVELOPMENT SUBMITTAL 60. 05.15.2017 DEVELOPMENT SUBMITTAL 61. 05.15.2017 DEVELOPMENT SUBMITTAL 62. 05.15.2017 DEVELOPMENT SUBMITTAL 63. 05.15.2017 DEVELOPMENT SUBMITTAL 64. 05.15.2017 DEVELOPMENT SUBMITTAL 65. 05.15.2017 DEVELOPMENT SUBMITTAL 66. 05.15.2017 DEVELOPMENT SUBMITTAL 67. 05.15.2017 DEVELOPMENT SUBMITTAL 68. 05.15.2017 DEVELOPMENT SUBMITTAL 69. 05.15.2017 DEVELOPMENT SUBMITTAL 70. 05.15.2017 DEVELOPMENT SUBMITTAL 71. 05.15.2017 DEVELOPMENT SUBMITTAL 72. 05.15.2017 DEVELOPMENT SUBMITTAL 73. 05.15.2017 DEVELOPMENT SUBMITTAL 74. 05.15.2017 DEVELOPMENT SUBMITTAL 75. 05.15.2017 DEVELOPMENT SUBMITTAL 76. 05.15.2017 DEVELOPMENT SUBMITTAL 77. 05.15.2017 DEVELOPMENT SUBMITTAL 78. 05.15.2017 DEVELOPMENT SUBMITTAL 79. 05.15.2017 DEVELOPMENT SUBMITTAL 80. 05.15.2017 DEVELOPMENT SUBMITTAL 81. 05.15.2017 DEVELOPMENT SUBMITTAL 82. 05.15.2017 DEVELOPMENT SUBMITTAL 83. 05.15.2017 DEVELOPMENT SUBMITTAL 84. 05.15.2017 DEVELOPMENT SUBMITTAL 85. 05.15.2017 DEVELOPMENT SUBMITTAL 86. 05.15.2017 DEVELOPMENT SUBMITTAL 87. 05.15.2017 DEVELOPMENT SUBMITTAL 88. 05.15.2017 DEVELOPMENT SUBMITTAL 89. 05.15.2017 DEVELOPMENT SUBMITTAL 90. 05.15.2017 DEVELOPMENT SUBMITTAL 91. 05.15.2017 DEVELOPMENT SUBMITTAL 92. 05.15.2017 DEVELOPMENT SUBMITTAL 93. 05.15.2017 DEVELOPMENT SUBMITTAL 94. 05.15.2017 DEVELOPMENT SUBMITTAL 95. 05.15.2017 DEVELOPMENT SUBMITTAL 96. 05.15.2017 DEVELOPMENT SUBMITTAL 97. 05.15.2017 DEVELOPMENT SUBMITTAL 98. 05.15.2017 DEVELOPMENT SUBMITTAL 99. 05.15.2017 DEVELOPMENT SUBMITTAL 100. 05.15.2017 DEVELOPMENT SUBMITTAL		PROPOSED MULTI-FAMILY APARTMENT DEVELOPMENT ON DE FOREST RD MARINA, CA 93933 PROJECT NO: 15048 DATE: SEPT 2015 DRAWN BY: RS SCALE: 3/32" = 1'-0" SHEET NO: A1.05
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13'-0"

5'-0" MIN. SIDE SETBACK



PROJECT NO:	15048
DATE:	SEPT 2015
DRAWN BY:	IR
SCALE:	3/32" = 1'-0"
SHEET NO:	A1.06

All ideas, arrangements, drawings and plans set out on the sheet are the original work product of the drafter and are to be treated as such. It is the drafter's responsibility to ensure that the drawing is a specified product of the purchase, and for the coordination of one building, any use, reuse or redistribution of said plans, reproductions, files, designs and/or arrangements, other than by permission, is strictly prohibited by law without the written permission of davis. With the exception of these drawings, shall have precedence over all other drawings and shall be the basis for the responsibility for all dimensions and conditions on the job and any drawings and conditions variations from the dimensions and conditions shown these drawings.

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10

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(

REVISION: _____

05.16.2017 DEVELOPMENT

DRAWING TITLE:

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PROPOSED MULT

DEVELOPMENT
ON THE FOREST FRONT

MARINA, CA 93933

PROJECT NO.:

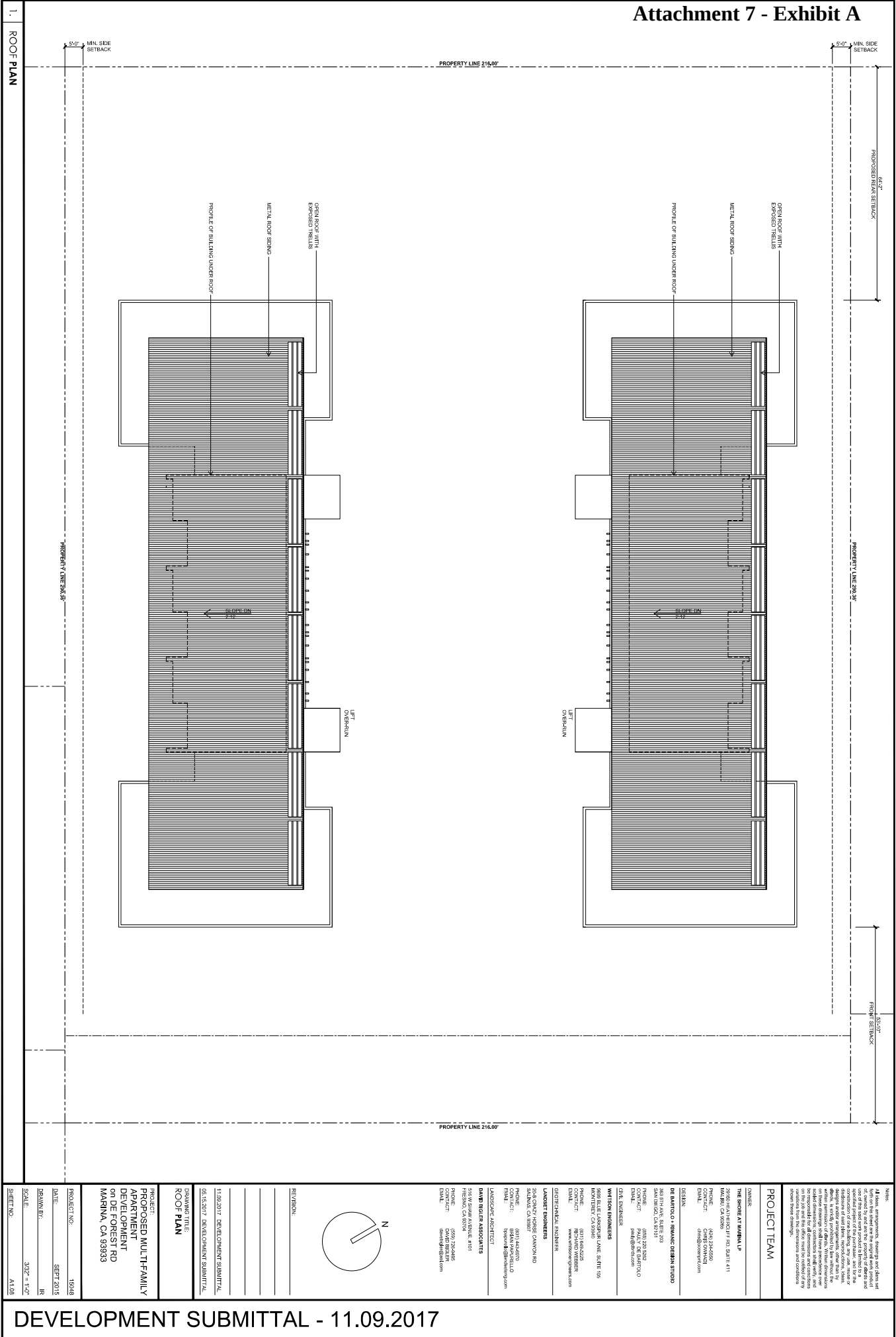
DATE: _____

DRAWN BY: _____

SHEET NO: _____

DEVELOPMENT SUBMITTAL - 11.09.2017

Attachment 7 - Exhibit A



1. ROOF PLAN

PROJECT TEAM

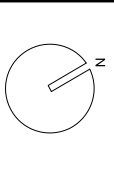
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REVISION:

NO.	DATE	DESCRIPTION
1	11.09.2017	DEVELOPMENT SUBMITTAL

DRAWING TITLE:
ROOF PLAN

PROJECT:
PROPOSED MULTI-FAMILY
APARTMENT
DEVELOPMENT
ON DE FOREST RD
MARINA, CA 93933

PROJECT NO.: 19048

DATE: SEPT 2015

DRAWN BY: RS

SCALE: 3/32" = 1'-0"

SHEET NO.: A1.08

FINISHES LEGEND

CORRUGATED METAL SIDING

WOOD SIDING

STUCCO SIDING - PAINT FINISH - TBD 1

STUCCO SIDING - PAINT FINISH - TBD 2

STUCCO SIDING - PAINT FINISH - TBD 3

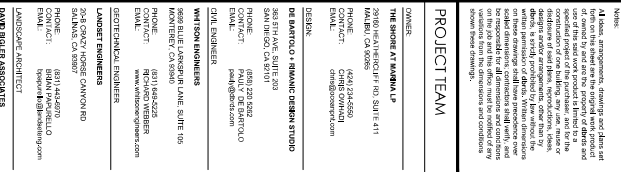
METAL ROOFING / FASCIA

EXPOSED WOOD BEAMS

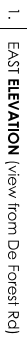
METAL RAILING - PAINT FINISH

CMU WALL - CHEMIST RENDER PAINT FINISH - Z

ALUMINUM FRAMED GLAZING

[illegible]

DATE:	SEPT 2015
DRAWN BY:	IR
SCALE:	3/32" = 1'-0"
SHEET NO.:	A1.09

[illegible]

PROJECT TEAM

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CONTACT:
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EMAIL:
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CONTACT: DAVID BIGLER
EMAIL: davidbigler@us

REVISION: _____

1111

06-16-2017 DEVELOPMENT

DRAWING TITLE:
SOUTH ELEVATION

EAST ELEVATION

PROPOSED MULT

DEVELOPMENT

MARINA, CA 93933

PROJECT NO.:

DATE: _____

DRAWN BY:

SHEET NO: _____

1	2	3	4	5	6	7	8	9	10	11	12
FINISHES LEGEND											
CORRUGATED METAL SIDING											
WOOD SIDING											
STUCCO SIDING - PAINT FINISH - TBD 1											
STUCCO SIDING - PAINT FINISH - TBD 2											
STUCCO SIDING - PAINT FINISH - TBD 3											
METAL ROOFING / ASPHALT											
EXPOSED WOOD BEAMS											
METAL WALLING - PAINT FINISH											
CEILING WALL - CEILING BENDER PAINT FINISH - 2											
ALUMINUM FRAMED GLAZING											



SCALE: _____

Architectural section drawing of a building. The drawing shows a cross-section with multiple levels and a parking area. Key features include:

- Levels:** LEVEL 1 (FF 61.20), LEVEL 2 (FF 72.20), LEVEL 3 (FF 83.20), LEVEL 4 (FF 93.20), LEVEL 5 (FF 104.32), and LEVEL 6 (FF 115.32).
- Structural Elements:** WOOD ROOF CONSTRUCTION, WOOD FLOOR CONSTRUCTION, ALUM. FRAME GLAZED DOORS AND WINDOWS, and CONCRETE FLOOR SLAB.
- Rooms and Spaces:** PARKING, RECREATION TERRACE, and FITNESS ROOM.
- Dimensions:** Various dimensions are indicated, such as 0'-0", 0'-6", 0'-8", 0'-10", 0'-12", 0'-14", 0'-16", 0'-18", 0'-20", 0'-22", 0'-24", 0'-26", 0'-28", 0'-30", 0'-32", 0'-34", 0'-36", 0'-38", 0'-40", 0'-42", 0'-44", 0'-46", 0'-48", 0'-50", 0'-52", 0'-54", 0'-56", 0'-58", 0'-60", 0'-62", 0'-64", 0'-66", 0'-68", 0'-70", 0'-72", 0'-74", 0'-76", 0'-78", 0'-80", 0'-82", 0'-84", 0'-86", 0'-88", 0'-90", 0'-92", 0'-94", 0'-96", 0'-98", 0'-100", 0'-102", 0'-104", 0'-106", 0'-108", 0'-110", 0'-112", 0'-114", 0'-116", 0'-118", 0'-120", 0'-122", 0'-124", 0'-126", 0'-128", 0'-130", 0'-132", 0'-134", 0'-136", 0'-138", 0'-140", 0'-142", 0'-144", 0'-146", 0'-148", 0'-150", 0'-152", 0'-154", 0'-156", 0'-158", 0'-160", 0'-162", 0'-164", 0'-166", 0'-168", 0'-170", 0'-172", 0'-174", 0'-176", 0'-178", 0'-180", 0'-182", 0'-184", 0'-186", 0'-188", 0'-190", 0'-192", 0'-194", 0'-196", 0'-198", 0'-200", 0'-202", 0'-204", 0'-206", 0'-208", 0'-210", 0'-212", 0'-214", 0'-216", 0'-218", 0'-220", 0'-222", 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0'-1100", 0'-1102", 0'-1104", 0'-110

[illegible]

[illegible][illegible]

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DATE: 08/08/08	
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PROPOSED MULTIFAMILY DEVELOPMENT	
SECTION C-C	
SECTION D-D	
DRAWING TITLE:	
11.09.2017: DEVELOPMENT SUBMITTAL	
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Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 8, 2018
(CONTINUED FROM JULY 17, 2018)

REQUEST TO OPEN A PUBLIC HEARING, TAKE TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTIONS FOR: 1) ADOPTION OF A NEGATIVE DECLARATION; 2) ADOPTION OF A GENERAL PLAN AMENDMENT (GP 2016-03) TO RECLASSIFY THE PROPERTY LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL”; 3) ADOPTION OF AN ORDINANCE AMENDING THE CITY OF MARINA ZONING MAP (ZM 2016-04) REZONING THE PROPERTY FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP-SHORES AT MARINA”; 4) ADOPTION OF A GENERAL PLAN CODE TEXT AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE; 5) ADOPTION OF A SPECIFIC PLAN; 6) AMENDMENT TO THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL-DE-SAC AT THE END OF THE DE FOREST ROAD EXTENSION; AND 7) APPROVAL OF A COMBINED DEVELOPMENT PERMIT TO ALLOW THE DEVELOPMENT OF A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX AT 3125 DE FOREST ROAD (APN: 032-171-018). CEQA DETERMINATION: NEGATIVE DECLARATION.

RECOMMENDATION:

The City Council takes the following actions:

- 1) Adopt Resolution No. 2018-, to adopt the Negative Declaration prepared for the project;
- 2) Adopt Resolution No. 2018-, to approve a General Plan Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”;
- 3) Adopt Ordinance No. 2018-, amending the City of Marina Zoning Map (ZM 2016-04) rezoning the property from “C-1/Retail Business District” to “SP-Shores at Marina”;
- 4) Adopt Resolution No. 2018-, to approve a General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare; and
- 5) Adopt Resolution No. 2018-, to approve a Specific Plan prepared for the project;
- 6) Adopt a Resolution to amend the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension; and
- 7) Adopt Resolution No. 2018-, to approve a Combined Development Permit consisting of a Condition Use Permit for a multiple-family residential development exceeding 25 units per acre and Site and Architectural Design Review (DR 2016-11) for a new five-story, fifty-eight (58) unit apartment complex, as currently sited and designed, including the two requested project incentives allowing for an increase in maximum height/stories and a reduction in required parking;

BACKGROUND:

Hearing History

On December 20, 2017, the Design Review Board (DRB) considered the Site and Architectural Design Review portion (DR2016-11) of the Combined Development Permit and adopted a

Resolution recommending Planning Commission approval of the site plan design and overall building layout (Site and Architectural Design Review Board Resolution No. 2017-07; **Attachment 14**).

Pursuant to the action taken by the DRB, Staff completed an Initial Study/Negative Declaration and public circulated the document for 30 days (see Environmental Determination below).

On June 14, 2018, the Planning Commission (PC) considered the project in its entirety, and adopted six resolutions, recommending that the city council adopt resolutions to: 1) adopt the CEQA document, 2) approve the General Plan Amendment to reclassify the land use designation of the project site, 3) approve a Zoning Map Amendment to reclassify the zoning designation of the project site; 4) approval of the General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the provision of childcare on the site; 5) adoption of a Specific Plan to govern development of the project site; and 6) approval of a Combined Development Permit to allow the development of a 58-unit, 5-story multi-family apartment complex on the project site (Planning Commission Resolution Nos. 2018-07, -08, -09, -10, -11, and -12; **Attachments 8, 9, 10, 11, 12, and 13**).

As part of the Planning Commission action, one additional condition of approval was added to the project, requiring that the developer install “Asian themed landscaping, including rock gardens through the development.” The applicant agreed to the additional condition of approval. This condition has been added to the draft resolution for the Combined Development Permit (Attachment 7) as Condition 19.

Primary Aspects for City Council Consideration

The project developer is proposing to provide 11% of the base units as “very low income” affordable housing units. Eleven percent of the base (50) units is equal to six (6) affordable units. This voluntary provision of affordable units, qualifies the development for a density bonus of up to 35% and two project incentives. The developer is requesting a density bonus of 16%, or 8 additional units, and two incentives to waive the requirements for “unit mix” and “story limit/height”. Further in-depth discussion of the incentives, density bonus, and provision of affordable housing units is contained in the discussion below under “*Conformance with Inclusionary Housing Ordinance*”.

Additionally, the developer is requesting two General Plan Amendments: 1) to reclassify the land use designation from “multiple use” to “multiple family residential”; and 2) to delete General Plan Policy 2.63.5, which requires the provision of childcare on the project site. Further in-depth discussion of the General Plan Amendments is contained in the discussion below under “*General Plan Consistency/Amendments*”.

Environmental Determination

The City of Marina Planning Division prepared a Draft Initial Study/Negative Declaration for the proposed project. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Draft Initial Study/Negative Declaration was circulated for public review for a period of at least 30 days (March 20, 2018 through April 20, 2018). The Draft Initial Study/Negative Declaration has been attached to this report as **Attachment 1-Exhibit A**.

During the public review period, two comment letters were received; from the Monterey Bay Air Resources Board (MBARD) and the State Clearinghouse. These comment letters have been attached to this report as Attachment 8 and Attachment 9, respectively. None of the comment letters required substantial revisions to the Draft Negative Declaration or recirculation of the document.

FISCAL IMPACT:

All development application fees have been paid by the application 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.

ANALYSIS

The overall project application is a Combined Development Permit application consisting of:

- A General Plan Amendment (GP 2016-03) to change the land use designation from “Multiple Use” to “Multi-Family Residential”;
- A Zoning Map Amendment (ZM 2016-04) to change the zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina” (Specific Plan) zoning designation.
- A General Plan Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare;
- An Amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension;
- A Specific Plan (SP 2016-04) to guide development of project site;
- A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre;
- Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex;
- An Affordable/Inclusionary Housing Proposal to provide 11% of the units as Very Low Income on-site;
- A 16% Density Bonus and project incentives to allow development of a five-story apartment complex and modifications to development standards;
- Modified Parking requirements as specified for Government Code Section 65915(p)(2)
- Development of a pedestrian pathway (at the northern property boundary) connecting De Forest Road to the Seacrest Shopping Center; and
- Dedication of a 30-foot road right-of-way easement for development of a public road associated street improvements (curb, gutter, sidewalk, etc).

PROJECT LOCATION

The proposed project is located at the end of De Forest Road [Assessor’s Parcel Number (APN): 032-171-018-00]. The project site is immediately bounded by the Monterey-Salinas Transit (MST) exchange site to the north, the Gates Apartment Complex and the Korean First Presbyterian Church of Monterey to the south, Seacrest Plaza Shopping Center to the west, and the previously approved “De Forest Apartments Specific Plan” (Junsay Oaks/CHIPSA) senior housing project (47-units) is located across De Forest Road to the east.



The Shores at Marina has been designed to be directly linked to the adjacent Monterey-Salinas Transit (MST) Regional Transit Exchange property, through a proposed tree-lined pedestrian pathway. This direct linkage provides opportunities for future residents to efficiently use public transportation and connections throughout Monterey County. The location of the project immediately adjacent to the MST Transfer Station and the connecting pedestrian pathway qualify the Project as “Transit-Oriented Development” (TOD).

TODs are a compact mixture of residential, employment, shopping and civic uses located within a short walk of bus or rail transit center. The Project is uniquely suited to qualify as TOD, in that it is located directly adjacent to the MST site and the downtown shopping and services district, which will encourage tenants to walk, bike, or use public transportation to complete many of their daily tasks.

Additionally, the project site is within the boundary of the recently adopted “Downtown Vitalization Plan Moratorium” area; however, it was specifically excluded from the adopted moratorium by the City Council. The exclusion of this project from the moratorium does not obligate the City to approve the project.

The subject property is located within the boundary of the Downtown Vitalization Area. General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies. As such, a Specific Plan and associated development plans have been prepared for the project.

Specific Plans are typically used to guide the land uses and development of larger areas or sites, such as a downtown or a planned business park. In the case of Marina's General Plan, all development on individual lots within the Downtown Vitalization Area are required to prepare Specific Plans to ensure that the development of properties is in compliance with the General Plan. If the provisions of the Specific Plan modify any development standard specified under the current zoning, the site is required to be rezoned to reference the alternative standards in an adopted Specific Plan.

PROJECT DESIGN/LAYOUT

The proposed project would develop an existing vacant site with two separate five-story multi-family apartment structures, comprising 58 total units, consisting of a mix of 1-bedroom (42 units), 2-bedroom (14 units), and 3-bedroom (2 units) residential units. Unit sizes will range from 665 to 1,452 square feet. Associated amenities include a 667-square foot leasing office, and a 667-square foot fitness room.

The proposed layout involves two rectangular buildings near the northern and southern parcel lines, with parking located between and at the front and rear of the buildings with perimeter landscaping and pedestrian pathways throughout the lot. Points of entry into the buildings and units are located off the central parking area at various locations.

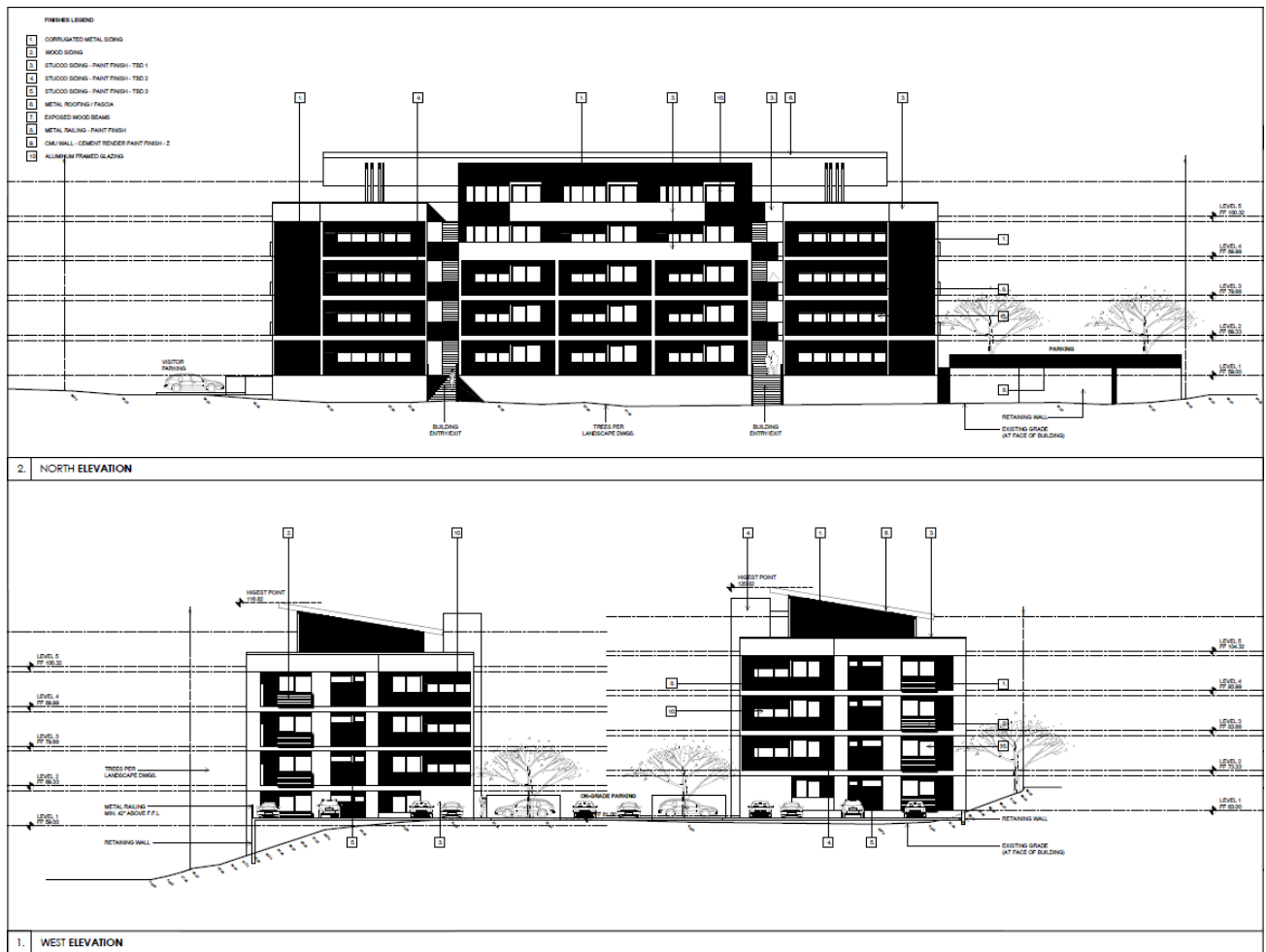
Common facilities (leasing office and fitness room) and some units will be located on the ground floor of buildings. All floors of each individual building will include residential units. Trash/recycling enclosures are also located on the ground level of each building with access to each enclosure being provided from the central parking area.

The design also incorporates a total of 8,116 square-feet of passive recreation space, including roof-top BBQ areas, outdoor dining space and viewing terraces. Two roof-top recreation spaces will be provided for each building. The purpose of placing out-door recreation areas at the top of each building is to bring potential residents into a safe communal area, while providing a multi-level experience of the overall development.

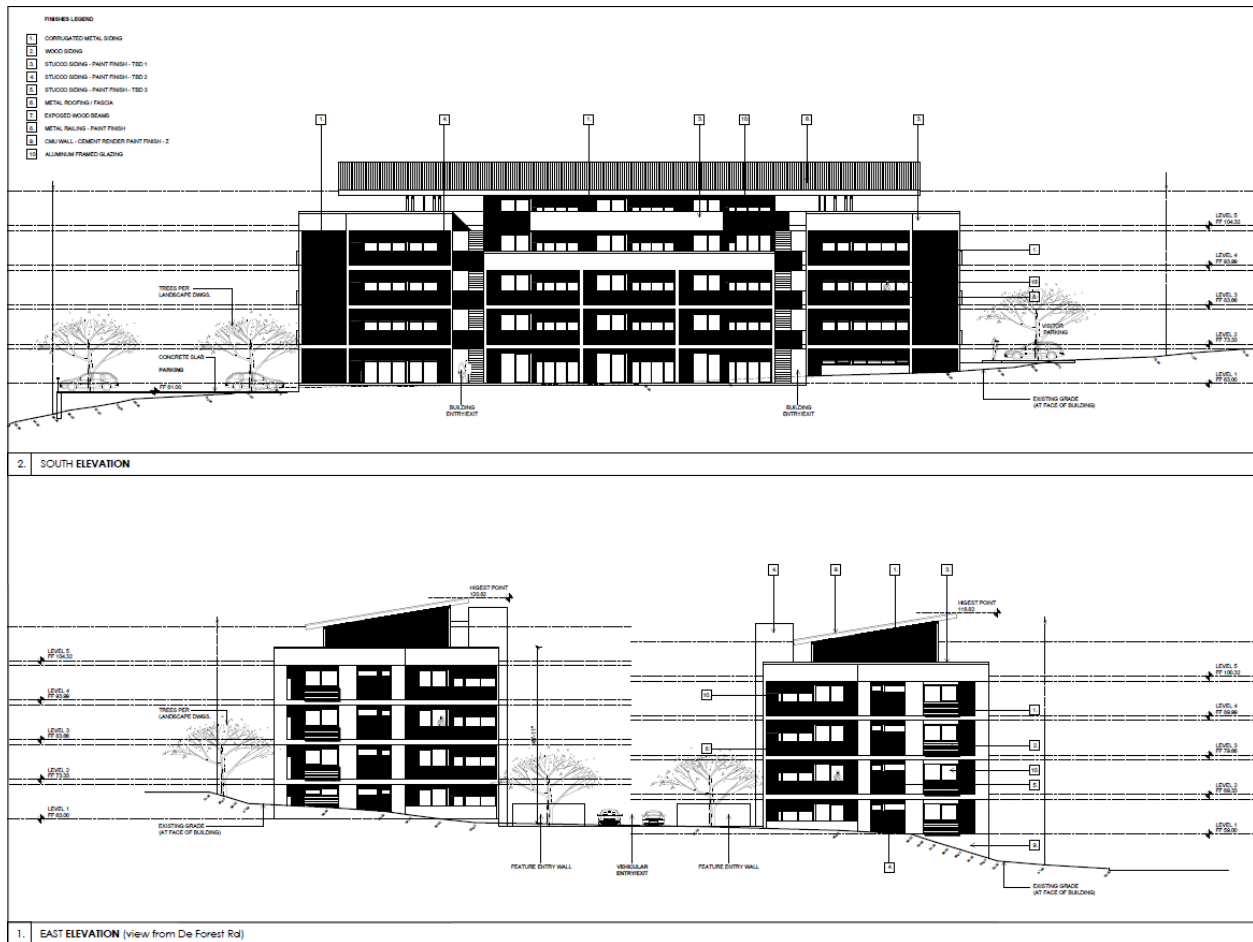
The "Shore Apartments at Marina" is proposed to be constructed of a "modern" architectural style, with bold straight lines, accented by large glass windows and walls. The design incorporates patios/decks on all sides, and a roof mounted solar-voltaic system to offset energy consumption of the development.

To prepare the site for development, preconstruction grading of approximately 1850 cubic yards of excavation (cut) will be required for the installation of the underground drainage retention system and overall rough grading; and approximately 1420 cubic yards of fill for development of the building pads, driveway and parking area(s). The remaining 420 cubic yards of soil will be exported off-site.





North Elevation (viewed from MST) / **West Elevation** (viewed from Seacrest Plaza)



South Elevation (viewed from Gates Apartments) / **East Elevation** (viewed from DeForest Road and Junsay Oaks)

SUMMARY OF SITE STATISTICS:

Zoning Standards	Standard	Proposed	Consistency Determination
Building Setbacks	Front 12 feet Rear 10 feet Sides 5 feet	Front 53 feet-10 inches Rear 64 feet – 2 inches Sides 13 feet – 9 inches	Consistent Consistent Consistent
Height	42 feet 3 stories	63 feet 5 stories <i>NOTE: Project requests additional height and stories as the first of two project incentives for providing “Very Low Income” housing.</i>	<i>Consistent due to provision of affordable housing.</i>
Open Space	<u>Common Open Space:</u> 350 SF /1-bed unit plus 50 SF per additional bedroom (21,200 SF total) <u>Private Open Space:</u> 1st Floor – 80 SF min 2nd floor (and above):– 40 SF min	<u>Common Open Space:</u> Ground Level – 17,379 SF Roof Deck – 8,116 SF TOTAL – 25,495 SF <u>Private Open Space – 1st floor units:</u> 1 bed units – 91 SF 2 bed units – 98 SF 3 bed units –118 SF 2nd/ 3rd/ 4th/ 5th floor units: 1 bed units – 91 SF 2 bed units – 98 SF	Consistent Consistent Consistent
Building Coverage	60% of lot area (1.438 acres/62,640 SF) 37,583 SF	27% - 16,913 SF proposed	Consistent
Parking – Multiple Dwelling Units	58 total units; 42 – 1-bed units 14 – 2-bed units 2 – 3-bed units <u>One Bedroom Units:</u> 1 space/unit (covered)	64 spaces provided (38 covered) plus 6 public spaces along the street frontage. <i>NOTE: The project qualifies for a parking</i>	<i>Consistent with Government Code 65915 applicable to TOD applications.</i>

	plus 1 additional space/5 units. <i>42 units = 51 parking spaces required (42 spaces covered).</i> <u>Two Bedroom Units:</u> 1.5 spaces/unit (1 covered) plus 1 additional space/5 units <i>14 units = 24 parking spaces required (14 covered).</i> <u>Three-Bedroom Units:</u> 2 spaces/unit (1 covered) plus 1 additional space/5 units. <i>2 units = 5 parking spaces required (2 covered).</i> Total Spaces Required – 80 spaces (58 spaces covered) Parking spaces shall be a minimum of 9' x 19'.	<i>reduction for Transit-Oriented Development (TOD) due to being located immediately adjacent to a major transit stop.</i> <i>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.</i> The project provides the required amount of “very low income” housing and is adjacent to the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The proposal includes 76 total bedrooms and requires 38 parking spaces. Spaces measure 9' x 19'.	Consistent
Unit Mix	Developments of at least ten units shall	The project proposes the following “unit mix”:	

	provide the following (Section 17.020.180): 40% of the total units shall be 2 bedrooms or more; 10% of the total units shall be at least 3 bedrooms. Based on 58 units the following would be required to meet the “unit mix” requirement: 35 - 1-bedroom units; 17 – 2-bedroom units; 6 – 3-bedroom units.	42 – 1-bedroom units; 14 – 2-bedroom units; 2 – 3-bedroom units. NOTE: <i>Project requests waving of the “unit mix” requirement as the second of two project incentives for providing “Very Low Income” housing.</i>	<i>Consistent due to provision of affordable housing.</i>
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PROJECT ANALYSIS/CONCERNS:

General Plan Consistency/Amendments

The project requires two separate General Plan Amendments; one to change the Land Use Designation from “Multiple Use” to “Multi-Family Residential”; and 2) another to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare on the project site.

As currently designated (Multiple Use), housing could be allowed on the project site, however the amount of housing could not exceed “more than 70 percent of the total floor area of one or more buildings” (General Plan Policy 2.58).

The requested Combined Development Permit proposes to provide exclusively multi-family housing (58 total apartment units), which would consist of more than 70 percent of the total floor area of each proposed building; therefore, the applicant has requested the General Plan Amendment to reclassify the site to a “Multi-Family Residential” land use designation, which would allow the exclusive development of apartment style residential units.

Since the adoption of the Marina General Plan, the foreseeable use of the project site has changed. At one time the site was envisioned to include retail/commercial use, and now due to an abundance of existing commercial/retail space and the market trend of retail diminishing, the site would be better suited for residential use. Potential multi-family development on the site would help bring a “critical mass” of residents to the “downtown/Central Marina” area and would in turn begin to develop the support system for existing retail/commercial establishments. Staff is supportive of the requested General Plan Amendment to change the land use designation to “Multi-Family Residential”

Additionally, existing General Plan Policy 2.63.5 requires that:

“the 1.44-acre site at 3125 DeForest Road shall include child care and/or uses allowed in areas with a ‘Retail and Personal Services’ designation, and said uses shall occupy a building area equal or greater than one-half of the minimum floor area ratio of the site. Credit for said childcare and/or retail and personal service land use square footage requirements may be granted by the City at a rate of 275 square feet per parking space, if

parking is to be used by a retail or personal service land use on an adjoining site is provided at 3125 DeForest Road. (2002-128)."

The above policy was added to the General Plan in 2002 when the subject site (3125 DeForest Road) was owned by another entity (Monterey Korean Seventh Day Adventist Church) and the site was envisioned to be developed with a church building (6,000 square feet) and associated daycare facility. At the time Policy 2.63.5 was added to the General Plan, it was assumed that the Monterey Korean Seventh Day Adventist Church would be the ultimate developer of the site; this did not happen and land ownership had changed numerous time since then.

The current owner and development proposal does not include the provision of a child care facilities as part of the multifamily development. Furthermore, based on the City's efforts to vitalize the "downtown" area of Central Marina, it is not foreseeable that this site would be development with a use or facility that includes a childcare facility. As mentioned above, the City of Marina is in needed of additional multi-family housing developments in/near the "downtown" area, and the proposed project will achieve that goal. Staff is supportive of the General Plan Amendment to strike Policy 2.63.5 to eliminate the provision of child care uses on the subject site.

Conformance with Inclusionary Housing Ordinance

The City of Marina adopted an Affordable Housing Ordinance (Chapter 17.45) in 2006, with the intent of *"attaining construction of a diverse mix of housing types to accommodate a broad range of life styles and income levels....to match the needs of the city's current and projected workforce."* The inclusionary ordinance requires that they provide 20% of the units as affordable with 6% of the units affordable to very low income households, 7% affordable to low income households and 6% affordable to moderate income households, as shown on Table 17.45.030-1 of the Marina Municipal Code.

Table 17.45.030-1

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

However, in July of 2009, a California Court of Appeal decision known as "Palmer vs. Los Angeles", affirmed a prior Superior Court decision that decided that the requirement of "affordable rental units was a violation of the Costa-Hawkins Act" and therefore could not be enforced or required.

The Costa-Hawkins Act, which was enacted in August 1995, "established 'what is known among landlord-tenant specialists as "vacancy decontrol," declaring that "[n]otwithstanding any other provision of law," all residential landlords may, except in specified situations, "establish the

initial rental rate for a dwelling or unit.” The effect of this provision was to permit landlords ‘to impose whatever rent they choose at the commencement of a tenancy.’

Due to the 2009 Appellate court decision, Marina’s Affordable Housing Ordinance, as it pertains to new rental units, was not enforceable and could not be applied to proposed new developments (rental units only).

Subsequently, in October 7, 2016, the applicant, Ocean Point Development, applied for the current Combined Development Permit which was deemed “complete” in November 2017. Once applications are deemed complete, the only existing valid regulations/policies in place at that time can be applied to the subject application.

Therefore, since the affordable housing ordinance (as it applies to rental units) was not enforceable, the Ocean Point Combined Development Permit is not subject to the requirement of providing 20% of units to be affordable. However, the project does propose 11% of units (6 units) to be reserved as “affordable units” with the “very low income” category.

Density Bonus

As mentioned above, the developer is not required to provide “affordable housing units” since the application was deemed complete during timeframe when legal decisions did not require the provision of “affordable rental units.” However, the project voluntarily proposed to dedicate 6 units (11 percent of the project) for “very low income” residents and is entitled to a Density Bonus and associated incentives under Government Code Section 65915, as further detailed below:

Government Code Section 65915(b)(1)(B) summarizes that *“if at least 5 percent of the development is for ‘very low income’ households”* then the project is entitled to the granting of a Density Bonus and incentives. The project includes 11% percent of units to be reserved for “very low income” households, therefore the project is entitled to receive a Density Bonus and incentives.

Government Code Section 65915(d)(2)(B) summarizes that an applicant shall receive *“two incentives or concessions for projects that include at least 10 percent for ‘very low income’ households”*. The project includes 11% of units to be reserved for “very low income” households, therefore the project is entitled to receive two incentives.

Government Code Section 65915(f)(2) states that *“housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:*

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

The project includes 11% of units to be reserved for “very low income” households, therefore the project is entitled to a 35% Density Bonus, which based on the base density (35 units/acre) would be approximately 17 additional market rate units (67 total units) as shown below:

1.43 acres x 35 units/acre = 50 units (base density);
50 base units x 0.35 (density bonus) = 17 additional units;
50 base units + 17 additional units = 67 total possible units.

The applicant, however, is only requesting a 16% density bonus, which is approximately 8 more market rate units, for a total project proposal of 58 units.

1.43 acres x 35 units/acre = 50 units (base density)
50 base units x 0.16 (density bonus) = 8 additional units
50 base units + 8 additional units = 58 total units

(Note: Density Bonus's only apply to market rate units, since they are based off the base density. An increased density bonus request does not equate to additional affordable housing units, it simply increases the number of market rate units.)

Section 65915(p)(2) states:

“If a development includes the maximum percentage of ‘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 exceed 0.5 spaces per bedroom.”

The project does include the maximum percentage of “very low income” units (11%) and is located immediately adjacent to a major transit stop, and the developer has requested a reduced parking ratio granted under the code section. Based on the required 0.5 spaces/bedroom ratio, the develop is required to provide 38 parking spaces (76 total bedrooms proposed). Further discussion on this issue is provide below under “Parking Requirements”.

Section 65915(d)(4) states:

“The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.”

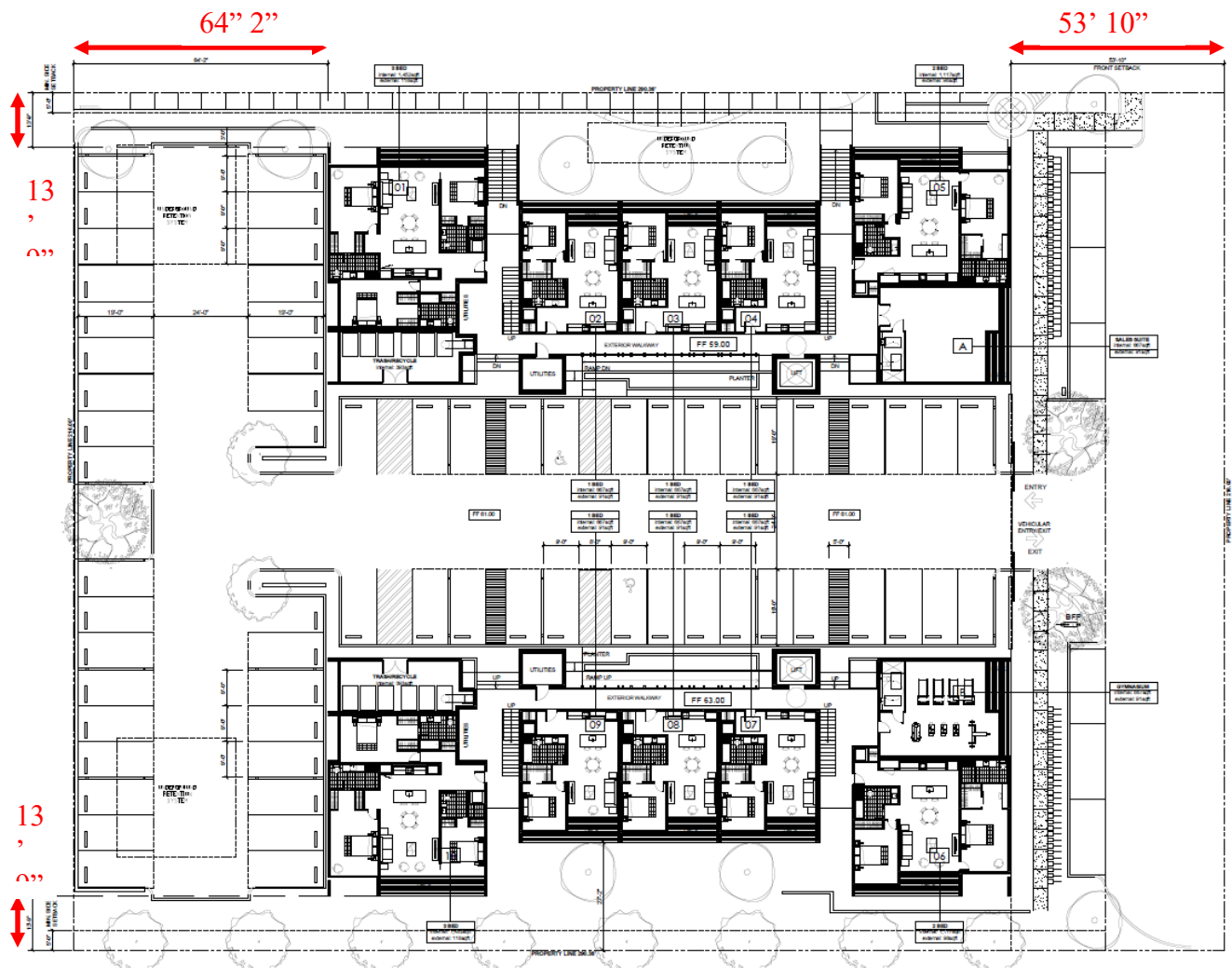
As detailed above, this applicant is entitled to 2 separate development incentives or concessions, which shall be granted based upon the offered provision of affordable housing. The applicant/developer is requesting incentives to allow: 1) a higher building height; and 2) waiving of the required unit mix. Discussion of these incentive requests is contained below under “Zoning Consistency”.

Zoning Consistency - Development Standards

The proposed project, as designed, is consistent with all applicable development setbacks except for height/number of stories (see separate section below). As part of the overall proposal, the site will be reclassified from a Multiple Use land use designation to Multi-Family Residential land use designation, and rezoned from “C-1” (Retail Business District) to “SP – Shores at Marina” (Specific Plan) zoning district.

The Multi-Family Residential land use designation is generally associated with the “R-4” or Multi-Family Residential zoning designation, which is intended for development of multi-level, higher density structures, such as apartment complexes. For this reason, the Shores at Marina proposal (the Project) is being analyzed and developed using the “R-4” standards as a baseline.

The Project has been designed to hold a front setback of more than 53 feet (12 feet is required), position buildings more than 13 feet from the side property lines (5 feet is required), and will maintain a rear setback exceeding 64 feet (10 feet is required).



Site Density/Number of Units

The maximum allowable density in the Multi-Family land use designation is 35 units per acre. Based on a parcel size of 1.438 acres, this site would be allowed a total of 50 units. The Project proposes the construction of 58 total units, of which 6 units (11 percent) are proposed to be “very low income”.

Per state law, project which provide 11 percent or more of very low-income units shall be granted a density bonus of 35 percent and two project incentives. Based on a maximum density of 50 units for the site, the 35 percent density bonus would allow an additional 18 units for a total of 68 units on the site. The Shores is requesting a density bonus of 16 percent or 8 units, for a total development of 58 units.

Height/Stories

The “R-4” development standards (Section 17.20.060 – Building Height) limit maximum building height to no more than forty-two (42) feet and three (3) stories.

The Project proposes a maximum height of sixty-three (63) feet and five (5) stories. The additional height and stories is requested as the first of two development incentives in exchange

for the provision of affordable housing units. In this case, the Project proposes to allocate 6 units (11 percent) of the development as “very low income” housing on site.

The provision of affordable units is consistent with General Plan policy 2.4.8, which states: *“construction of a broad range of housing types shall be permitted and promoted in order to provide greater housing choice and diversity”*.

Unit Mix

The “R-4” development standards (Section 17.20.180 – Special Regulations) requires that residential developments of at least ten units, provide a unit mix of at least forty (40) percent of the total number of multiple-family units shall consist of two or more bedrooms; and at least ten (10) percent of the total number of multiple dwelling units have be at least three bedrooms.

For a 58-unit apartment complex to meet this requirement, at least 23 units would need to be at least two bedrooms or more and at least 6 of those units would need to consist of three bedrooms or more. In other words, to meet the unit mix requirement, the project would need to consist of the following at a minimum:

- 35 – one-bedroom units;
- 17 – two-bedroom units; and
- 6 – three-bedroom units.

The Project proposes to construct 42 one-bedroom units, 14 two-bedroom units, and 2 three-bedroom units (58 total units), which does not comply with the unit count requirement. However, the applicant is requesting the waving of this requirement as the second of two development incentives in exchange for the allocating 6 units (11 percent) of the development as “very low income” housing units.

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 “very low income” housing to be 157 units. The Shores at Marina is proposing to supply 6 of 157 units to meet this requirement; therefore, waving the unit mix requirement in exchange for the “very low income” units is justified.

Open Space Requirements

The “R-4” development standards (Section 17.20.040 – Open Space, Common and Private) require that each multiple-family dwelling on a building site in the R-4 district provide a minimum of three hundred-fifty (350) square feet of open space per one-bedroom apartment plus an additional fifty (50) square feet for each additional bedroom. Furthermore, a portion or all the required usable open space shall be private or shared; a minimum of eighty (80) square feet private open space shall be supplied for ground floor units and a minimum of forty (40) square feet private open space for units located on the second level or higher.

Based on a proposal of 58 units (42 one-bedroom; 14 two-bedroom; 2 three-bedroom) the total open space required is 21,200 square feet $[(58 \times 350) + (14 \times 50) + (4 \times 50)]$. Included in the total provision of open space, each ground floor unit is required to have 80 square feet of private open space, and each unit on the second level or higher shall be provided with 40 square feet of private open space.

As designed, the Project provides approximately 17,379 square feet of open space at grade level and 8,116 square feet of open space on the common roof deck/patio area for a total open space provision of 25,495 square feet. This provision exceeds the requirement for total open space. Furthermore, as the above table shows, each ground floor unit is allocated more than 80 square feet (one-bedroom units – 91 SF; two-bedroom units – 98 SF; and three-bedroom units – 118 SF); while units located on the second level or higher are allocated more than 40 square feet (one-bedroom units – 91 SF; two-bedroom units – 98 SF). The provision of open space, both common and private, complies with applicable regulations.

Parking Requirements.

Marina Municipal Code (Section 17.44.020.D – Parking Requirements) require that multiple dwelling projects (apartments) provide the following number of parking spaces per dwelling unit:

One-Bedroom Units –	1 space (covered) for each unit, plus 1 additional space for every five units or fraction thereof;
Two-Bedroom Units -	1.5 spaces (1 covered) for each unit, plus 1 additional space for every five units or fraction thereof;
Three-Bedroom Units -	2 spaces (1 covered) for each unit, plus 1 additional space for every five units or fraction thereof.
Visitor Parking	Twenty (20) percent of required parking spaces shall be unreserved and labeled for visitor parking.

Based on a proposal of 58 units (42 one-bedroom; 14 two-bedroom; 2 three-bedroom) the total required parking spaces is 80 total spaces, of which 16 should be reserved for visitor parking. However, as mentioned above, the Project is located adjacent to the MST Transfer Station, and qualifies as Transit-Oriented Development (TOD). As a TOD related project, the Project qualifies for parking provision reductions under Government Code 65915, which supersedes the Zoning Code parking requirements

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 “very low income” housing for the proposed development and is adjacent to the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The proposal includes 76 total bedrooms and is required to provide 38 parking spaces. As designed the Project includes 64 total parking spaces, exceeding the 38-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.

REQUIRED FINDINGS:

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

The project is consistent with requested General Plan Land Use designation of Multi-family residential and the R-4 zoning designation in that the project proposed a multi-family development of 35 units per acre.

General Plan Goals and Policies

Community Goals

- 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.”
- Goal 1.18.1 states:
“Housing within the means of households of all economic levels, ages and lifestyles, and therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.
- Goal 1.18.5 states:
“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 requires:
“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 states:
“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 states:
“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 states:
“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.”

Transit and Supportive Land Use Policies

- Policy 3.35.1 states:
“Safe and secure bicycle parking shall...be provided in all new multi-family residential projects.”

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting of pedestrian oriented and friendly development, and establishing community character, vision and identity. The Project includes the provision of bicycle parking/storage facilities.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of open space (public and private). The Project does request two development incentives, additional height/stories and waving of the unit mix requirement, in exchange for the provision of “very low income” housing.

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

The project is consistent with the Citywide Design Standards and Guidelines. The project site and parking plan provide for adequate and safe pedestrian and vehicular traffic. Vehicular routes are separated from pedestrian routes and the project includes a separate pedestrian walkway to the adjacent transit center, which is sited independently from the streetscape area. Parking stall sizes and circulation patterns allow for adequate vehicular movement. Landscaping is in common open space areas between paved areas to soften the hardscape development(s).

3. *That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons riding or working in the neighborhood and the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.*

The use of the site as a higher-density development will not be detrimental to the neighborhood, as it has been designed to be pedestrian-friendly and reduce reliance on the automobile. In addition, the location of building at the street would begin to create a street wall which will visually connect the side streets to the future downtown and increase walkability.

4. *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.*

The Shores at Marina development has been designed as an upscale, multi-family landmark development in the center of the City’s business district. The modern/urban design aesthetic is intended to set a new standard for similar and future development in the City. The project has also been designed to be complimentary to the adjacent and previously entitled “Junsay Oaks” project (across De Forest Rd.). The project includes pedestrian linkages to the adjacent MST Transit Center and surrounding shopping centers/facilities.

CONCLUSION:

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

Respectfully submitted,

David J. R. Mack, AICP
Senior Planner, 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

Attachments:

1. Draft City Council Resolution to adopt a Negative Declaration
 - a. Exhibit A - Draft Initial Study/Negative Declaration
 - b. Exhibit B - Monterey Bay Air Resources Board (MBARD) Comment Letter.
 - c. Exhibit C - State Clearinghouse Letter of Receipt
2. Draft City Council Resolution approving a General Plan Amendment.
 - a. Exhibit A – Map depicting Land Use Map change.
3. Draft City Council Resolution approving of a Zoning Map Amendment.
 - a. Exhibit A – Draft Ordinance with Map depicting Zoning Map change.
4. Draft City Council Resolution approving a General Plan Code Text Amendment.
 - a. Exhibit A – General Plan Text Amendment
5. Draft City Council Resolution approving a Specific Plan
 - a. Exhibit A – Specific Plan dated November 2017.
6. Draft City Council Resolution amending the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension.
7. Draft City Council Resolution approving a Combined Development Permit.
 - a. Exhibit A – Project Plans dated November 9, 2017
8. Planning Commission Resolution 2018-07, dated June 14, 2018.
9. Planning Commission Resolution 2018-08, dated June 14, 2018.
10. Planning Commission Resolution 2018-09, dated June 14, 2018.
11. Planning Commission Resolution 2018-10, dated June 14, 2018.
12. Planning Commission Resolution 2018-11, dated June 14, 2018.
13. Planning Commission Resolution 2018-12, dated June 14, 2018.
14. Site and Architectural Design Review Board (DRB) Resolution 2017-07, dated November 13, 2017.

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL ADOPTING A NEGATIVE DECLARATION PREPARED FOR A COMBINED DEVELOPMENT PERMIT APPLICATION CONSISTING OF: 1) A GENERAL PLAN AMENDMENT (GP 2016-03) TO CHANGE THE LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL”; 2) A ZONING MAP AMENDMENT (ZM 2016-04) FOR CHANGE THE ZONING CLASSIFICATION FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP-SHORES AT MARINA” (SPECIFIC PLAN) ZONING DESIGNATION; 3) A GENERAL PLAN AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE; 4) A SPECIFIC PLAN (SP 2016-04) TO GUIDE DEVELOPMENT OF PROJECT SITE; 5) AMENDMENT TO THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL DE SAC AT THE END OF THE DE FOREST ROAD EXTENSION; 6) A CONDITIONAL USE PERMIT (CUP) FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT EXCEEDING 25 UNITS PER ACRE; AND 7) SITE AND ARCHITECTURAL DESIGN REVIEW (DR2016-11) FOR A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Amendment (GP 2016-03) to reclassify the land use designation from “Multiple Use” to “Multiple-Family Residential”; a Zoning Map Amendment (ZM 2016-04) to reclassify the zoning designation from “C-1/Retail Business District” to “SP-Shores at Marina”; adoption of a Specific Plan (SP 2016-04) which incorporates Site and Architectural Design Review (DR 2016-11) for the Site Plan, Building Elevations, and Conceptual Landscape Plan for the project; and

WHEREAS, Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review is there is substantial evidence that the project may have a significant effect on the environment; and

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission; and

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, can be considered to be “less than significant” without mitigation; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting and adopted Resolution 2018-07 recommending approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting related to the proposed use.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby adopts a Initial Study/Negative Declaration prepared for a Combined Development Permit application consisting of: 1) A General Plan Amendment (GP 2016-03) to change the land use designation from "Multiple Use" to "Multi-Family Residential"; 2) A Zoning Map Amendment (ZM 2016-04) for change the zoning classification from "C-1/Retail Business District" to "SP-Shores at Marina" (Specific Plan) zoning designation; 3) A General Plan Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare; 4) A Specific Plan (SP 2016-04) to guide development of project site; 5) Amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension; 6) A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre; and 7) Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex 3125 De Forest Road (APN: 032-171-018).

FINDINGS

1. The Initial Study/Negative Declaration of environmental impact were released for the public review and the project as proposed and designed would avoid the effects or mitigate the effects to a point of "less than significance.
2. There is no substantial evidence in light of the whole record before the City of Marina that the project may have a significant effect on the environment.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A GENERAL PLAN LAND USE MAP AMENDMENT (GP 2016-03) TO RECLASSIFY THE PROPERTY LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL” FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Land Use Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”, as shown in “**EXHIBIT A**” attached hereto; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider a General Plan Land Use Map Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”, 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 June 14, 2018 meeting and adopted Resolution 2018-08 recommending approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting related to the proposed use.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested General Plan Land Use Map Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential” for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Land Use Amendment is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:
 - (a) City of Marina Housing Element 2008-2014
The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential.

- (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with 58 apartments at a density of 35 units per acre will realize this infill potential, address the need for affordable apartments and help the City of Marina to achieve its Housing Element goals.
- (c) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.
- (d) Policy 2.31.6 requires that 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.
- (e) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.
- (f) Policy 3.3.8 requires that the City link existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.
- (g) Policy 3.34.6 directs that new development and redevelopment within the City of Marina should be designed with a network of streets to disperse traffic loads evenly and provide route options and direct travel for pedestrians and bicyclists.
- (h) Policy 3.3.5 requires that the City ensure that walking and bicycling routes are integral parts of street design and form a safe and preferred transportation network.
- (i) Policy 4.73.4 seeks to provide a pedestrian/bicycle link to residences south of Reservation Road via an extension of De Forest Road.
- (j) Policy 3.34.1, the City's Pedestrian Network Map identifies this link as part of the City's future pedestrian network.
- (k) Policy 3.35.1 requires that adequate bicycle parking shall be provided at all existing civic and recreational destinations, including comprehensive support facilities and in all new multi-family residential projects

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL ADOPTING AN
ORDINANCE AMENDING THE CITY OF MARINA ZONING MAP (ZM 2016-04)
REZONING THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018)
FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP – SHORES AT MARINA (SPECIFIC
PLAN)

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a Zoning Map amendment to change the zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina”, as shown in **“EXHIBIT 1” TO EXHIBIT A**” attached hereto; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider recommending that the City Council adopt an ordinance amending the City of Marina Zoning Map rezoning the property from “C-1/Retail Business District” to “SP-Shores at Marina”, 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 June 14, 2018 meeting and adopted Resolution 2018-09 recommending approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 meeting related to the proposed use.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby adopts an ordinance amending the City of Marina Zoning Map rezoning the property located at 3125 De Forest Road (APN 032-171-018) from “C-1/Retail Business District” to “SP-Shores at Marina”, making the following findings:

FINDINGS

1. Zoning Map Amendment – That Zoning Map Amendment ZM 2016-04 will maintain zoning consistency with General Plan Land Use Map Amendment GP 2016-03 and that ZM 2016-04 will not be detrimental to the public health, safety or general welfare of the Marina community or the surrounding area.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A GENERAL PLAN CODE TEXT AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare as shown on “**EXHIBIT A**”, and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare, 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 June 14, 2018 meeting and adopted Resolution 2018-10 recommending approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 meeting related to the proposed use; and

WHEREAS, the deletion of the General Plan Policy 2.63.5 furthers the Goals and Policies of the General Plan by allowing the development of the project site with multi-family residential dwelling units (apartments), which fulfills the City’s desire to increase housing stock, including affordable housing, and helps the City achieve its Housing Element Goals.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Code Text Amendment is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:
 - (a) City of Marina Housing Element 2008-2014
The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential.

- (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with 58 apartments at a density of 35 units per acre will realize this infill potential, address the need for affordable apartments and help the City of Marina to achieve its Housing Element goals.
- (c) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.
- (d) Policy 2.31.6 requires that 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.
- (e) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A SPECIFIC PLAN (SP 2016-04) FOR A ±1.43 ACRE PROJECT SITE LOCATED AT 3125 DE FOREST AVENUE (APN 032-171-018), SUBJECT TO CONDITIONS

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Avenue; and

WHEREAS, the subject property is located within the boundary of the Downtown Vitalization Area and General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies, and;

WHEREAS, the Specific Plan has been prepared pursuant to Government Code Sections 65450-6547, and;

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider Specific Plan (SP 2016-04) for a ±1.43 acre project site located at 3125 De Forest Avenue (APN 032-171-018), 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 June 14, 2018, meeting and adopted Resolution 2018-11 recommending approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting related to the proposed use.

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission; and

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project's potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are "less than significant" without mitigation; and

FINDINGS

1. Specific Plan -

The Specific Plan for the "Shores at Marina" Apartments has been prepared in accordance with General Plan Policy 2.63.51 and with the requirements of the California Government Code, Sections 65450-65457. These sections establish the Specific Plan as a legal mechanism which allows a particular area's development, design and infrastructure requirements to be established separately and to supersede any previously established zoning in a manner that is consistent with the goals, policies and implementation objectives of the City of Marina General Plan.

The Specific Plan for the “Shores at Marina” is consistent with and furthers the goals, policies and implementation objectives of the Marina General Plan in that it provides details regarding the development of an infill site near the Marina transit exchange to develop the site in a manner that will enhance both the image and the fiscal base of the City of Marina.

CONDITIONS OF APPROVAL

1. Substantial Compliance - The project shall be accomplished in substantial compliance with the “Shores at Marina” Specific Plan (“**EXHIBIT A**”) attached to this resolution.
2. Permits - The applicant shall obtain all required grading and/or building permits prior to initiating construction.
3. Indemnification - The 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 the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A RESOLUTION TO AMEND THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL-DE-SAC AT THE END OF THE DE FOREST ROAD EXTENSION FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include an amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road Extension; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the requested amendment to the Official Plan Line to eliminate the cul-de-sac at the end of the De Forest Road extension, 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 June 14, 2018 and recommended approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 August 8, 2018 meeting related to the proposed use; and

WHEREAS, the amendment to the Official Plan Line to eliminate the cul-de-sac at the end of the De Forest Road extension furthers the Goals and Policies of the General Plan by allowing the development of the project site and future potential connection of De Forest Road to Carmel Avenue (via Busby Lane) which fulfills the City's desire to increase roadway circulation networks for both vehicles and pedestrians and helps the City achieve its desire to improve pedestrian and citizen access to surrounding neighbors and commercial/shopping areas.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project's potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are "less than significant" without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. Official Plan Line (OPL) Amendment – The amendment to the Official Plan Line (OPL) is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:

- (a) Policy 3.3.8 requires linking of existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.
- (b) Policy 2.31.6 requires that new housing developments shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods. The amendment of to the Official Plan Line to remove the cul-de-sac at the end of De Forest Road will allow a potential future connection to Carmel Avenue.
- (c) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A COMBINED DEVELOPMENT PERMIT CONSISTING OF A CONDITIONAL USE PERMIT (CUP) FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT EXCEEDING 25 UNITS PER ACRE AND SITE AND ARCHITECTURAL DESIGN REVIEW (DR 2016-011) FOR A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted an application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 DeForest Road; and

WHEREAS, the applicant has applied for a General Plan Amendment (GP 2016-03) to reclassify the land use designation from “Multiple Use” to “Multiple-Family Residential” which would allow the development of multi-family apartment style residential units; and

WHEREAS, the applicant has applied for a Zoning Map Amendment (ZM 2016-04) to reclassify the zoning designation from “C-1/Retail Business District” to “SP-Shores at Marina” Specific Plan zoning; and

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

- A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre;
- Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex;

WHEREAS, the subject property is located within the boundary of the Downtown Vitalization Area. General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies. As such, a Specific Plan and associated development plans have been prepared for the project; and

WHEREAS, the project is subject to Site and Architectural Design Review per City Code Section 17.59.040 (A); and

WHEREAS, on December 20, 2017, the Design Review Board (DRB) considered the Site and Architectural Design Review portion (DR2016-11) 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. 2017-07); and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting and adopted Resolution 2018-12 recommending approval to the City Council.; and

WHEREAS, on August 8, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the 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 June 14, 2018 meeting related to the proposed use.

WHEREAS, development standards and design guidelines pertaining to multi-family residential dwellings have been incorporated into the proposed project; and

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the Ocean Point Development Combined Development consisting of a Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre and Site and Architectural Design Review (DR 2016-011) for a new five-story, fifty-eight (58) unit apartment complex located on a + 1.43-acre project site (APN 032-171-018) located at 3125 De Forest Road as reflected in the Specific Plan for the site.

Findings

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

The project is consistent with requested General Plan Land Use designation of Multi-family residential and the R-4 zoning designation in that the project proposed a multi-family development of 35 units per acre.

General Plan Goals and Policies

Community Goals

- 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.”
- Goal 1.18.1 states:
“Housing within the means of households of all economic levels, ages and lifestyles, and therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.
- Goal 1.18.5 states:
“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 requires:
“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 states:
“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 states:
“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 states:
“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.”

Transit and Supportive Land Use Policies

- Policy 3.35.1 states:
“Safe and secure bicycle parking shall...be provided in all new multi-family residential projects.”

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting of pedestrian oriented and friendly development, and establishing community character, vision and identity. The Project includes the provision of bicycle parking/storage facilities.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of open space (public and private). The Project does request two development incentives, additional height/stories and waving of the unit mix requirement, in exchange for the provision of “very low income” housing.

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

The project is consistent with the Citywide Design Standards and Guidelines. The project site and parking plan provide for adequate and safe pedestrian and vehicular traffic. Vehicular routes are separated from pedestrian routes and the project includes a separate pedestrian walkway to the adjacent transit center, which is sited independently from the streetscape area. Parking stall sizes and circulation patterns allow for adequate vehicular movement. Landscaping is in common open space areas between paved areas to soften the hardscape development(s).

7. ***That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons riding or working in the neighborhood and the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.***

The use of the site as a higher-density development will not be detrimental to the neighborhood, as it has been designed to be pedestrian-friendly and reduce reliance on the automobile. In addition, the location of building at the street would begin to create a street wall which will visually connect the side streets to the future downtown and increase walkability.

8. ***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.***

The Shores at Marina development has been designed as an upscale, multi-family landmark development in the center of the City's business district. The modern/urban design aesthetic is intended to set a new standard for similar and future development in the City. The project has also been designed to be complimentary to the adjacent and previously entitled "Junsay Oaks" project (across De Forest Rd.). The project includes pedestrian linkages to the adjacent MST Transit Center and surrounding shopping centers/facilities.

Conditions of Approval

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans dated November 13, 2017 and attached hereto as **"EXHIBIT A"**.
2. 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.
3. 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.

4. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
5. Utilities–Underground – All new utility and distribution lines shall be placed underground.
6. Verification of Building Height – Prior to issuance of a building permit, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Community Development-Planning and the Chief Building Official for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved and associate with the project.
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. Development of Pedestrian Pathway – The Owner/Applicant, shall develop and construct a pedestrian walkway along the northern property boundary, linking the project site to the Seacrest Shopping Center located to the north-west, and the MST Transit Exchange site to the north, all within substantial conformance of Sheet A1.02 of the project plans dated November 13, 2017.
10. 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 (very 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 substantial conformance with the specifications mentioned and approved in the Specific Plan prepared for the project.

11. Development of De Forest Road and Dedication – The owner/applicant shall design and construct half-street improvements for the extension of De Forest Road, (to be in conformance and consistent with the CHISPA project improvements), including curb, street, gutter, and sidewalk, including roadway pavement. Prior to construction of these improvements, the Owner/Applicant shall enter into a Public Improvement Agreement (PIA), which shall be accepted by the City Council. Upon completion and/or demand of the City of Marina, the Owner/applicant shall dedicate that portion of land to the City of Marina for use as a public road.
12. Fire Department – Marina Fire Department standard conditions shall be implemented to the satisfaction of the Fire Chief.
13. 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 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.
14. Bicycle Facilities – On the Site Plan the applicant shall show the location(s) of either indoor or outdoor bicycle lockers, or a bicycle rack placed in a secure and prominent location.
15. Trash Enclosures and Maintenance Building - Prior to the issuance of building permits the applicant submit shall coordinate with the waste hauler for the site and submit proof that adequate service will be accommodated/contracted for the project site.
16. Monterey Bay Air Resources District (Permit) - Prior to issuance of construction permit(s), the Owner/Applicant shall submit evidence, to the Planning Department, that the appropriate permits have been obtained from the Monterey Bay Air Resources District for use of stationary emission sources (boilers and/or generators). Questions regarding MBARD permitting should be directed to MBARD staff at (831) 647-9411.
17. Monterey Bay Air Resources District (BMPs) - The Owner/Applicant shall utilize Best Management Practices (BMPs) for fugitive dust control measures. BMP notes shall be included on all building and/or grading permits for construction activities that may result in soil/ground disturbance.
18. Monterey Bay Air Resources District (Construction Equipment) - The Owner/Applicant shall utilize construction equipment that conforms to Air Resources Board (ARBs) Tier 3 or Tier 4 emission standards, which include but are not limited to, use of alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

19. Landscaping Rock Garden- Prior to issuance of the first building permit, the Owner/Applicant shall submit a revised Landscaping Plan that reflects the unique culture of the City and creates continuity of design with the immediately adjacent neighborhood that will support landscaping sustainability through reduced water demand using a rock garden concept and will enhance the pedestrian experience through use of park benches and/or other aesthetic elements that integrate the rock garden themes.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of August 2018, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

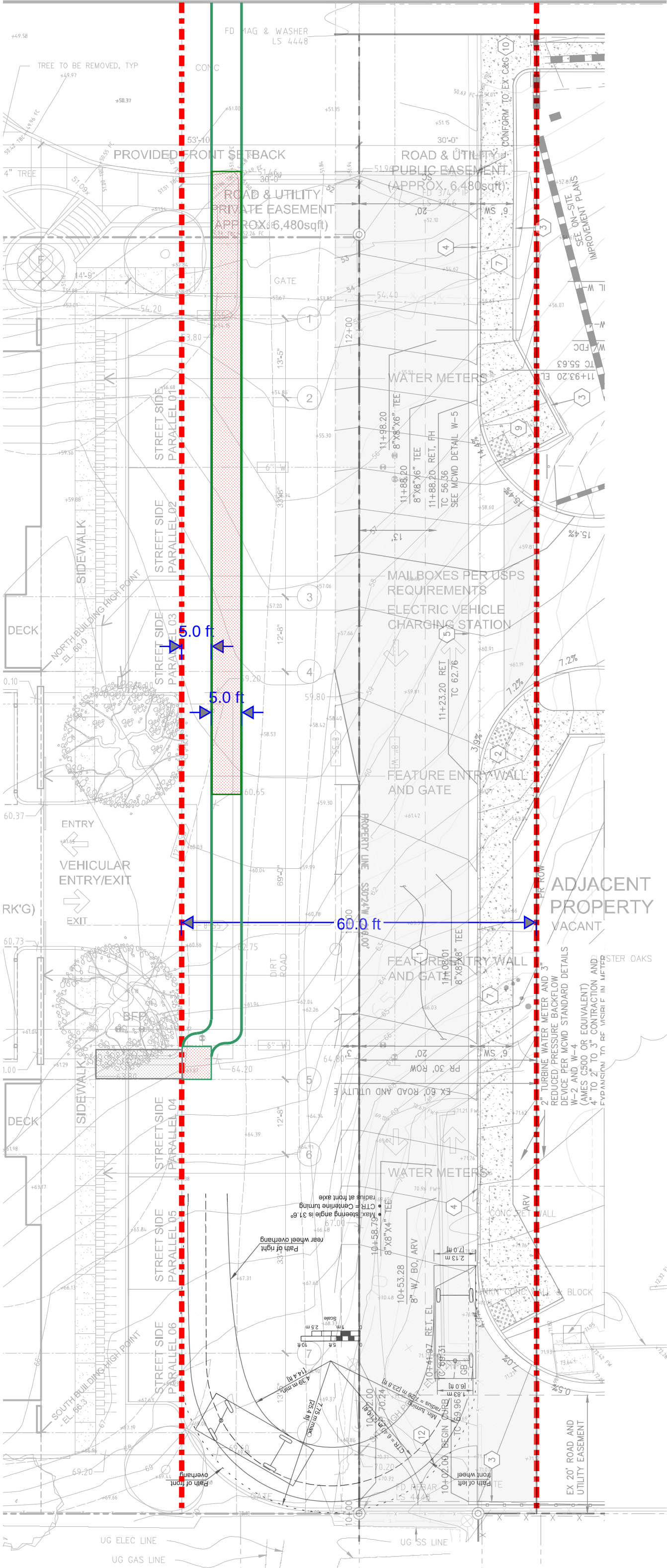
ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk



Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 20, 2018

REQUEST TO OPEN A PUBLIC HEARING, TAKE TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTIONS APPROVING A SPECIFIC PLAN AND A COMBINED DEVELOPMENT PERMIT TO ALLOW THE DEVELOPMENT OF A THREE-STORY, ELEVEN (11) UNIT APARTMENT COMPLEX AT 3108 SEACREST AVENUE (APN: 032-201-138). EXEMPT FROM CEQA PER ARTICLE 19, SECTION 15195.

RECOMMENDATION:

The City Council takes the following actions:

- 1) Adopt Resolution No. 2018-, approving a Specific Plan (SP 2017-01) to guide development of the project site at 3108 Seacrest Avenue (APN: 032-201-138); and
- 2) Adopt Resolution No. 2018-, approving a Combined Development Permit consisting of a Conditional Use Permit (CUP) (UP 2017-06) for a multiple family residential development and a Site and Architectural Design Review (DR 2017-06) for a three-story, eleven (11) unit apartment complex, as currently sited and designed, including the requested project incentive allowing for a decrease in common open space requirements at 3108 Seacrest Avenue (APN: 032-201-138).

BACKGROUND:

Hearing History

On April 4, 2017, Mr. Peter Taormina, applicant and property owner, submitted an initial proposal to construct a new multi-family residential development (two-story, 10-unit apartment complex) on a vacant site at 3108 Seacrest Avenue.

On February 21, 2018, and March 21, 2018, the initial proposal was brought before the DRB for consideration and discussion. On March 21, 2018, the DRB, following a recommendation from staff, recommended Planning Commission denial of the application, due to inconsistencies with the General Plan, Zoning Ordinance, and Citywide Design Guidelines. [NOTE: The Planning Commission recommended City Council denial of the initial development application on April 12, 2018 (PC Resolution 2018-05)]. Due, to the Planning Commission recommendation, Mr. Taormina significantly redesigned the project proposal. The redesigned project proposal is being analyzed and considered on its own merits.

On September 19, 2018, the Site and Architectural Design Review Board (DRB) considered the redesigned project and recommended Planning Commission consideration of the amended Site and Architectural Design Review 2017-06 based on a 4-0 vote (1 member absent), (DRB Resolution No. 2018-05 – Attachment 3) with two recommended conditions of approval: 1) installation of an ornamental door/gate on both the rear and front of the first floor; and 2) inclusion of a vertical architectural element to the north in a contrasting material/color. These conditions were added to the Draft Resolution of approval.

On October 11, 2018, the Planning Commission considered the redesigned project and recommended City Council consideration of the Combined Development Permit and associated Specific Plan via a 6-0 vote [PC Resolution No. 2018-14 (Specific Plan) and No. 2018-05 (Combined Development Permit) – Attachments 4 and 5 respectively].

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 development that provides: less than 100 units, a project density above 20 units per acre; and 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 application 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 in associated departments for the 2018-2019 FY.

ANALYSIS

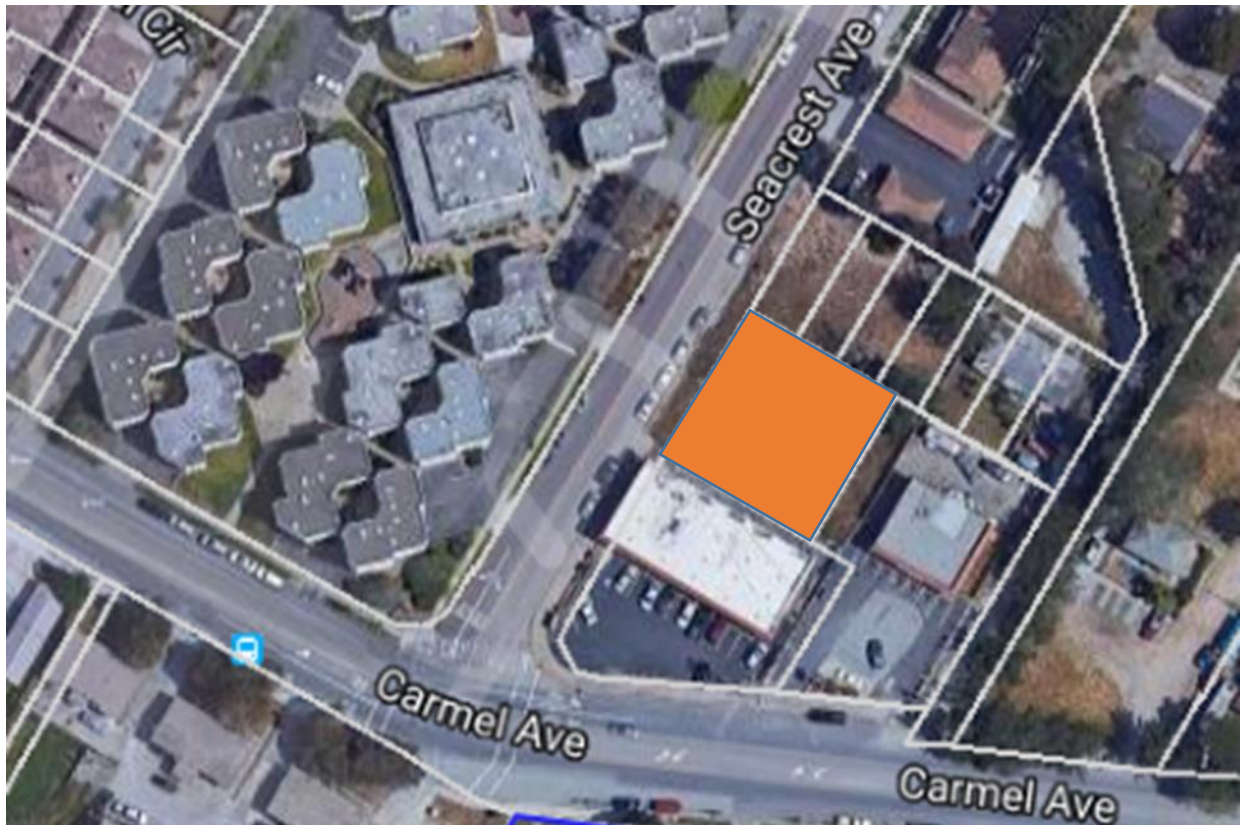
The overall project application is a Combined Development Permit application consisting of:

- A Specific Plan (SP 2016-01) to guide development of project site;
- A Conditional Use Permit (CUP) (UP 2017-06) for a multiple family residential development exceeding 25 units per acre;
- Site and Architectural Design Review (DR 2017-06)) for a new three-story, eleven (11) unit apartment complex;
- An Affordable/Inclusionary Housing Proposal to provide 12% of the units (1 unit) on-site as “low income”;
- A 23% Density Bonus and project incentives to allow development of a three-story apartment complex and modifications to development standards;
- Modified Parking requirements as specified for Government Code Section 65915(p)(2) – Transit Orientated Developments (TODs).

Note: The project does not require rezoning of the property to SP – Specific Plan because the project meets the development standards in the C-R zoning district.

PROJECT LOCATION

The 10,596 square foot (.243 acre) vacant site is located on the east side of Seacrest Avenue just north of the intersection of Carmel and Seacrest Avenues. The property is surrounded by a commercial building to the vacant site to the north, commercial buildings to the east and south and a large apartment complex to the west (Charles Apartments).



General Plan and Zoning: The General Plan Land Use Designation for the property is Multiple-Use which allows exclusively residential use on site of less than one acre. The Zoning Designation is C-R (Commercial/Multiple Family Residential District). Multiple dwellings at densities between 20 and 35 units per acre are permitted in this district with the issuance of a Conditional Use Permit. Site Plan and Architectural Design Review is required for projects that include more than one dwelling unit on a single parcel.

The location of the project within a one-half (0.5) mile of the MST Transfer Station qualifies the Project as transit-oriented development, as defined by government code Section 65915(p)(2). Pursuant to Section 65915(p)(4), “...the development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking”, therefore, the requirement for “covered parking” is waived for projects classified as transit-oriented development(s).

TODs are a compact mixture of residential, employment, shopping and civic uses located within a short walk of bus or rail transit center. The Project is uniquely suited to qualify as TOD, in that it is located directly within one-half mile of the MST site and the downtown shopping and services district, which will encourage tenants to walk, bike, or use public transportation to complete many of their daily tasks.

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.

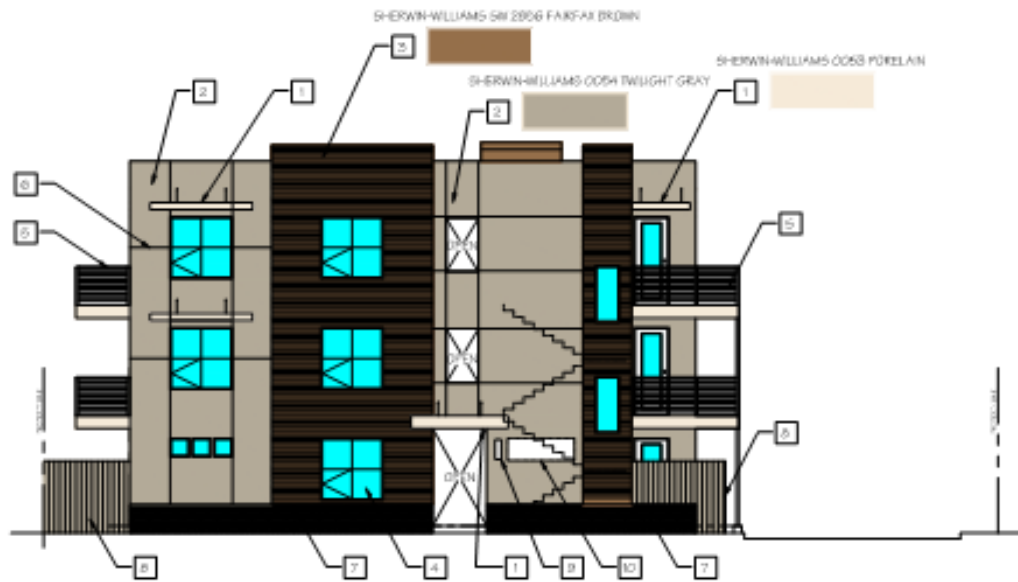
On August 2, 2017, the City Council exempted from the moratorium the project at 3108 Seacrest Avenue currently under review and described below, because the project application was substantially “complete” and the applicant is not requesting a zoning ordinance or General Plan amendment. The exemption from the moratorium does not obligate the City to approve the project.

PROJECT DESIGN/LAYOUT

The proposed project would develop an existing vacant site with a new multi-family, three-story 5,962 square-foot apartment complex, consisting of eight (8) one-bedroom apartments and three (3) studio apartments, for a total of eleven (11) units. Each unit is approximately 542 square feet in size. Room arrangement for the complex is: three (3) first floor units; four (4) second floor units; and four (4) third-floor units. Associated amenities include an on-site laundry facility and attached patio/porches for ranging in size from 58.75 square feet (standard units/studios) and 77.5 square feet (corner units).

The proposed project consists of one multi-level building orientated on the northwest portion of the parcel, an access driveway along the southern boundary of the parcel, and 11 parking stalls situated in the rear of the building along the south-eastern boundary of the parcel. Trash and recycling enclosures are located on the ground level of the building with access to the enclosure being provided from the central parking area. See Page A-1 of the project plans.

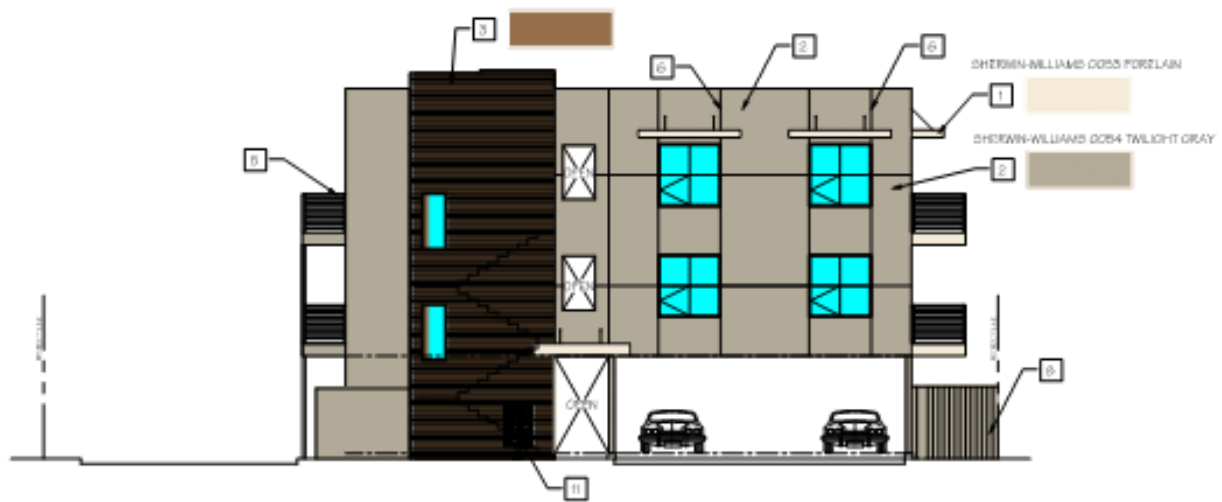
The “Seacrest Apartments” is proposed to be constructed of a “modern” architectural style, with bold straight lines, accented by large glass windows and walls. The design incorporates patios/decks on all sides, and a ground-level “breezeway” walkway.



WEST ELEVATION

1/8" = 1'-0"

SHERWIN-WILLIAMS SW 2806 FAIRFAX BROWN



EAST ELEVATION

1/8" = 1'-0"

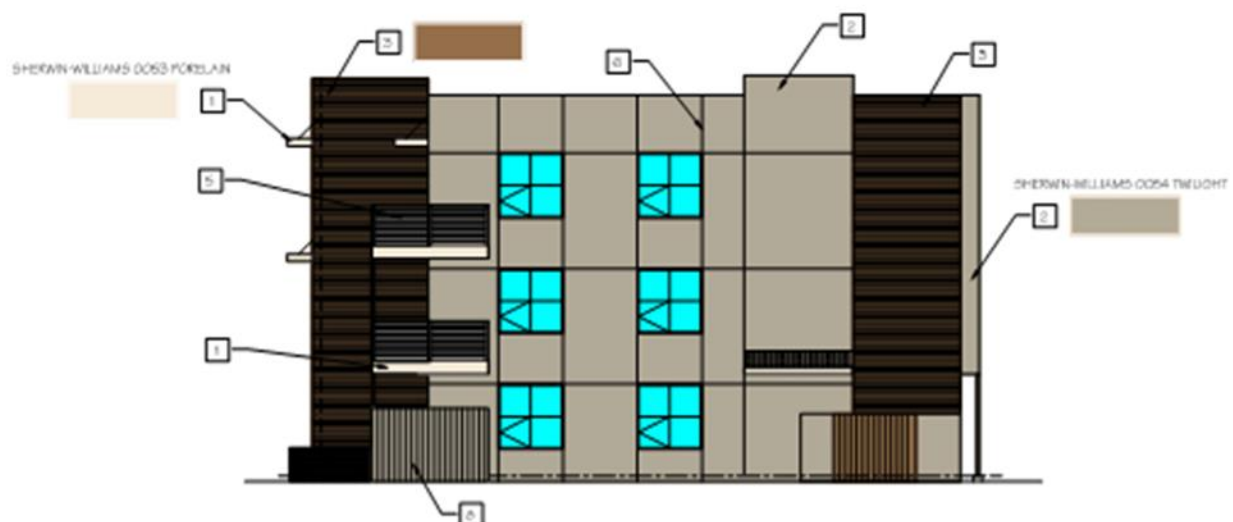
West Elevation (viewed from Seacrest Avenue) / **East Elevation** (view from back of lot)



NORTH ELEVATION

1/8" = 1'-0"

SHERWIN-WILLIAMS SW 2005 FAIRFAX BROWN



SOUTH ELEVATION

1/8" = 1'-0"

SUMMARY OF SITE STATISTICS – “C-R” (Commercial-Residential):

Zoning Standards	Standard	Proposed	Consistency Determination
Building Setbacks	Front 10 feet Rear 10 feet Sides 5 feet	Front 10 feet Rear 50+ feet Sides 8+ feet	Consistent Consistent Consistent
Density	20-35 units/acre	35 units/acre	Consistent plus a 23% Density Bonus for “affordable housing projects.”
Height	55 feet 4 stories	33 feet 3 stories	Consistent Consistent
Open Space	<u>Common Open Space:</u> 350 SF /1-bed unit (11 units) Total Required: 3850 SF (11 units) <u>Private Open Space:</u> 1st Floor – 80 SF min/unit (3 units = 240 SF) 2nd floor/3rd floor - 40 SF min/unit (8 units = 320 SF) Total Required: 560 SF	<u>Common Open Space:</u> Total Provided: 0 SF <u>Private Open Space –</u> 1st floor units: Patios (3) = 348 SF total 2nd/ 3rd floor units: Decks (8) = 520 SF total Total Provided: 868 SF	<i>Consistent due to provision of affordable housing.</i> (1 requested entitled concession) Consistent
Parking – Multiple Dwelling Units	11 total units; 3 – Studio units 8 – 1-bed units <u>Studio/Loft Units</u> 1space/unit (covered) plus 1 addition space/5 units. <u>One Bedroom Units:</u> 1 space/unit (covered) plus 1 additional space/5 units. <i>11 units = 14 parking</i>	11 spaces provided (all uncovered) NOTE: <i>The project qualifies for a parking reduction for transit-oriented development, as defined under Density Bonus Law, due to being located within 0.25 mile of a major transit stop.</i> <i>Per Government Code 65915(p)(2)...if a development includes</i>	<i>Consistent with Government Code 65915 applicable to applications with a requested density bonus.</i>

	<i>spaces required (11 spaces covered).</i> Total Spaces Required – 14 spaces (11 spaces covered)	<i>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, <u>shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.</u></i> The project provides the required amount of “low income” housing and is located within 0.50 mile of the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The includes 11 total bedrooms = 6 required parking spaces. The project proposal includes 11 parking spaces for 11 total units. Spaces measure 9’ x 17.5’ with an 18-inch overhang space.	
	Parking spaces shall be a minimum of 9’ x 19’. Parking spaces can also be designed to measure 17.5 feet in length with an 18-inch overhang.		Consistent

PROJECT ANALYSIS/CONCERNS:

Development Standards

The proposed project, as designed, is consistent with all applicable development setbacks except for the provision of common open space (see separate section below).

The Project has been designed to hold a front setback of 10 feet (10 feet is required), position buildings more than 8 feet from the side property lines (5 feet is required) and will maintain a rear setback exceeding 50 feet (10 feet is required). Furthermore, the proposed maximum height of the develop is 32.5 feet and 3 stories (55 feet and 4 stories allowed).

Site Density/Number of Units

The maximum allowable density in the “C-R” land use designation is 20 to 35 units per acre, for developments that are exclusively residential, and parcels less than one-acre can be developed for exclusively residential uses. Based on a parcel size of 10,596 square foot (.243 acre), this site is allowed to contain exclusively residential development, and would be allowed a total of 9 units (base density). The Project proposes the construction of 11 total units, of which 1 unit (12 percent) are proposed to be “low income”.

Per state law, project which provide 12 percent of low-income units shall be granted a density bonus of 23 percent and one project incentives. Based on a maximum density of 8 units for the site, the 23 percent density bonus would allow an additional 2 units for a total of 11 units on the site.

Open Space Requirements

The “C-R” development standards (Section 17.21.090 – Open Space) requires that multiple-family dwellings on a building site within the C-R district provide a minimum of three-hundred (300) square feet per one-bedroom unit, and fifty (50) square feet for each additional bedroom. Furthermore, a portion or all the required usable open space shall be private or shared; a minimum of eighty (80) square feet private open space shall be supplied for ground floor units and a minimum of forty (40) square feet private open space for units located on the second level or higher.

Based on a proposal of 11 units (8 one-bedroom; 3 studios/lofts) the total open space required is 3,300 square feet (11 x 300). Included in the total provision of open space, each ground floor unit is required to have 80 square feet of private open space, and each unit on the second level or higher shall be provided with 40 square feet of private open space.

The Project provides approximately zero (0) square feet of common open space and a total of 868 square feet of private open space through ground floor patios (348 square feet) and second and third story balconies (520 square feet).

As designed, the provision of common open space is not in keeping or compliance with the requirement found in the “C-R” zoning designation; however, the applicant taking the waving/reduction of the open space requirement as their one entitled incentive for providing “low income” housing (1 unit).

However, as the above table shows, each ground floor unit is allocated more than 80 square feet (average of 116 square feet/unit for a total of 348 square feet on the first floor); while units located on the second level or higher are allocated more than 40 square feet (average of 65 square feet/unit). The provision of private open space is in compliance with applicable regulations.

Parking Requirements.

Marina Municipal Code (Section 17.44.020.D – Parking Requirements) require that multiple-family dwelling projects (apartments) provide the following number of parking spaces per dwelling unit:

One-Bedroom Units – 1 space (covered) for each unit, plus 1 additional space for every five units or fraction thereof;

Visitor Parking Twenty (20) percent of required parking spaces shall be unreserved and labeled for visitor parking.

Based on a proposal of 11 units (8 one-bedroom; 3 studios/lofts) the total required parking spaces is 14 total spaces, of which 3 should be reserved for visitor parking. However, as mentioned above, the Project is located within 0.25 mile of the MST Transfer Station and qualifies as Transit-Oriented Development (TOD). As a TOD related project with a requested density bonus, the Project qualifies for parking provision reductions under Government Code 65915, which supersedes the Zoning Code parking requirements

Per Government Code 65915(p)(2)...if a development includes the maximum percentage of “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 is within 0.5 mile of the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The proposal includes 11 total bedrooms and is required to provide 6 parking spaces all of which can be uncovered. As designed the Project includes 11 total parking spaces, exceeding the 6-space requirement. The provision of parking spaces is compliant with applicable regulations.

REQUIRED FINDINGS:

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

The project is consistent with requested General Plan Land Use designation of Multiple Use and “C-R” zoning designation in that the project proposed a multi-family development of 35 units per acre.

General Plan Goals and Policies

Community Goals

- 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.”
- Goal 1.18.1 states:
“Housing within the means of households of all economic levels, ages and lifestyles, and therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.
- Goal 1.18.5 states:
“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 requires:
“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 states:
“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 states:
“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 states:
“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.”

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting of pedestrian oriented and friendly development, and establishing community character, vision and identity.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of private open space. The Project does request one development incentive, waiving/elimination of the provision of public open space, in exchange for the provision of “low income” housing.

Floor Area Ratio

The project proposes an FAR of .559 (55.9%). The minimum and maximum floor area ratio (FAR) is established by General Plan policy 2.57 which states:

“A minimum FAR of 0.25 shall be required, and FAR’s of up to 0.90 may be permitted for well-designed projects which achieve General Plan objectives such as effectively integrating two or more uses; providing for a pedestrian orientation, including landscaped courtyards, plazas and walkways; incorporating visually attractive or high-caliber architectural design, detail and materials; and providing for landscaping beyond the required minimum. The precise upper limit shall be determined by subsequent specific plans in areas subject to a specific plan requirement.”

In this particular case, the project is proposing a visually attractive design and materials; is providing for pedestrian friendly orientation by removing pedestrian movements from vehicular areas and providing direct access to the streetscape; and has maximized the available space on the small lot. Based on these factors, staff believes that a 0.559 FAR is reasonable and supportable for this particular project.

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

The project is consistent with the Citywide Design Standards and Guidelines. The project site and parking plan provide for adequate and safe pedestrian and vehicular traffic. Vehicular routes are separated from pedestrian routes and the project is sited independently from the streetscape area. Parking stall sizes and circulation patterns allow for adequate vehicular movement. Landscaping is in common open space areas between paved areas to soften the hardscape development(s).

3. That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons riding or working in the neighborhood and the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

The use of the site as a higher-density development will not be detrimental to the neighborhood, as it has been designed to be pedestrian-friendly and reduce reliance on the automobile. In addition, the location of building at the street would begin to create a street wall which will visually connect the side streets to the future downtown and increase walkability.

4. 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.

The development has been designed as an upscale, multi-family landmark development just outside the City's anticipated central business district (CBD). The modern/urban design aesthetic is intended to set a new standard for similar and future development in the City. The project includes clear pedestrian access to the surrounding shopping centers/facilities.

CONCLUSION:

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

Respectfully submitted,

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Senior Planner, 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

Attachments:

1. Draft City Council Resolution approving a Specific Plan dated June 25, 2018.
 - a. Exhibit A – Specific Plan
2. Draft City Council Resolution approving a Combined Development Permit.
 - a. Exhibit A – Project Plans.
3. Site and Architectural Design Review Board (DRB) Resolution 2018-05, dated September 19, 2018.
4. Planning Commission Resolution 2018-14 (Specific Plan) dated October 11, 2018.
5. Planning Commission Resolution 2018-15 (Combined Development Permit) dated October 11, 2018.