



AGENDA

Thursday, October 23, 2014

6:30 P.M.

REGULAR MEETING PLANNING COMMISSION

Council Chambers
211 Hillcrest Avenue
Marina, California

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

1. CALL TO ORDER 
2. ROLL CALL & ESTABLISHMENT OF QUORUM (Planning Commission Members)
David Burnett, Margaret Davis, Eugene Doherty, Greg Furey, Tim Ledesma, Virgil Piper, Ken Turgen
3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Announcements of special events or meeting of interest as information to Board and Public. At this time any person may comment on any item, which is not on the agenda. Please state your name and address for the record. Action*

will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of Four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.

5. CONSENT AGENDA: *Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. If discussion is requested by anyone on any item, that item will be removed from the Consent Agenda and placed at the end of Other Action Items if separate action is requested.*

a. Minutes for the July 10, 2014 Special Planning Commission meeting

6. PUBLIC HEARINGS: *Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. The applicant will then have the opportunity to raise any issues. The public will then be invited to approach the podium to provide up to four (4) minutes of public testimony.*

It is requested that the Planning Commission:

a. Open a public hearing, take any testimony from the public, and consider:

1. Resolution No. 2014- , approving Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,700 square foot meeting room, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions, and;

2. Resolution No. 2014- , approving Conditional Use Permit UP 2014-10 to allow application for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License, for the above-noted project site, subject to conditions and;

3. Resolution No. 2014- , making a determination that the above-noted project is consistent with the Fort Ord Base Reuse Plan.

b. Resolution No. 2014- , approving Conditional Use Permit UP 2014-08 to allow application for a Type 20 (Off-Sale Beer and Wine) Alcohol Beverage Control Liquor License for the 800 square-foot Howard Johnson mini-mart

located at 416 Reservation Road (APN 032-152-046) in the Retail Business (C-1) Zoning District, subject to conditions.

7. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is brought forth for Planning Commission consideration and possible action. The Planning Commission may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

a. None

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.
- b. Upcoming items scheduled for future meetings.
- c. Ad Hoc Committee

9. CORRESPONDENCE:

a. None

10. ADJOURNMENT

CERTIFICATION

I, Judy Paterson, Administrative Assistant for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Del Monte Boulevard and Reservation Road; and Monterey County Free Library Marina Branch at 190 Seaside Circle on or before 6:30 p.m. Monday, October 20, 2014.

Judy Paterson, Administrative Assistant II
Planning Services Division
Community Development Department

PLANNING COMMISSION NOTES:

- 1. The Marina Planning Commission regularly meets at 6:30 P.M. on the second and fourth Thursdays of each month.
- 2. The Planning Commission follows procedures intended to allow for project applicants and members of the public the fullest possible opportunity to be heard, while enabling the Commission to complete its meetings within a reasonable time.
- 3. Copies of staff reports are available to the public on the Friday afternoon, prior to the Thursday meetings at the Community Development Department office located at 209 Cypress Avenue.
- 4. Planning Commission subcommittees include the Marina Design Review Board (DRB) and Tree Committee. The DRB regularly meets at 6:30 P.M. on the third Wednesday of each month and the Tree Committee meets quarterly on the 2nd Wednesday of January, April, July and October... All meetings take place in the Council Chambers unless otherwise noticed... Public notices and agendas are posted at the following locations: Monterey County Library Marina Branch, Kiosk at the corner of Del Monte Blvd. and Reservation Rd., and Marina City Council Chambers Bulletin Board.
- 5. The public is invited and encouraged to participate in all meetings of the Planning Commission and its subcommittees.
- 6. ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. Council Chambers are wheelchair accessible. Meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@ci.marina.ca.us. Requests must be made at least **48 hours** in advance of the meeting.



MINUTES

Thursday, August 28, 2014

6:30 P.M.

**REGULAR MEETING
PLANNING COMMISSION**

**Council Chambers
211 Hillcrest Avenue
Marina, California**

1. CALL TO ORDER

Chair Burnett called the meeting to order at 6:30 p.m.

2. ROLL CALL & ESTABLISHMENT OF QUORUM (Planning Commission Members)

David Burnett, Margaret Davis, Eugene Doherty, Greg Furey, Tim Ledesma, Virgil Piper, Ken Turgen

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:

Commissioner Davis announced her candidacy for the Marina Coast Water District Board.

Commissioner Ledesma asked for volunteers for the upcoming Labor Day Parade.

5. CONSENT AGENDA:

- a. Minutes for the July 10, 2014 Special Planning Commission meeting

Vice Chair Turgen made a motion to approve the July 10, 2014 minutes. The motion was seconded by Commissioner Doherty and passed by a 6-0-0-1(Burnett) vote.

6. PUBLIC HEARINGS:

It is requested that the Planning Commission:

- a. Open a public hearing, take any testimony from the public, and consider:
 - 1. Resolution No. 2014- , approving Conditional Use Permit UP 2014-01 to allow a church within the Multiple-Family Residential (R-4) Zoning District, and; approving Site and Architectural Design Review DR 2014-04 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a ±19,411 square foot church meeting house on a ±5.8 acre project site located at 3rd Avenue at Hayes Circle, subject to conditions.

Ms. Szymanis gave a staff report.

Randy Shipes, Facilities Manager for the Church of Jesus Christ of Latter-Day Saints was available to answer Commissioners' questions.

Commissioners asked for clarification of parking requirements and adequacy, height and scale of the square and recreational trail connectivity. Staff pointed out that the LDS Church relied on the certified Environmental Impact Report for the Cypress Knolls project which analyzed the pedestrian and bicycle circulation and the project is consistent with that document. They further noted that any proposal for future trail location was not part of the item before the Commission and would involve a separate process.

Commissioner Ledesma made a motion to adopt the resolution approving the Conditional Use Permit. The motion was seconded by Vice Chair Turgen and included the correction of an incorrect date on Page 2 of the resolution. The motion passed by a 7-0-0 vote.

- 2. Resolution No. 2014- , making a determination that the above-noted project is consistent with the Fort Ord Base Reuse Plan.

Commissioner Davis expressed a concern that the Fort Ord Reuse Plan was inadequate and indicated that while supporting the church project, she could not make a consistency determination.

Commissioner Ledesma made a motion to adopt the resolution that the project is consistent with the Fort Ord Reuse Plan. The motion was seconded by Vice Chair Turgen and passed by a 6-1(Davis)-0-0 vote.

7. OTHER ACTION ITEMS:

- a. None

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.

Chair Burnett expressed a desire for the Commission to receive minutes from the Design Review Board meetings so that they have a better understanding of their process. It was also discussed that a presentation by staff outlining the various steps of a project as it makes its way to the Planning Commission.

- b. Upcoming items scheduled for future meetings.
- c. Ad Hoc Committee

9. CORRESPONDENCE:

- a. None

10. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Admin. Assistant II

DATE

October 16, 2014

Item No:

Honorable Members
of the Marina Planning Commission

Planning Commission Meeting of
October 23, 2014

PLANNING COMMISSION CONSIDER ADOPTING: (1) RESOLUTION NO. 2014- , APPROVING SITE AND ARCHITECTURAL DESIGN REVIEW DR 2014-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN, AND COLORS AND MATERIALS FOR A FOUR STORY, ±69,578 SQUARE FOOT HOTEL WITH 106 HOTEL UNITS INCLUDING A ±1,750 SQUARE FOOT MEETING ROOM ON A ±2.62 ACRE PROJECT SITE (APN's 031-251-046 & 031-251-047), LOCATED WITHIN THE DUNES ON MONTEREY BAY SPECIFIC PLAN (DSP) AREA, SUBJECT TO CONDITIONS; AND (2) RESOLUTION NO 2014- , APPROVING CONDITIONAL USE PERMIT UP 2014-10 FOR A TYPE 48 (ON-SALE GENERAL FOR PUBLIC PREMISES) ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSE, FOR THE ABOVE-NOTED PROJECT SITE, SUBJECT TO CONDITIONS, AND (3) RESOLUTION NO 2014- , MAKING A DETERMINATION THAT THE ABOVE-NOTED PROJECT IS CONSISTENT WITH THE FORT ORD BASE REUSE PLAN

REQUEST:

It is requested that the Planning Commission consider:

1. Adopting Resolution No. 2014- , approving Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions.
2. Adopting Resolution No. 2014- , approving Conditional Use Permit UP 2014-10 for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License, for the above-noted project site, subject to conditions.
3. Adopting Resolution No. 2014- , making a determination that the above-noted project is consistent with the Fort Ord Base Reuse Plan.

BACKGROUND:

The subject property is located northeast of the intersection of 2nd Avenue and 10th Street in the Dunes on Monterey Bay (formerly University Villages) Specific Plan area. The proposed Marriott Springhill Suites hotel will utilize 106 of the 500 hotel rooms approved at the Dunes. The submitted application also includes the contiguous parcel adjacent to the eastern boundary of the development parcel, for which the applicant has an option for a future use. An access and parking easement straddles both parcels.

At a special meeting of May 31, 2005, the Marina City Council adopted Resolutions No. 2005-127 through 2005-135 taking the following actions: certifying the final Environmental Impact Report (SCH. No. 2004091167) for the Dunes on Monterey Bay Specific Plan project; approving General Plan map and text amendments; making findings and determinations pursuant to California Water Code Section 10911(c) and California Government Code Section 66473(B)(3); approving the Dunes on Monterey Bay Specific Plan; approving the Tentative Map for the 358 acre project site; approving Site and Architectural Design Review for all phases of the residential units within the development; approving a Tree Removal Permit for Phase 1; finding that the legislative land use approval for the project is consistent with the Fort Ord Reuse Plan; and authorizing execution by the Marina Redevelopment Agency of specified agreements and making required statutory findings and approvals for developing the project within the former Fort Ord Redevelopment Project Area No. 3.

At the regular meeting of December 17, 2013, the Marina City Council adopted Resolution No. 2013-193, approving an agreement between City of Marina and Peninsula Hotels Group providing an economic investment incentive in the amount of \$1 million for the construction of a Marriot Springhill Suites Hotel at the subject location.

On March 31, 2014, an Operating Agreement and Covenant for the project economic investment incentive was fully executed by the City and the applicant.

On May 7, 2014, the applicant, Mr. Harbhajan Dadwal, submitted an application for a Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units, including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area.

On June 16, 2014, a Fee Agreement between the City of Marina and Marina Hospitality, LLC was fully executed allowing for provision of planning, engineering and City Attorney services related to the review and processing of the proposed project.

At the regular meeting of September 17, 2014, the Site and Architectural Design Review Board (DRB), after considerable discussion regarding the proposed project, voted for the applicant to return to the DRB with a revised Plan Set, a Grading Plan and a Colors and Materials Board that address their stated concerns.

At the regular meeting On October 15, 2014, the DRB adopted Resolution No. 2014-09, recommending Planning Commission approval of Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions. The Plan Set showing the recommended project is attached (“**EXHIBIT A**”).

ANALYSIS:

CONSISTENCY WITH THE GENERAL PLAN AND DUNES SPECIFIC PLAN

The project site is subject to the development regulations, design guidelines and infrastructure requirements of the DSP. Any issue not directly or specifically covered by the DSP shall be subject to non-conflicting regulations and procedures of the City of Marina Planning and Zoning Code.



The subject property is designated 'Multiple Use' on the General Plan Land Use Map and is within the 'Dunes on Monterey Bay Specific Plan' Zoning District with a Specific Plan land use of 'Multiple Use'. Under each of these regulatory documents, hotels are a permitted use of the subject property.

The DSP envisions a mixed use hotel for the site, known as Pine Hill, which offers guests the opportunity to walk to the amenities along the Village Promenade and Village Square.

The development will help complete construction of Phase 1 of the DSP which includes the Community Hospital of the

Monterey Peninsula (CHOMP) Wellness Center to the north; the Dunes Shopping Center to the northwest; the Village Square and Promenade including the Cinemark Theater (under construction) to west; the Major General William H. Gourley VA – DoD Outpatient Clinic (under construction) and University Villages Apartments to the southwest; and Dunes residential units (under construction) to the south. Young Nak Church and Goodwill Industries are located to the east on 10th Street.

General Plan Table 2.4 and Policy 2.57 identify a low end range for Floor Area Ratio (FAR) at .25, with the precise upper limit to be determined by subsequent specific plans. Table 5.4 of the DSP sets this maximum at 3.0 FAR. The submitted application is for one ±2.62 acre parcel (±114,127 sq. ft.) and the proposed hotel is ±69,578 sq. ft. The FAR is .61, and within the acceptable range within the General Plan.

CONDITIONAL USE PERMIT

The applicant is intending to apply for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License for on-site consumption, for a hotel bar, primarily for the convenience of hotel guests, but also accessible by the public.

Any issue not directly or specifically covered by the DSP shall be subject to non-conflicting regulations and procedures of the City of Marina Planning and Zoning Code. The Dunes Specific Plan permits liquor and/or wine sales 'as-of-right' within the 'Multiple Use' designation in conjunction with dining establishments or grocery sales. As hotel bars are not contemplated in the DSP, the Marina Municipal Code applies.

In accordance with Marina Municipal Code (MMC) Section 17.06.020 no establishment or business where alcoholic beverages are served or sold shall be established in any zoning district in the City unless a Conditional Use Permit (CUP) is first secured in each case.

The ABC-issued Type 48 license restricts alcoholic beverage purchase and consumption to people 21 years of age and older. Beverages would be purchased and consumed within the hotel. This includes within the hotel rooms, at the bar (3 seats), within the lobby (7 seats), within the home theater area (5 seats), at the breakfast buffet counter (14 seats), in the swimming pool area (6 seats) for a total of 35 indoor seats or on the outdoor patio (approximately 1,750 sq. ft.).

The requested hours of operation for the Marriott Springhill Suites bar are from 11:00 AM to 2:00 AM.

At the regular meeting of December 8, 2011, the Planning Commission raised concerns about the findings made by the California Department of Alcohol Beverage Control (ABC) of an over-concentration of liquor licenses in the City of Marina and requested that a map showing the number and location of existing on and off-sale licenses be provided. The attached map (“**EXHIBIT B**”) shows these licenses by Census Tract. Within the Census Tract where the proposed hotel is located (141.02), Target at the Dunes on Monterey Bay Shopping Center is at this time the sole retailer of alcoholic beverages within Marina City limits.

This Census Tract is not an area of “undue concentration” as identified by the ABC. Thus findings pursuant to Marina Municipal Code Section 17.06.020 B are not required.

SITE AND ARCHITECTURAL DESIGN REVIEW

The Site and Architectural Design Review Board has reviewed the Plan Set and has found the proposed project to be consistent with development policies of the Marina General Plan and the development standards and guidelines within the DSP. On October 15, 2014 the DRB recommended that the Planning Commission approve the Plan Set, with 18 Conditions of Approval, many of which are standard conditions.

Site Plan

The Site Plan (*Sheet A-0*) shows the proposed hotel situated on the edge of a graded plateau at the intersection of 2nd Avenue and 10th Street. Westerly facing rooms, the bar in the hotel lobby, and the swimming pool/spa areas are positioned to capture views of Marina’s coastal dunes and Monterey Bay sunsets through curtain wall windows. Both the pool and the lobby have access to the outdoor patio and fire pits.

The main hotel entrance is located at the east side of the building adjacent to the parking area. The parking area is accessed from a single, common entry off 10th Street, to be shared with the adjacent parcel to the east, when developed. A non-exclusive access and parking easement will allow for shared parking and site circulation between the properties. Entry is through a roundabout with uni-directional flow around a central artwork.

There are 105 uncovered parking spaces (including 5 ADA accessible stalls) proposed. The provided number of parking stalls exceeds the parking standard of the DSP, a ratio of .75 spaces per room (81 spaces). The City’s traffic engineer suggests that .75 spaces per room applies to mixed use projects that share parking with other uses. MMC Section 17.44.020 G requires one space for each unit and one space for the manager (109 spaces). The proposed number of parking stalls falls within the

range of parking stalls required by the DSP and the MMC. All stalls have been ascertained by the DRB to meet the required dimensions of the DSP.

The access and parking configuration has been reviewed by the Marina Fire Chief regarding fire truck access and turning movements which meet turn radii and drive aisle width standards for accommodating a ladder truck.

A loading and delivery zone and screened trash enclosure are located next to the operations area of the hotel at the south-east corner of the building.

Pedestrian pathways and outdoor public areas are identified by hardscape materials that are distinct from the surrounding materials. A permeable surface walkway leads from the parking lot to the main entry; stone paving distinguishes parking under the porte-cochère and texturized concrete is used for the walkway at the front entry and patio on 2nd Avenue.

Concrete sidewalks exist along the 10th Street frontage as well as on a portion of the 2nd Avenue frontage, from 10th Street to the existing MST bus bay, where it terminates. There are two pedestrian crossings of 2nd Avenue at the intersection. The developer proposes a flagstone walkway to 2nd Avenue which connects to the front door of the hotel. The ADA engineered grade of 5% follows a direct path of travel from the hotel to 2nd Avenue, circumnavigating the existing cypress tree, which will be retained.

Class 1 bike lanes constructed parallel to 2nd Avenue serve as a multi-purpose trail linking to planned multi-purpose trails along 8th/9th Streets and Imjin Parkway for connections to Marina State Beach, CSUMB and downtown Marina.

A Monterey Salinas Transit (MST) bus bay is provided on 2nd Avenue in front of the proposed hotel. This bay currently serves Line #12 that runs from the Monterey Transit Plaza to the Dunes Shopping Center and Line #17 that connects CSUMB to the Marina Transit Exchange.

Elevations

The applicant is also seeking approval of the hotel elevations (*Sheets A3 & A4*), illustrated in the color renderings (*Sheets A5 & A6*). Colors and materials are also provided (*Sheet A7*). The color and material board will be available at the meeting.

The rectangular shape hotel is 49' 6" high at the top of roof, under the height limitation of 55' identified in the DSP for the subject property.

In keeping with the design guidelines of the DSP, the proposed architecture is contemporary with articulation, pop outs, parapets and the use of color blocking to add dimension. Finishes include: vertical mounted wood composite; horizontal placed powder-coated insulated metal panel; and a grounding band of stack stone delineating the lower half of the first floor with increased height at the building ends. A singular multi-colored stucco band circles the structure at the height of the second room floor.

On the west elevation, three stories of Juliette balconies project 18" with powder coated charcoal colored decorative metal railings. Each room will have its own heating/cooling system and grills are located under each window.

There are no balconies proposed for the east facing suites. Accent features at the front entry include a wood composite clad curved entry wall and an expansive porte-cochère. Storefront windows with dark bronze mullions located at the west wall guide patrons to the lobby.

Landscape Planting Plan and Hardscape Materials

A Landscape Planting Plan (*Sheet LI*) has been provided. A color key to the plantings is also provided (*Sheet A8*).

The plan shows trees dispersed on islands throughout the parking lot area (13 *plantanus acerifolia*), aligned along the northern property boundary (8 *quercus agrifolia*) and along the southern property boundary (13 *madrone*). Ten *cercis occidentalis* (western redbud) have been added to the 2nd Avenue frontage. Of these trees, the *quercus agrifolia* and *cercis occidentalis* are native (41%). All trees are proven to be adapted to Marina's unique climactic conditions.

Additional rows of street trees are provided per the requirements of the DSP. The DSP designates 10th Street as a neighborhood street. The DSP requires that New Zealand Christmas trees be planted within the landscape strip on 10th Street. The DSP designates 2nd Avenue as an arterial and requires that red gum eucalyptus be planted. The use of custom tree grates as an alternative to standard tree grates is encouraged to add an artistic element to the street frontage. A maintenance agreement will be required to assure that maintenance responsibility for street landscaping, sidewalks, etc. is acknowledged by the applicant.

Drifts of predominantly native (78%) groundcover are hedged by a variety of flowering shrubs. Again the shrubs are all suited to Marina but are shy of the 65% requirement at 53% native. Standard Conditions of Approval have been provided in the draft Resolution to ensure that the Final Landscape Plan fully meets the requirements of the DSP for native plantings.

Stormwater Management

A Preliminary Grading Plan has been provided (*Sheets C-1 and C-2*). In addition to an infiltration gallery consisting of at least 66 storm tech SC-740 chambers located at the foot of the slope adjacent to 2nd Avenue, natural percolation of storm water at the front of the property will be required. The landscape islands will serve as 'bioswales' and percolate storm water.

Retaining Walls

The two retaining walls at the southeast corner of the property are existing walls that have been constructed, likely by the adjacent property owner, as a landscape feature to frame an existing tree.

On the west elevation, a 4' high retaining wall will support the outdoor patio with fire pits. The wall will be covered by stack stone. Landscape plantings will also help to soften the aesthetic of the wall.

CONSISTENCY WITH THE FORT ORD BASE REUSE PLAN

On May 31, 2005, the Marina City Council adopted Resolution No. 2005-134, finding that the legislative land use approval for the University Villages Specific Plan project to be consistent with the Fort Ord Base Reuse Plan.

On July 8, 2005, the Fort Ord Reuse Authority Board of Directors adopted Resolution No. 05-6, determining consistency of the City of Marina's University Villages Project with the Fort Ord Base Reuse Plan.

Section 8.01.030 (a) of the Fort Ord Reuse Authority Master Resolution allows that each land use agency with a General Plan (or Specific Plan) certified pursuant to Section 8.01.020 may issue or deny, or conditionally issue, development entitlements within their respective jurisdictions so long as development entitlements are consistent with the adopted and certified General Plan (or Specific Plan), the Reuse Plan, and is in compliance with CEQA and all other applicable laws.

The proposed project is consistent with the adopted General Plan and with the DSP. Section 8.02.030 (a) provides criteria to be used for determining consistency and the draft Resolution contains the consistency finding.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

On May 31, 2005, the Marina City Council adopted Resolution No. 2005-127, certifying the final Environmental Impact Report (SCH. No. 2004091167) for the University Villages project in accordance with the California Environmental Quality Act and state and local guidelines, making certain findings and determinations thereto, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program.

The project EIR anticipated and analyzed a hotel use for this site.

Technical studies have been prepared by qualified professionals and staff have ascertained that the project does not fall within the parameters established by Section 15162(a)(A) through (D) of the California Environmental Quality Act (CEQA). Therefore an informal Addendum to the certified EIR has been prepared for this project and placed on file.

CONCLUSION:

This request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,

Theresa Szymanis, AICP CTP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, AICP
Community Development Director
City of Marina

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA APPROVING CONDITIONAL USE PERMIT UP 2014-10 FOR A TYPE 48 (ON-SALE GENERAL FOR PUBLIC PREMISES) ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSE, FOR A FOUR STORY, ±69,578 SQUARE FOOT HOTEL WITH 106 HOTEL UNITS INCLUDING A ±1,750 SQUARE FOOT MEETING ROOM ON A ±2.62 ACRE PROJECT SITE (APN's 031-251-046 & 031-251-047), LOCATED WITHIN THE DUNES ON MONTEREY BAY SPECIFIC PLAN AREA, SUBJECT TO CONDITIONS,

WHEREAS, On May 7, 2014, the applicant, Mr. Harbhajan Dadwal, submitted an application for entitlements for a four story, ±69,578 square foot hotel with 106 hotel units, including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, and;

WHEREAS, Mr. Harbhajan Dadwal intends to apply for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License for on-site consumption, for a hotel bar, primarily for the convenience of hotel guests, but also accessible by the public, and;

WHEREAS, any issue not directly or specifically covered by the DSP shall be subject to non-conflicting regulations and procedures of the City of Marina Planning and Zoning Code. The Dunes Specific Plan permits liquor and/or wine sales 'as-of-right' within the 'Multiple Use' designation in conjunction with dining establishments or grocery sales. As hotel bars are not contemplated in the DSP, the Marina Municipal Code applies, and;

WHEREAS, in accordance with Marina Municipal Code (MMC) Section 17.06.020 no establishment or business where alcoholic beverages are served or sold shall be established in any zoning district in the City unless a Conditional Use Permit (CUP) is first secured in each case, and;

WHEREAS, alcoholic beverages would be purchased and consumed within the hotel, including within the hotel rooms, at the bar (3 seats), within the lobby (7 seats), within the home theater area (5 seats), at the breakfast buffet counter (14 seats), in the swimming pool area (6 seats) for a total of 35 indoor seats or on the outdoor patio (approximately 1,750 sq. ft.), and;

WHEREAS, on May 31, 2005, the Marina City Council adopted Resolution No. 2005-127, certifying the final Environmental Impact Report (SCH. No. 2004091167) for the Dunes on Monterey Bay Specific Plan (formerly University Villages) project in accordance with the California Environmental Quality Act and state and local guidelines, making certain findings and determinations thereto, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program, and;

WHEREAS, technical studies have been prepared by qualified professionals and staff have ascertained that the project does not fall within the parameters established by Section 15162(a)(A) through (D) of the California Environmental Quality Act (CEQA) and therefore an informal Addendum to the certified EIR has been prepared for this project and placed on file, and;

WHEREAS, on October 23, 2014, at a regularly scheduled meeting, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider approving Conditional Use Permit UP 2014-10 for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License, for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions, considered all public testimony, written and oral, presented at the public hearing, received and considered the written information.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby approves Conditional Use Permit UP 2014-10 for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License, for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, making the following findings and subject to the following conditions of approval:

Findings

1. The subject property is designated 'Multiple Use' on the General Plan Land Use Map and is within the 'Dunes on Monterey Bay Specific Plan' Zoning District with a Specific Plan land use of 'Multiple Use' and under each of these regulatory documents, hotels are a permitted use of the subject property. The FAR for the proposed project is .61, and within the acceptable range within the General Plan.
2. That the establishment, maintenance or operation of the proposed use applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or be detrimental or to the general welfare of the City in that within Census Tract (141.02) where the proposed hotel is located, Target at the Dunes on Monterey Bay Shopping Center is at this time the sole retailer of alcoholic beverages within Marina City limits and according to the California Department of Alcoholic Beverage Control (ABC), this Census Tract is not an area of "undue concentration" and implementation of the recommended conditions of approval will prevent potential public nuisance issues.

Conditions of Approval

1. That the hours of operation for the Marriott Springhill Suites bar shall be limited to between the hours of 11:00 A.M. to 2:00 A.M. daily.
2. That sale of alcoholic beverages for consumption off the premises is strictly prohibited.
3. That all employees serving alcoholic beverages shall be required to attend the California Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drug Training and submit a Certificate of Completion to the Marina Police Department.

4. That 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 Planning Commission of the City of Marina at a regular meeting duly held on the 23rd day of August 2014, by the following vote:

AYES, PLANNING COMMISSION MEMBERS:

NOES, PLANNING COMMISSION MEMBERS:

ABSENT, PLANNING COMMISSION MEMBERS:

ABSTAIN, PLANNING COMMISSION MEMBERS:

David Burnett, Chairperson

ATTEST:

Christine di Iorio, AICP, Director
Community Development Department

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA, APPROVING SITE AND ARCHITECTURAL DESIGN REVIEW DR 2014-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN, AND COLORS AND MATERIALS FOR A FOUR STORY, ±69,578 SQUARE FOOT HOTEL WITH 106 HOTEL UNITS INCLUDING A ±1,750 SQUARE FOOT MEETING ROOM AND A BAR, ON A ±2.62 ACRE PROJECT SITE (APN's 031-251-046 & 031-251-047), LOCATED WITHIN THE DUNES ON MONTEREY BAY SPECIFIC PLAN AREA, SUBJECT TO CONDITIONS

WHEREAS, the subject property is located northeast of the intersection of 2nd Avenue and 10th Street in the Dunes on Monterey Bay (formerly University Villages) Specific Plan area, and;

WHEREAS, the proposed Marriott Springhill Suites hotel will utilize 106 of the 500 hotel rooms approved at the Dunes, and;

WHEREAS, the submitted application also includes the contiguous parcel adjacent to the eastern boundary of the development parcel, for which the applicant has an option for a future use and an access and parking easement straddles both parcels, and;

WHEREAS, at a special meeting of May 31, 2005, the Marina City Council adopted Resolutions No. 2005-127 through 2005-135 taking the following actions: certifying the final Environmental Impact Report (SCH. No. 2004091167) for the Dunes on Monterey Bay Specific Plan project; approving General Plan map and text amendments; making findings and determinations pursuant to California Water Code Section 10911(c) and California Government Code Section 66473(B)(3); approving the Dunes on Monterey Bay Specific Plan; approving the Tentative Map for the 358 acre project site; approving Site and Architectural Design Review for all phases of the residential units within the development; approving a Tree Removal Permit for Phase 1; finding that the legislative land use approval for the project is consistent with the Fort Ord Reuse Plan; and authorizing execution by the Marina Redevelopment Agency of specified agreements and making required statutory findings and approvals for developing the project within the former Fort Ord Redevelopment Project Area No. 3., and;

WHEREAS, on May 7, 2014, the applicant, Mr. Harbhajan Dadwal, submitted an application for a Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units, including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, and;

WHEREAS, at the regular meeting of September 17, 2014, the Site and Architectural Design Review Board (DRB), after considerable discussion regarding the proposed project, voted for the applicant to return to the DRB with a revised Plan Set, a Grading Plan and a Colors and Materials Board that address their stated concerns, and;

WHEREAS, at the regular meeting On October 15, 2014, the DRB adopted Resolution No. 2014-09, recommending Planning Commission approval of Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions, and;

WHEREAS, the subject property is designated 'Multiple Use' on the General Plan Land Use Map and is within the 'Dunes on Monterey Bay Specific Plan' Zoning District with a Specific Plan land use of 'Multiple Use' and under each of these regulatory documents, hotels are a permitted use of the subject property, and;

WHEREAS, General Plan Table 2.4 and Policy 2.57 identify a low end range for Floor Area Ratio (FAR) at .25, with the precise upper limit to be determined by subsequent specific plans. Table 5.4 of the DSP sets this maximum at 3.0 FAR and the submitted application has an FAR of .61, and within the acceptable range within the General Plan, and;

WHEREAS, on May 31, 2005, the Marina City Council adopted Resolution No. 2005-127, certifying the final Environmental Impact Report (SCH. No. 2004091167) for Dunes on Monterey Bay Specific Plan (formerly University Villages) project in accordance with the California Environmental Quality Act and state and local guidelines, making certain findings and determinations thereto, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program and staff are having prepared technical studies to ascertain that the project falls within the parameters established by Section 15162(a)(A) through (D) of the California Environmental Quality Act (CEQA), and anticipate that an Addendum to the certified EIR will be the appropriate environmental document for this project, and;

WHEREAS, on October 23, 2014, the Planning Commission conducted a duly noticed Public Hearing to consider adopting Resolution No. 2014- , approving Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the October 23, 2014 meeting related to the proposed use.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby approves Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, making the following findings and subject to the following conditions of approval:

Findings

1. Consistency with City Policies and Plans – That, as noted within the staff report dated October 16, 2014, Site and Architectural Design Review DR 2014-05 has been designed consistent with the policies within the Marina General Plan (October 31, 2000) and the Dunes on Monterey Bay Specific Plan (May 31, 2005).
2. Site and Architectural Design Review DR 2014-05 - That Site and Architectural Design Review DR 2014-05 has been designed and will be constructed, and so located, that the project, as conditioned, will not:
 - (a) Be unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the City, in that the project will re-develop a vacant property in a prominent location within Phase I of the Dunes on Monterey Bay Specific Plan area, replacing the blight of the former Fort Ord with a modern hotel and new landscaping as well as on-site amenities.
 - (b) Impair the desirability of tenancy or investment or occupation in the City, in that a new hotel at this prominent location will allow more visitors to stay in the City of Marina, thus adding value to the surrounding area for new supportive visitor serving uses, and to the City as a whole by providing new customers to shop, dine, play and access services within the City.
 - (c) Limit the opportunity to obtain the optimum use and value of the land and improvements, in that the project helps to complete Phase I of an award winning redevelopment project designed to increase the number jobs in balance with housing in the former Fort Ord, and whereby the private developer will contribute to the financial well being of the community through development impact fees, property taxes, tourist occupancy taxes and any new sales taxes resulting from visitor expenditures.
 - (d) Impair the desirability of tenancy or conditions on or adjacent to the subject site, in that the design and placement of the hotel will upgrade a vacant re-development site on property designated 'Multiple Use' on the General Plan Land Use Map, in a location that offers guests the opportunity to walk to the amenities along the Village Promenade and Village Square, and access services and recreation nearby.
 - (e) Otherwise adversely affect the general welfare of the community, in that the project, for the reasons provided above, will have an overall positive effect on the general welfare of the community.

Conditions of Approval

1. Substantial Compliance - The project shall be accomplished in substantial accordance with the details as specified on “**EXHIBIT A**” attached to this Resolution.

2. Permits - The applicant shall obtain a Conditional Use Permit for the bar, all required building permits and public improvement 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.
4. Access and Parking Easement - The applicant shall provide to the City Engineer a copy of the instrument that establishes the non-exclusive parking and access easement to allow for shared parking and site circulation for approval by the City Engineer. Prior to issuance of a building permit for the project, the approved easement instrument shall be recorded on the titles of the properties currently having APN's 031-251-046 & 031-251-047.
5. Fire Department – Marina Fire Department standard conditions shall be implemented to the satisfaction of the Fire Chief.
6. A 40' turning radii to accommodate a ladder truck shall be required at all turns.
7. Final Landscape Plan - Prior to review and consideration of the Planning Commission, the Landscape Planting Plan shall be amended to show the following:
 - (a) The Final Landscape Plan shall show no less than the currently proposed number of trees, grasses, shrubs and groundcover, respectively with at least 65% California native plantings.
 - (b) Minimum plant sizes for the Final Landscape Plan shall be consistent with landscaping standards for other developments within Marina:
 - (i) The box size for planted trees shall be a minimum of 15 gallons with a minimum box size of 24-inch.
 - (ii) Trees shall be spaced at about 30' on-center for larger varieties and about 20' on-center for smaller varieties. In addition, trees shall be a minimum of: 10' away from driveways; 15' from streetlights and traffic control signals; 5' from water, gas and fire service laterals; and 10' from sewer and gas laterals.
 - (iii) The minimum size to plant shrubs is at 5 gallons for 50% of the shrubs and at 1 gallon for the other 50% of the shrubs.
8. Irrigation Plan – Prior to the issuance of building permits, a Final Irrigation Plan shall be submitted for review and approval of the Community Development Director that addresses any changes to the plant materials and locations.

9. 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.
10. Maintenance Agreement - The applicant shall provide to the City Engineer a copy of a draft maintenance agreement acknowledging that maintenance responsibility for streetscapes and sidewalks adjacent to the subject property are the property owner responsibility. Prior to issuance of a building permit for the project, the approved maintenance agreement shall be executed by the City and the applicant.
11. Grading and Drainage - Preliminary grading shows an effected area larger than 5,000 square feet therefore in accordance with City standards, 100% on-site retention of storm water runoff is required. Prior to issuance of a Grading Permit, the applicant shall provide a Grading and Drainage Plan that shows grading (e.g. contours, spot elevations, conveyance systems, etc.) adequate to achieve this goal. Show all proposed spot elevations showing positive drainage away from all proposed structures and property lines. The Grading and Drainage Plan shall incorporate onsite retention within the landscape areas of the parking lot (e.g. bioswales) to reduce the size of the underground infiltration system.
12. 2nd Avenue Frontage – Prior to issuance of a building permit, the applicant shall provide a re-design of the 2nd Avenue frontage showing details of the patio, trellis, a walkway to 2nd Avenue that is graded so as to not require handrails, and a Final Landscape Plan that is coordinated with the approved storm water system, for review and approval by the Community Development Director.
13. Roundabout – Prior to issuance of a building permit, the applicant may submit a re-design of the entry that eliminates the roundabout and center island that shall be submitted for review and approval by the Community Development Director for review, in concert with the City Engineer and Fire Chief. Should this approach be taken, it is encouraged that the applicant relocate the centerpiece artwork to a more visible location on the site.
14. Bicycle Facilities – On the Site Plan the applicant shall show the location(s) of either indoor or outdoors bicycle lockers, or a bicycle rack placed in a secure and prominent location.

15. Lighting – The Photometric Analysis and lighting specifications shall show white light only, consistent with standards set by the Illuminating Engineers Society for open parking, sidewalks and grounds with a minimum variation in foot-candles across the site and shall be submitted for review and approval by the Community Development Director.
16. Trash Enclosures and Maintenance Building - Prior to the issuance of building permits the applicant shall coordinate with the waste hauler for the site.
17. Prior to Planning Commission review and consideration, the applicant shall provide trash enclosure elevations that incorporate similar design features, colors and materials as the architecture of the main hotel building.
18. Signs - Sign locations and specifications are not part of this application and will require a separate application for review by the Site and Architectural Design Review Board.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 23rd day of October 2014, by the following vote:

AYES, COMMISSIONERS:
NOES, COMMISSIONERS:
ABSENT, COMMISSIONERS:
ABSTAIN, COMMISSIONERS:

David Burnett, Chair

ATTEST:

Christine di Iorio, AICP, Director
Community Development Department
City of Marina

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA FINDING THAT THE ISSUANCE OF CONDITIONAL USE PERMIT UP 2014-10 FOR A TYPE 48 (ON-SALE GENERAL FOR PUBLIC PREMISES) ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSE, AND APPROVAL OF SITE AND ARCHITECTURAL DESIGN REVIEW DR 2014-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN, AND COLORS AND MATERIALS FOR A FOUR STORY, ±69,578 SQUARE FOOT HOTEL WITH 106 HOTEL UNITS INCLUDING A ±1,750 SQUARE FOOT MEETING ROOM AND A BAR, ON A ±2.62 ACRE PROJECT SITE (APN's 031-251-046 & 031-251-047), LOCATED WITHIN THE DUNES ON MONTEREY BAY SPECIFIC PLAN AREA, IS CONSISTENT WITH THE FORT ORD BASE REUSE PLAN

WHEREAS, On May 7, 2014, the applicant, Mr. Harbhajan Dadwal, submitted an application for entitlements for a four story, ±69,578 square foot hotel with 106 hotel units, including a ±1,750 square foot meeting room and a bar, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, and;

WHEREAS, on May 31, 2005, the Marina City Council adopted Resolution No. 2005-134, finding that the legislative land use approval for the University Villages Specific Plan project is consistent with the Fort Ord Base Reuse Plan, and;

WHEREAS, on July 8, 2005, the Fort Ord Reuse Authority Board of Directors adopted Resolution No. 05-6, determining consistency of the City of Marina's University Villages Specific Plan Project with the Fort Ord Base Reuse Plan, and;

WHEREAS, the subject property is designated 'Multiple Use' on the General Plan Land Use Map and is within the 'Dunes on Monterey Bay Specific Plan' Zoning District with a Specific Plan land use of 'Multiple Use', and under each of these regulatory documents, hotels are a permitted use of the subject property, and;

WHEREAS, in accordance with Marina Municipal Code (MMC) Section 17.06.020 no establishment or business where alcoholic beverages are served or sold shall be established in any zoning district in the City unless a Conditional Use Permit (CUP) is first secured in each case, and;

WHEREAS, at the regular meeting of August 28, 2014, the Marina Planning Commission conducted a public hearing, provided comments and adopted Resolution No. 2014- , approving Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room, on a ±2.62 acre project site (APN's 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions, and; adopted Resolution No. 2014- , approving Conditional Use Permit UP 2014-10 for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License, for the above-noted project site, subject to conditions, and;

WHEREAS, based on technical studies prepared by qualified professionals, staff have ascertained that the project does not fall within the parameters established by Section 15162(a)(A) through (D) of the California Environmental Quality Act (CEQA) and an informal Addendum to the certified EIR has been prepared for this project, and;

WHEREAS, an analysis of consistency prepared in accordance with Master Resolution Chapter 8.02.030 (1) to (8) criteria for determining consistency (“**EXHIBIT A**” to this Resolution) shows the project is consistent with the Fort Ord Reuse Plan and Master Resolution.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Marina finds that Site and Architectural Design Review DR 2014-05 for the Site Plan, Building Elevations, Landscape Plan, and Colors and Materials for a four story, ±69,578 square foot hotel with 106 hotel units including a ±1,750 square foot meeting room, on a ±2.62 acre project site (APN’s 031-251-046 & 031-251-047), located within the Dunes on Monterey Bay Specific Plan area, subject to conditions, and; issuance of Conditional Use Permit UP 2014-10 for a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage Control Liquor License, for the above-noted project site, subject to conditions, are consistent with the Fort Ord Base Reuse Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 23rd day of October 2014, by the following vote:

AYES, COMMISSIONERS:
NOES, COMMISSIONERS:
ABSENT, COMMISSIONERS:
ABSTAIN, COMMISSIONERS:

David Burnett, Chair

ATTEST:

Christine di Iorio, AICP, Director
Community Development Department
City of Marina

**“EXHIBIT A”
FORA Consistency Determination**

HOTEL PROJECT LOCATED AT 2ND AVENUE AND 10TH STREET WITHIN THE DUNES ON MONTEREY BAY SPECIFIC PLAN AREA	
FORA Master Resolution Chapter 8 Section 8.02.030 (1) to (8)	Consistency Finding
In the review and evaluation of the proposed project, the Marina Planning Commission finds that the proposed project:	
<p>1. Does not provide an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan.</p>	<p>The subject property is designated ‘Multiple Use’ on the General Plan Land Use Map and is within the ‘Dunes on Monterey Bay Specific Plan’ Zoning District with a Specific Plan land use of ‘Multiple Use’. Under each of these regulatory documents, hotels are a permitted use of the subject property.</p> <p>The Dunes on Monterey Bay Specific Plan (DSP) envisions a mixed use hotel for the site.</p> <p>The DSP Final Environmental Impact Report (FEIR) identifies a 150 room mixed use hotel option for the site. The FEIR water analysis addresses a 150 room hotel and the traffic analysis conservatively analyzed a much more intensive commercial land use mix as an alternative to a 150 room hotel, should it prove infeasible.</p> <p>The 106 room proposal is less intense than that permitted by the DSP and analyzed in the FEIR.</p>
<p>2. Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan.</p>	<p>Not applicable as density applies to residential development. See response to (1) above regarding intensity.</p>

**HOTEL PROJECT LOCATED AT 2ND AVENUE AND 10TH STREET WITHIN THE
DUNES ON MONTEREY BAY SPECIFIC PLAN AREA**

<p align="center">FORA Master Resolution Chapter 8 Section 8.02.030 (1) to (8)</p>	<p align="center">Consistency Finding</p>
<p>3. Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution.</p>	<p>There are no Conditions of Approval within the Resolutions that require providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of the Master Resolution.</p>
<p>4. Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority.</p>	<p>The proposed use is consistent with the uses permitted or allowed in the Reuse Plan. The subject property is designated 'Multiple Use' on the General Plan Land Use Map and is within the 'Dunes on Monterey Bay Specific Plan' Zoning District with a Specific Plan land use of 'Multiple Use'. Under each of these regulatory documents, hotels are a permitted use of the subject property.</p> <p>The proposed project implements the General Plan and the Dunes on Monterey Bay Specific Plan.</p> <p>On May 22, 2001, the FORA BoD adopted Resolution No. 01-05, finding the amendments to the General Plan to be consistent with the Fort Ord Base Reuse Plan.</p> <p>On July 8, 2005, the Fort Ord Reuse Authority Board of Directors adopted Resolution No. 05-6, determining consistency of the City of Marina's University Villages Project with the Fort Ord Base Reuse Plan.</p>

**HOTEL PROJECT LOCATED AT 2ND AVENUE AND 10TH STREET WITHIN THE
DUNES ON MONTEREY BAY SPECIFIC PLAN AREA**

<p align="center">FORA Master Resolution Chapter 8 Section 8.02.030 (1) to (8)</p>	<p align="center">Consistency Finding</p>
<p>5. Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision.</p>	<p>The project proponent is required to finance, install, construct and maintain all infrastructure necessary to provide adequate public services to the property, in accordance with the guidelines and development standards of the Dunes on Monterey Bay Specific Plan.</p> <p>This includes payment of FORA Impact Fees, payment of Development Impact Fees (through deferred TOT) and construction of infrastructure improvements associated with the proposed project.</p>
<p>6. Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.</p>	<p>According to the FEIR, the entire Dunes on Monterey Bay Specific Plan area is located within parcels designated as development with no restrictions in the Fort Ord Habitat Management Plan. Figure 3.3-1 of the FEIR shows that the habitat type of the subject parcel to be developed or disturbed. Figure 3.3-2 shows no special status plant species on the subject property. No trees will be removed.</p>
<p>7. Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.</p>	<p>At over 2,000 feet distance from Highway 1, the subject site is located outside of the Highway 1 design corridor.</p>
<p>8. Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.</p>	<p>This project site is part of an award winning Strategic Growth Council California Sustainable Communities Pilot Project. Designated Catalyst Projects demonstrate a commitment to sustainable communities and testing and evaluating innovative strategies designed to increase housing supply and affordability; improve jobs and housing relationships; stimulate job creation and retention; enhance transportation modal choices; preserve open space and agricultural resources; promote public health; eliminate toxic threats; address blighted properties;</p>

**HOTEL PROJECT LOCATED AT 2ND AVENUE AND 10TH STREET WITHIN THE
DUNES ON MONTEREY BAY SPECIFIC PLAN AREA**

**FORA Master Resolution
Chapter 8 Section 8.02.030 (1) to (8)**

Consistency Finding

reduce green house gas emissions and increase energy conservation and independence.

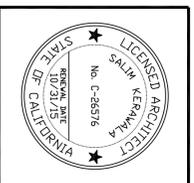
The planned hotel project will implement the General Plan and Dunes on Monterey Bay Specific Plan and provide approximately 20 jobs after construction, within the Specific Plan area.



WEST ELEVATION



EAST ELEVATION



Architect
SHK and Associates
 P. O. Box: 7372
 Fremont, CA 94537
 Tel: (510) 796-9712, Fax: (510) 740-3565

Project
 PROPOSED HOTEL
 SPRINGHILL SUITES

Owner
 HARBHJAN DADIVAL

Project location
 10TH STREET AT 2ND AVE.
 MARINA, CA

NO.	DATE	REVISIONS

DRAWINGS ISSUED FOR:
 FOR REVIEW

OCTOBER 2014

EXTERIOR
 ELEVATIONS

PROJ. NO.:
 13-1030
 DATE:
 OCT 2013
 SHEET NUMBER

A3



SPRINGHILL
SUITES
Marriott

SPRINGHILL
SUITES
Marriott



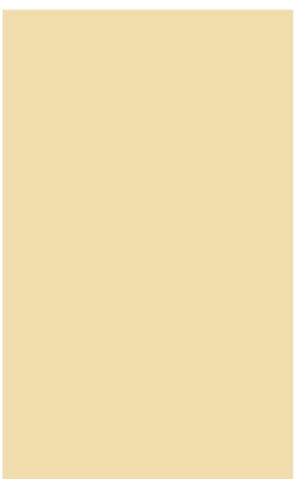
SPRINGHILL
SUITES
Marriott

2nd St

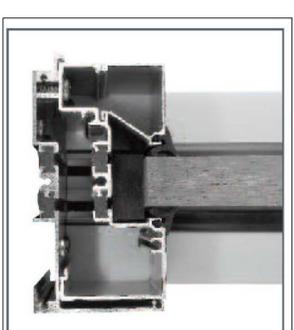
4-WAY



HAYLOFT 3514-ST



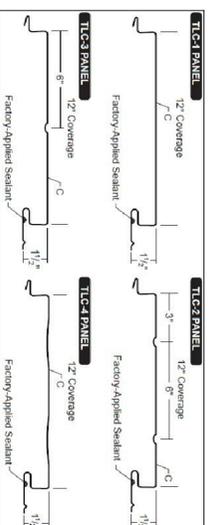
COLOR: GOLDEN LAB



KAWNEER TRIFB 451T



YANKEE BARN 3505-ST



PROFILE: FLUSH FACE SERIES 12



COLOR: DARK BRONZE

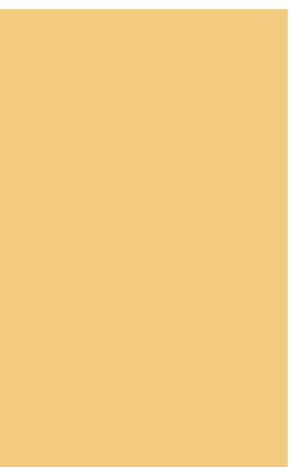
WOOD COMPOSITE MATERIALS 2 TONES

INSULATED METAL PANEL

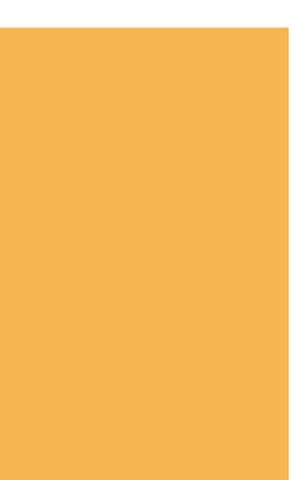
CURTAIN WALL SYSTEM / STOREFRONT SYSTEM (ALL MULLIONS)- KAWNEER



STACKED STONE

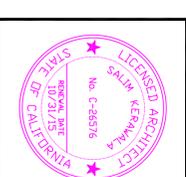


COLOR: BEVERLY HILLS



COLOR: SUNFLOWER FIELDS

Architect
SHK and Associates
P. O. Box: 7372
Fremont, CA 94537
Tel: (510) 796-9712, Fax: (510) 740-3565



Project
PROPOSED HOTEL
SPRINGHILL SUITES

Owner
HARBHJAN DADIVAL

Project location
10TH STREET AT 2ND AVE
MARIANA, CA

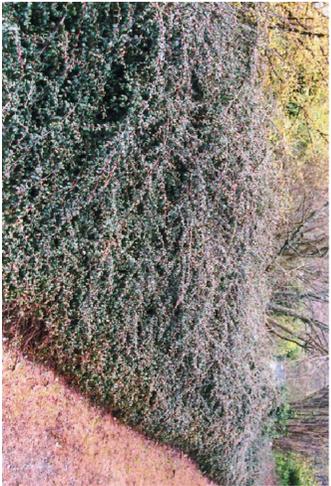
REVISIONS
NO. DATE

DRAWINGS ISSUED FOR:
FOR REVIEW

DATE:
OCTOBER 2014

EXTERIOR
MATERIALS

PROJ. NO.:
13-1030
DATE:
OCT 2013
SHEET NUMBER



G1-COTONEASTER



G2-ARCTOSTAPHYLOVA



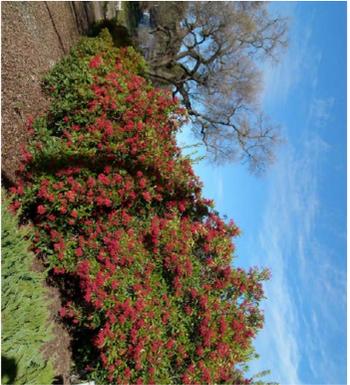
G3-CEANOTHUSGRISES



S1-CISTUSROCKROSE



S2-ESCALLONIA



S3-HETEROMEMES



S4-LOROPETALUM



S5-MAHONIA-SOFT CARESS



S6-NANDINA DOMESTICA



S7-PITTOSPORUM



S8-RAPHIOLEPIS



T1-ARBUTUS MARINA



T2-EUCALYPTUS



T3-METROSIDROS



T4-PLATANUS ACERIFOLIA



T5-QUERCUS AGRIFOLIA



T6-CERCIS OCCIDENTALIS

Architect
SHK and Associates
P. O. Box: 7372
Fremont, CA 94537
Tel: (510) 796-9712, Fax: (510) 740-3565



Project
PROPOSED HOTEL
SPRINGHILL SUITES

Owner
HARBHJANI DADIMAL

Project location
10TH STREET AT 2ND AVE
MARIANA, CA

REVISIONS

NO. DATE

DRAWINGS ISSUED FOR:

FOR REVIEW

OCTOBER 2014

LANDSCAPE
PLANTS

PROJ. NO.:
13-1030

DATE:
OCT 2013

SHEET NUMBER

A8

APPLICANT INFORMATION

PROJECT APNS: 031-251-046 & 031-251-047
 DEVELOPER: PENINSULA HOTELS GROUP, LLP.
 HARBHAIJAN DADWAL, PRESIDENT
 1534 FREMONT BOULEVARD, SUITE D
 SEASIDE, CA 93955
 (831) 224-9191
 OWNER: MARINA COMMUNITY PARTNERS, LLC.
 SHEA PROPERTIES
 JEFF MELROSE, VICE PRESIDENT DEVELOPMENT
 2630 SHEA CENTER DRIVE
 LIVERMORE, CA 94551
 (925) 245-3650
 ARCHITECT: SHK AND ASSOCIATES
 SALIM KERAWALA, AIA
 P.O. BOX 7372
 FREMONT, CA 94537
 (510) 796-9712
 PROJECT ENGINEER: MONTEREY BAY ENGINEERS, INC.
 STEVEN C. WILSON, P.E. 25136
 607 CHARLES AVENUE, SUITE B
 SEASIDE, CA 93955
 (831) 899-7899

SITE PLAN

SPRINGHILL SUITES

10TH STREET

MARINA, CA 93923

PREPARED FOR

PENINSULA HOTELS GROUP, LLP.

APRIL, 2014



SURVEY NOTES

- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS.
- ELEVATIONS SHOWN ARE BASED ON NAVD-88 DATUM. BENCHMARK IS THE NGS BENCHMARK DISC GU4318 LOCATED NEAR THE 12TH STREET ENTRANCE TO FORT ORD, NOW KNOWN AS IMAIN PARKWAY. ELEVATION = 83.00'
- CONTOUR INTERVAL = 1 FOOT.
- TOPOGRAPHIC MAPPING PROVIDED BY MONTEREY BAY ENGINEERS, INC., DATED APRIL 03, 2014.
- PRIOR TO THE START OF CONSTRUCTION, A REFERENCE DATUM SHALL BE USED TO ESTABLISH INDICATED ELEVATIONS AND SHALL REMAIN IN PLACE UNDISTURBED THROUGHOUT THE ENTIRETY OF CONSTRUCTION WORK ON THIS PERMIT. THE REFERENCE STAKE SHALL BE SET BY A LICENSED SURVEYOR.
- CONTACT MONTEREY BAY ENGINEERS, INC. AT (831) 899-7899 AT LEAST 48 HOURS PRIOR TO ALL CONSTRUCTION STAKING NEEDS.

GRADING NOTES

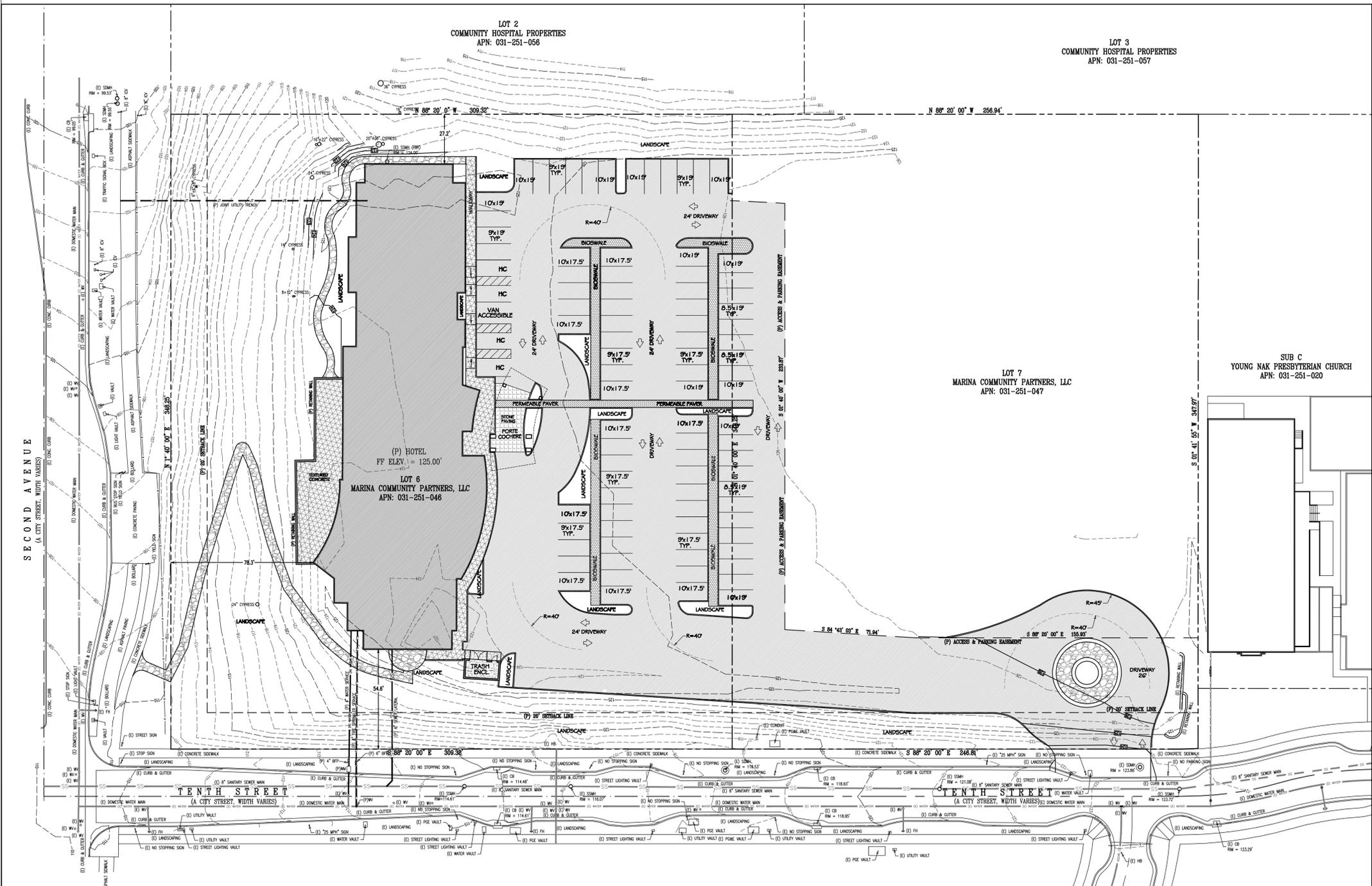
- A GEOTECHNICAL REPORT WAS PREPARED FOR THIS PROJECT BY GRICE ENGINEERING, INC. FOR THE PROPOSED SPRINGHILL SUITES DATED JULY, 2014.
- ALL GRADING WORK SHALL BE DONE IN ACCORDANCE WITH THE 2010 CBC, THE CITY OF MARINA STANDARDS & SPECIFICATIONS, AND THE GEOTECHNICAL REPORT PREPARED BY GRICE ENGINEERING (JULY, 2014).
- ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH 2010 C.B.C. STANDARDS AND THE CITY OF MARINA STANDARDS & SPECIFICATIONS, AND THE GEOTECHNICAL REPORT PREPARED BY GRICE ENGINEERING (JULY, 2014).
- ALL LOOSE SOIL TO WITHIN THREE FEET OUTSIDE THE BUILDING AREAS MUST BE SUBEXCAVATED TO THE DEPTH AS SPECIFIED BY THE GEOTECHNICAL ENGINEER, THEN BACKFILLED AND RECOMPACTED.
- ALL NEW CUT AND FILL SLOPES SHALL BE 3:1 OR FLATTER.
- THE CUT SEGMENT OF ANY BUILDING PAD LOCATED IN BOTH CUT AND FILL SHALL BE SUBEXCAVATED TO THE DEPTH SPECIFIED BY THE GEOTECHNICAL ENGINEER, BACKFILLED AND RECOMPACTED.
- ALL GRADING SHALL CONFORM TO THE LATEST CITY OF MARINA STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO THE START OF ANY WORK.
- ALL FILL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION UNDER DRIVEWAY AND PAVED AREAS, AND 90% ELSEWHERE.
- SOIL TYPE: SILTY SAND.
- ALL FILL SHOULD BE PLACED AND COMPACTED IN MAXIMUM 6" LIFTS.
- FLEXIBLE CORRUGATED PIPE SHALL NOT BE USED IN THIS PROJECT.
- ESTIMATED EARTHWORK QUANTITIES:
 CUT: 2,510 CU.YDS.
 FILL: 253 CU.YDS.
 ESTIMATED SHRINKAGE + 15%: 38 CU.YDS.
 TOTAL EXPORT: 2,219 CU.YDS.
- EXISTING TOPSOIL IN ALL AREAS TO BE GRADED SHALL BE STRIPPED AND STOCKPILED IN A LOCATION ON SITE AS DIRECTED BY OWNER. TOPSOIL FILL TO BE SPREAD A MAXIMUM OF 12" THICK (DEEP) OVER ALL AREAS NOT OCCUPIED BY PAVING OR STRUCTURES FOR FINAL LANDSCAPING.
- ALL CUTS SHALL BE USED ON SITE AS FILL MATERIAL. ON THE JOB SITE, ROCK OVER 2" INCHES IN ITS MAXIMUM DIMENSION MAY NOT BE USED IN A FILL. NO ORGANIC MATERIAL SHALL BE PERMITTED IN FILLS EXCEPT AS TOPSOIL USED FOR SURFACE PLANT GROWTH ONLY, AND WHICH DOES NOT EXCEED 12 INCHES IN DEPTH.
- ALL GRADING AROUND THE STRUCTURES SHOULD SLOPE AWAY FROM THE STRUCTURE AT 5% FOR 10' MIN.
- A COPY OF ALL COMPACTION TESTS AND FINAL GRADING REPORT SHALL BE SUBMITTED TO THE CITY PRIOR TO SCHEDULING ANY INSPECTIONS.
- A WATER TRUCK SHALL BE MAINTAINED ON SITE AS NEEDED FOR DUST CONTROL DURING CONSTRUCTION.
- THE PURPOSE OF GRADING IS FOR A NEW HOTEL.
- DUST FROM THE GRADING OPERATION MUST BE CONTROLLED. THE OWNER OR CONTRACTOR MAY BE REQUIRED TO KEEP ADEQUATE EQUIPMENT ON THE GRADING SITE TO PREVENT DUST PROBLEMS. (ORD. 2354 SECTION 118, 1979).

GRADING LEGEND

(E) --- EXISTING	FG --- FINISHED GRADE	--- EXISTING CONTOURS
(N) --- NEW	FL --- FLOWLINE	--- PROPOSED CONTOURS
AB --- AGGREGATE BASE	INV --- INVERT ELEVATION	--- (E) CHAIN LINK FENCE
AC --- ASPHALT CONCRETE	PL --- PROPERTY LINE	--- PROPOSED BUILDING
BW --- BASE OF WALL	RIM --- RIM ELEVATION	--- ASPHALT
C&G --- CURB & GUTTER	TBR --- TO BE REMOVED/RELOCATED	--- BUILDING PAD(S)
CB --- CATCH BASIN	TC --- TOP OF CURB	--- CONCRETE
CL --- CENTERLINE	TDC --- TOP OF DEPRESSED CURB	--- LANDSCAPING
CO --- CLEAN OUT	T.E. --- TRASH ENCLOSURE	
CONC. --- CONCRETE	TW --- TOP OF WALL	
D/W --- DRIVEWAY	UP --- UTILITY POLE	XX.XX' --- TOP OF CURB ELEVATION
DI --- DROP INLET	WM --- WATER METER	XX.XX' --- FLOWLINE ELEVATION
EL OR ELEV. --- ELEVATION	R --- RADIUS	
FC --- FACE OF CURB	RWL --- RAIN WATER LEADER	
FF --- FINISHED FLOOR	S --- SLOPE	

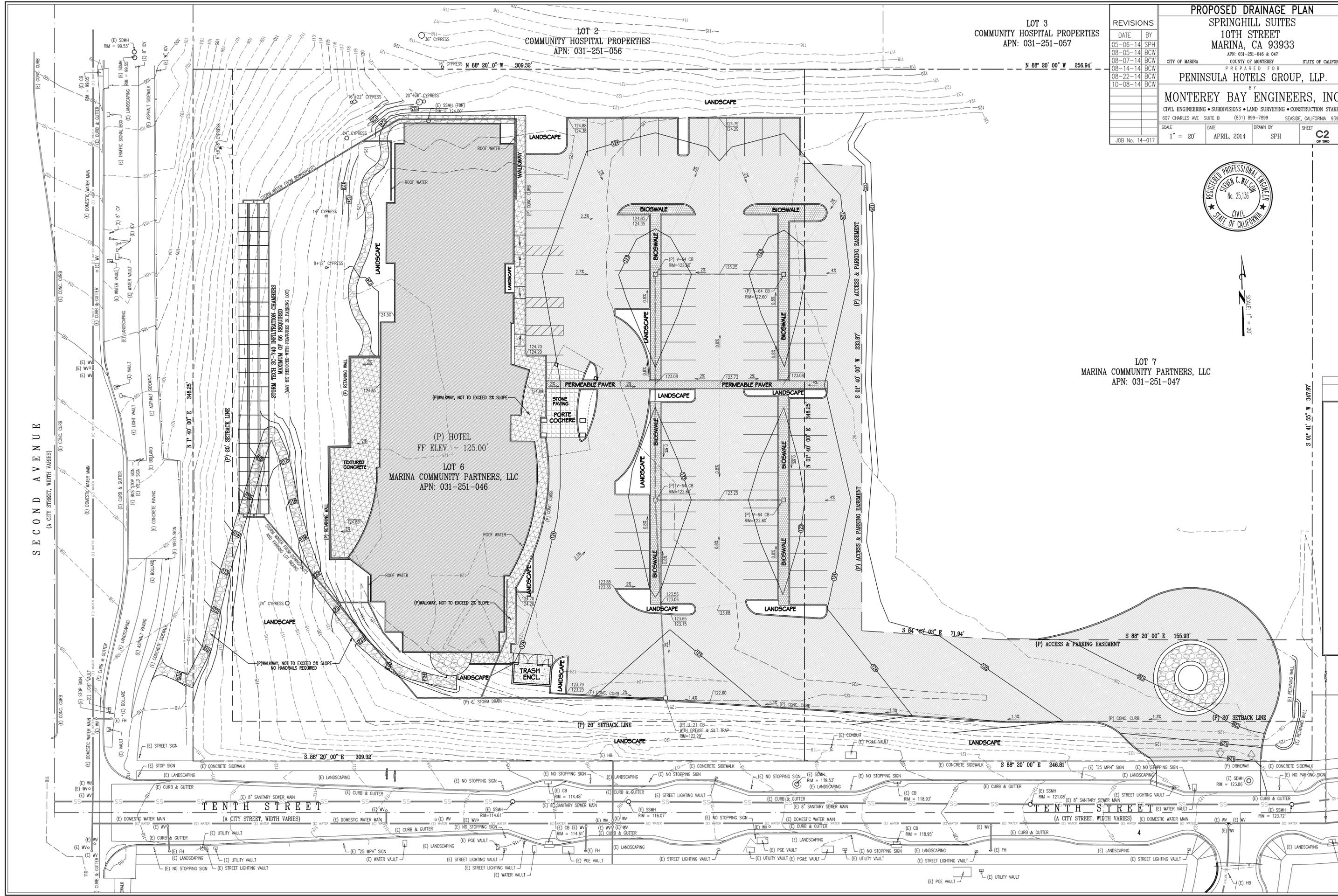
LEGEND

(E) --- EXISTING	INV --- INVERT ELEVATION	--- SD --- STORM DRAIN LINE
(N) --- NEW	LF --- LINEAR FEET	--- SS --- SEWER LINE
AB --- AGGREGATE BASE	(P) --- PROPOSED	--- W --- WATER LINE
AC --- ASPHALT CONCRETE	R --- RADIUS	--- ETCC --- JOINT UTILITY TRENCH
BFP --- BACKFLOW PREVENTER	RIM --- RIM ELEVATION	--- 4" PVC RAIN WATER LEADER
BW --- BACK OF SIDEWALK	RWL --- RAIN WATER LEADER	--- 4" PERFORATED WALL DRAIN
C&G --- CURB & GUTTER	S --- SLOPE	--- PROPOSED BUILDING
CB --- CATCH BASIN	SD --- STORM DRAIN	--- ASPHALT
CL --- CENTERLINE	SF --- SQUARE FEET	--- BUILDING PAD(S)
CO --- CLEAN OUT	TB --- THRUST BLOCK	--- CONCRETE
D/W --- DRIVEWAY	TBD --- TO BE DETERMINED	--- LANDSCAPING
DI --- DROP INLET	TBR --- TO BE REMOVED/RELOCATED	--- 100 YEAR FLOOD PLAIN
DS --- DOWN SPOUT	TC --- TOP OF CURB	--- DAYLIGHT LINE
FD --- FLOOR DRAIN	TDC --- TOP OF DEPRESSED CURB	--- EXISTING POND
FF --- FINISHED FLOOR	UP --- UTILITY POLE	--- 200' SETBACK FROM TOP OF RIVER
FG --- FINISHED GRADE	WM --- WATER METER	--- FLOOD CONTOUR
FL --- FLOWLINE	WV --- WATER VALVE	--- CARMEL RIVER FLOOD FRINGE
GB --- GRADE BREAK		



REVISIONS		DATE		BY
05-06-14	SPH			
08-05-14	BCW			
08-07-14	BCW			
08-14-14	BCW			
08-22-14	SPH			
10-08-1	BCW			

PROPOSED SITE PLAN			
SPRINGHILL SUITES			
10TH STREET			
MARINA, CA 93933			
APN: 031-251-046 & 047			
CITY OF MARINA	COUNTY OF MONTEREY		
STATE OF CALIFORNIA			
PREPARED FOR			
PENINSULA HOTELS GROUP, LLP.			
BY			
MONTEREY BAY ENGINEERS, INC.			
CIVIL ENGINEERING • SUBDIVISIONS • LAND SURVEYING • CONSTRUCTION STAKING			
607 CHARLES AVE. SUITE B (831) 899-7899 SEASIDE, CALIFORNIA 93955			
SCALE	DATE	DRAWN BY	SHEET
1" = 30'	APRIL, 2014	SPH	C1
JOB No. 14-017		OF TWO	



REVISIONS	
DATE	BY
05-06-14	SPH
08-05-14	BCW
08-07-14	BCW
08-14-14	BCW
08-22-14	BCW
10-08-14	BCW

SCALE	DATE	DRAWN BY	SHEET
1" = 20'	APRIL, 2014	SPH	C2 OF TWO

PROPOSED DRAINAGE PLAN
SPRINGHILL SUITES
10TH STREET
MARINA, CA 93933
 APN: 031-251-046 & 047
 CITY OF MARINA COUNTY OF MONTEREY STATE OF CALIFORNIA
 PREPARED FOR
PENINSULA HOTELS GROUP, LLP.
 BY
MONTEREY BAY ENGINEERS, INC.
 CIVIL ENGINEERING • SUBDIVISIONS • LAND SURVEYING • CONSTRUCTION STAKING
 607 CHARLES AVE SUITE B (831) 899-7899 SEASIDE, CALIFORNIA 93955

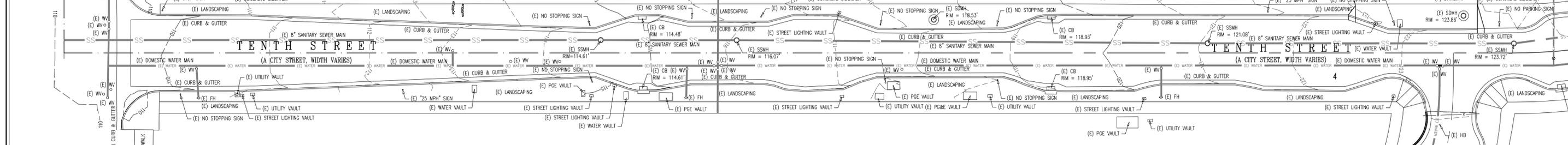


LOT 7
MARINA COMMUNITY PARTNERS, LLC
 APN: 031-251-047

SECOND AVENUE
 (A CITY STREET, WIDTH VARIES)

TENTH STREET
 (A CITY STREET, WIDTH VARIES)

TENTH STREET
 (A CITY STREET, WIDTH VARIES)



LOT 6
MARINA COMMUNITY PARTNERS, LLC
 APN: 031-251-046

LOT 3
COMMUNITY HOSPITAL PROPERTIES
 APN: 031-251-057

LOT 2
COMMUNITY HOSPITAL PROPERTIES
 APN: 031-251-056

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The California Department of Alcoholic Beverage Control should be queried for the most current information on ABC licenses.

Map Projection: California State Plane Zone IV, NAD 83 (Feet)

Sources: City of Marina GIS, California Department of Alcoholic Beverage Control (2014), and U.S. Census Bureau (2010)

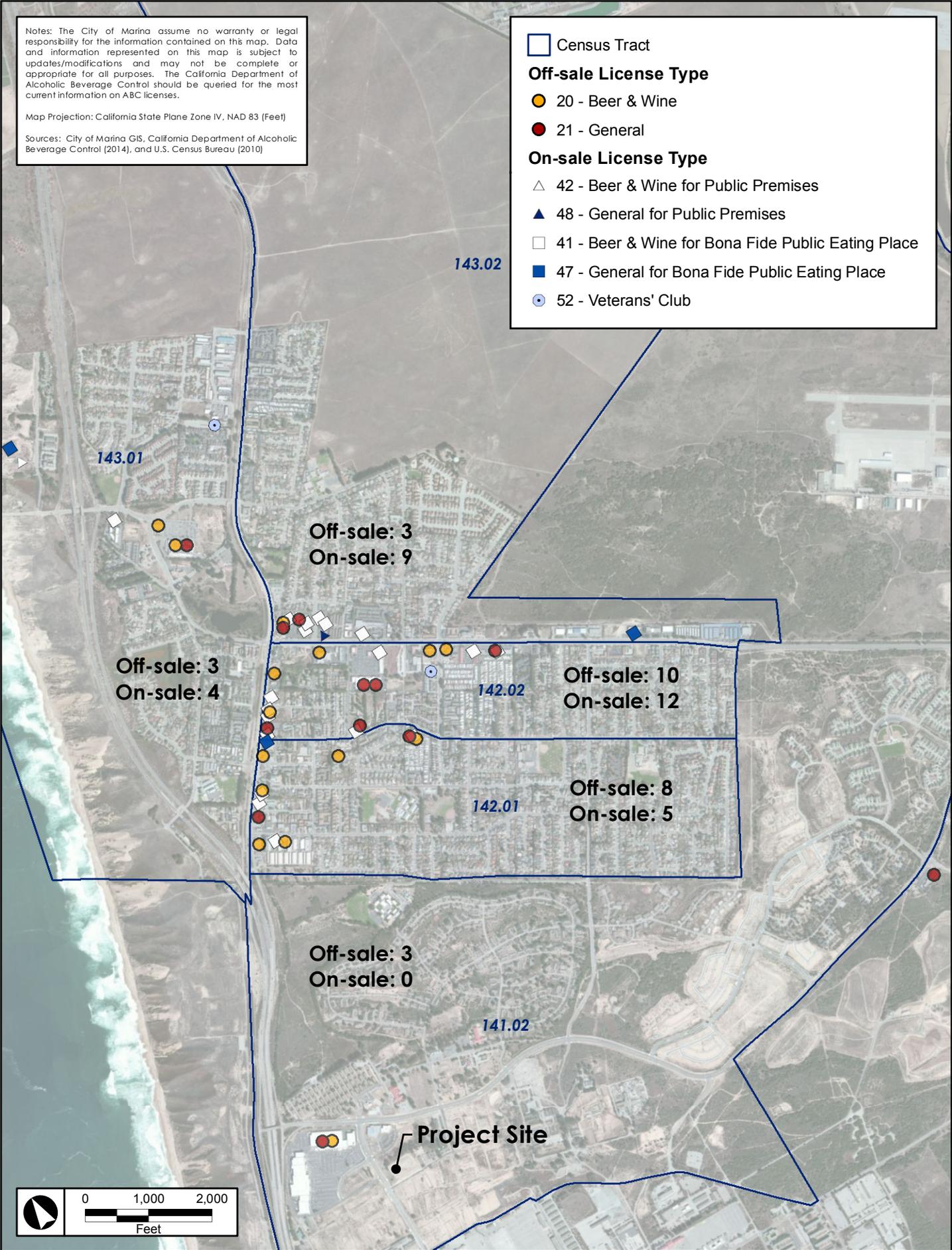
Census Tract

Off-sale License Type

- 20 - Beer & Wine
- 21 - General

On-sale License Type

- △ 42 - Beer & Wine for Public Premises
- ▲ 48 - General for Public Premises
- 41 - Beer & Wine for Bona Fide Public Eating Place
- 47 - General for Bona Fide Public Eating Place
- ⊙ 52 - Veterans' Club



Map prepared by Justin Meek [10/8/2014] | S:\GIS\Clean_GIS_Files\MXD\Misc\ABC_licenses_for_Marino11.mxd

ABC On- and Off-Sale Licenses by Census Tract

October 16, 2014

Item No:

Honorable Chair and Members
Of the Marina Planning Commission

Planning Commission Meeting
of October 23, 2014

REQUEST TO OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2014 - , APPROVING CONDITIONAL USE PERMIT (UP 2014-08) TO ALLOW APPLICATION FOR A TYPE 20 (OFF-SALE BEER AND WINE) ALCOHOL BEVERAGE CONTROL LIQUOR LICENSE FOR THE ±1,200 SQUARE-FOOT CONVENIENCE STORE LOCATED AT 416 RESERVATION ROAD (APN 032-152-046) IN THE RETAIL BUSINESS (C-1) ZONING DISTRICT, SUBJECT TO CONDITIONS

REQUEST:

It is requested that the Planning Commission:

1. Open a public hearing, take any testimony from the public, and;
2. Consider adopting Resolution No. 2014 - , approving Conditional Use Permit (UP 2014-08) to allow application for a Type 20 (Off-sale Beer and Wine) Alcohol Beverage Control Liquor License for the ±1,200 square-foot convenience store located at 416 Reservation Road (APN 032-152-046) in the Retail Business (C-1) Zoning District, subject to conditions.

BACKGROUND:

The subject property is located at 416 Reservation Road, southeast of its intersection with California Avenue. The site is developed with a Valero convenience store (or mini-mart) and fueling station, consisting of six gas dispensers, and a Howard Johnson 41-room motel.

At the regular meeting of November 24, 1998, the City Council granted a Project Approval Certificate for a Use Permit/Design Review Approval/Negative Declaration for the Marina Gas/Diesel/Food/Motel Project at 416 Reservation Road. Section 17.22.030 of the Marina Municipal Code (MMC) allows for “motels” and “service stations” in the C-1 Zoning District, subject to first securing a use permit.

At the regular meeting of January 9, 2007, the City Council adopted Ordinance 2007-02, amending the Marina Municipal Code (MMC) Chapter 17.06 General Zoning Regulations to require a use permit for off-sale liquor sales.

On June 13, 2014, HNS Hospitality, LLC filed an application with the California Department of Alcohol Beverage Control (ABC) for a Type 20 liquor license for the sale of beer and wine for consumption off the premises where sold at the ±1,200 square-foot Valero convenience store located at 416 Reservation Road. The application involves a transfer of an existing Type 20 liquor license to the subject site. Pursuant to MMC Section 17.06.020(A), no establishment or business where alcoholic beverages are sold for off-sale consumption shall be established unless a use permit is secured.

On August 29, 2014, Ms. Sarah Wang on behalf of HNS Hospitality, LLC filed an application requesting approval of a Conditional Use Permit to support an application for a Type 20 (Off-sale Beer

and Wine) ABC License for the ±1,200 square-foot Valero convenience store located at 416 Reservation Road.

ANALYSIS:

The subject property is designated “Visitor-Serving Retail and Services” on the General Plan Land Use Map and is within the “Retail Business” (C-1) Zoning District. The Valero convenience store is a ±1,200 square-foot retail space located in the corner of the site next to the intersection of Reservation Road and California Avenue. Retail sales of beer and wine will be in a refrigeration unit (“**EXHIBIT A**”). The hours of operation for the convenience store are from 6:00 AM to 10:00 PM. Access to the site is provided off Reservation Road and California Avenue. The subject property provides 46 off-street parking spaces, including five for the convenience store.

The adjacent property on Reservation Road to the east (Marina Lodge) is developed for residential use. Office, business park and commercial service type uses are located across Reservation Road to the north. The site is bordered by multi- and single-family residential properties to the west and south. The El Rancho Shopping Center at 342-354 Reservation Road, approximately 0.25 miles west of the site, is the nearest retail business that sells alcohol beverages for off-sale consumption.

Compliance with General Plan

The primary intent of the “Visitor-Serving Retail and Services” designation is to capture a significant share of the Monterey Peninsula’s tourist-generated economic growth, and in turn promote the General Plan goal of providing a sound fiscal base for the City. The portion of the site developed as a motel is consistent with this land use designation and General Plan Policies 2.37, 2.50, and 2.51, in that it accommodates visitors to the region and enhances the City’s overall economic and fiscal base. The Valero convenience store is consistent with this visitor-serving commercial land use, as it provides for the retail shopping needs of local residents, businesses and persons employed in the City and it does not detract from the primary motel use. The project location provides ready access to transit and helps create a pedestrian-oriented community. As such, staff finds that this project is consistent with the Marina General Plan.

Compliance with Zoning Ordinance

The Retail Business District (C-1) zoning district allows for retail stores conducted within a building, including food stores. The site has an existing convenience store, which is a permitted use in the C-1 zoning district.

Conditional Use Permit Requirement and Finding of Public Convenience or Necessity

The requested Type 20 ABC Liquor License, which authorizes the sale of beer and wine for consumption off the premises where sold, is allowed subject to obtaining a Conditional Use Permit pursuant to MMC Section 17.06.020(A).

At the regular meeting of December 8, 2011, the Planning Commission raised concerns about the findings made by the ABC regarding an over-concentration of liquor licenses in the City of Marina and requested that a map showing the number and location of existing on- and off-sale licenses be provided. Staff has obtained current data for the number of active on- and off-sale liquor licenses and mapped them by Census Tract (“**EXHIBIT B**”).

According to ABC staff, the subject site is located in a census tract that has an “undue concentration” of off-sale licenses. Thus a finding of public convenience or necessity is required, pursuant to MMC Section 17.06.020(B).

CPTED Review

The Marina Police Department Crime Prevention Through Environmental Design (CPTED) Unit has reviewed the application and examined crime statistics related to the Valero convenience store and surrounding area. According to Marina Police Department staff, alcoholic-beverage-related crime in this area is minimal and crime associated with the convenience store is comparable to similar businesses in the city. As part of the CPTED review, the Marina Police Department provided conditions to ensure that the sale of beer and wine in this area would not constitute a public nuisance to the subject site and surrounding area. Implementation of conditions of approval recommended by the Marina Police Department included in the draft Resolution will address potential public nuisance issues and ensure that this use, together with similar establishments further west of the site, will not present issues potentially associated with an undue concentration of businesses selling alcoholic beverages for off-site consumption.

Environmental Review

The proposed sale of beer and wine (for off-site consumption) is within a ±1,200 square-foot convenience store. As such, the proposed project is categorically exempt from environmental review in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Class 1 – Operation, repair, maintenance, or minor alteration of existing structures or facilities with negligible expansion of use), Public Resources Code.

CONCLUSION:

The request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,

Justin Meek, ACIP
Senior Planner
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, ACIP
Community Development Director
City of Marina

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA APPROVING CONDITIONAL USE PERMIT (UP 2014-08) TO ALLOW APPLICATION FOR A TYPE 20 (OFF-SALE BEER AND WINE) ALCOHOL BEVERAGE CONTROL LIQUOR LICENSE FOR THE ±1,200 SQUARE-FOOT VALERO CONVENIENCE STORE LOCATED AT 416 RESERVATION ROAD (APN 032-152-046) IN THE RETAIL BUSINESS (C-1) ZONING DISTRICT, SUBJECT TO CONDITIONS

WHEREAS, on June 13, 2014, HNS Hospitality, LLC filed an application with the California Department of Alcohol Beverage Control (ABC) for a Type 20 liquor license for the sale of beer and wine for consumption off the premises where sold at the ±1,200 square-foot Valero convenience store located at 416 Reservation Road, and;

WHEREAS, on August 29, 2014, Ms. Sarah Wang on behalf of HNS Hospitality, LLC filed an application requesting approval of a Conditional Use Permit to support an application for a Type 20 (Off-sale Beer and Wine) ABC License for the ±1,200 square-foot Valero convenience store located at 416 Reservation Road, and;

WHEREAS, the requested Type 20 ABC Liquor License, which authorizes the sale of beer and wine for consumption off the premises where sold, is allowed subject to obtaining a Conditional Use Permit pursuant to MMC Section 17.06.020(A), and;

WHEREAS, at the regular meeting of December 8, 2011, the Planning Commission raised concerns about the findings made by the ABC regarding an over-concentration of liquor licenses in the City of Marina and requested that a map showing the number and location of existing on- and off-sale licenses be provided, and;

WHEREAS, ABC staff has identified the Census Tract within which the subject site is located as an area containing an over-concentration of off-sale liquor licenses, and;

WHEREAS, a finding of public convenience or necessity for any establishment or business where alcoholic beverages are sold for off-sale consumption within an area of undue concentration, pursuant to MMC Section 17.06.020(B), and;

WHEREAS, as part of the CPTED review, the Marina Police Department provided conditions to ensure that the sale of beer and wine in this area would not constitute a public nuisance to the subject site and surrounding area, and;

WHEREAS, on October 23, 2014, at a regularly scheduled meeting, the Planning Commission of the City of Marina conducted a duly noticed public hearing to allow Type 20 ABC Liquor License for the sale of beer and wine (for off-site consumption) in the ±1,200 square-foot Valero convenience store located at 416 Reservation Road, in the Retail Business (C-1) Zoning District (APN 032-152-046), considered all public testimony, written and oral, presented at the public hearing, received and considered the written information, and;

WHEREAS, the Planning Commission finds that the request is in the public interest and conforms with use and development policies and standards of the General Plan “Visitor-Serving Retail and Services”

land use designation and Policies 2.37, 2.50 and 2.51, and the use and development standards of the Retail Business (C-1) Zoning District, and;

WHEREAS, the proposed project is categorically exempt from environmental review in accordance with Section 15301 of the CEQA Guidelines (Class 1 – Operation, repair, maintenance, or minor alteration of existing structures or facilities with negligible expansion of use), Public Resources Code.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby approves a Conditional Use Permit UP (2014-08) to allow application for a Type 20 (Off-sale Beer and Wine) Alcohol Beverage Control Liquor License for the ±1,200 square-foot Valero convenience store located at 416 Reservation Road in the Retail Business (C-1) Zoning District (APN 032-152-046), and makes the following findings, subject to the following conditions of approval:

Findings

1. That the establishment, maintenance or operation of the proposed use applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or be detrimental or to the general welfare of the City in that the implementation of the recommended conditions of approval will address potential public nuisance issues and this use, together with similar establishments further west of the site, will not present an undue concentration of businesses selling alcoholic beverages.
2. That the sale of beer and wine at 416 Reservation Road will not occur within five hundred feet of a park or school or place of public assembly in that the nearest schools, Marina Vista Elementary and Crumpton Elementary School, are approximately 1,500 feet away from the subject site.
3. That the sale of beer and wine at 416 Reservation Road will not contribute to law enforcement problems associated with an undue concentration of off-sale licenses in the vicinity of the subject business or establishment because implementation of Marina Police Department recommended conditions of approval will address potential public nuisance issues and this use, together with similar establishments further west of the site, will not present an undue concentration of businesses selling alcoholic beverages.

Conditions of Approval

1. That all beer and wine shall be located in up to two refrigeration units not to exceed 24 square feet of shelving area of the walk-in cooler as depicted in the proposed floor plan (“**EXHIBIT A**”).

Floor Plan:

2. That no displays, shelving, or other sight barriers shall be erected or placed in a fashion that blocks or otherwise obscures the view of the area from the checkout stands.
3. That the cash register area shall be elevated to the extent possible to increase visibility inside the convenience store.
4. That product shelving shall run perpendicular to the cash register.

5. That any product shelving or freestanding refrigeration unit(s) in the center of the convenience store shall be no taller than five (5) feet.
6. That no product stacks, shelves or displays that run along the east and west walls of the convenience store shall exceed four (4) feet in height.
7. That existing four convex mirrors shall remain in place or be repositioned, as necessary, to enable view of parts of the convenience store not directly visible from the cash register area and improve visibility of refrigeration units.
8. That no freestanding refrigeration unit(s) shall be placed against the windowed exterior wall next to the entry door facing the parking lot unless refrigeration unit(s) is four (4) feet tall or shorter.
9. That any views of the rear of a built-in cooler through windows facing Reservation Road shall be obscured by spandrel glass or another appropriate glass material or window covering, as determined by the Community Development Director.
10. That the rear exterior door located on the south side of the convenience store shall be locked at all times. It is not to be used for an entrance or exit by the general public.
11. That employee gates shall be maintained on the west end of the convenience store counter. Said gates shall be shut while business is in operation.
12. That main entry doors shall be equipped with a double key locking system—i.e., inside and outside key operation.

Lighting and Window Visibility:

13. That all lighting fixtures within areas open to the general public and behind the convenience store counter shall all be illuminated during business hours and maintained.
14. That all lighting fixtures around the perimeter of the convenience store shall be operational and maintained.
15. That the any permanent non-advertisement signs in the window shall not exceed 10 percent of the window area, pursuant to MMC Section 17.59.170 (K).
16. That no signs, placards or any window covering shall cover any portion of the windows facing the parking lot except for those areas six (6) feet and above the lowest portion of the window sash and below four (4) feet above the lowest portion of the window sash.

Security:

17. That a full audio and visual security system shall be installed and maintained for the duration of the life of the business. Said security system shall include:
 - a) A camera shall be placed in such a manner that a person's face is clearly visible upon entry or exit of the convenience store.
 - b) A camera shall be placed in such a manner so as to clearly see the cash register and a customer and their actions while involved in a business transaction.

- c) A camera or cameras shall be placed within the convenience store that clearly shows all sections of the areas open to the general public.
 - d) A camera(s) shall be placed showing the walkway adjacent to the convenience store and the parking area adjacent to the business.
 - e) Security system shall be activated twenty-four hours a day, 365 days a year.
 - f) Recording from the security system shall be retained for thirty (30) days. An offsite recording station is preferred, but on site recording is permissible with the condition that recording equipment is hidden and locked away with access by management or other authorized person/s.
 - g) Security system must be maintained and operational with recordings that are clear and available to the Police Department upon request.
18. That an after-hours “burglar alarm” system shall be installed that includes alarm soundings for breached doors and window breakage.
19. That a safe shall be installed that allows for cash drops—i.e., a drop slot that does not allow employees access to the interior of the safe—and allows for limiting the amount of money in the register till.
20. That a silent holdup alarm shall be mounted adjacent to the cash register and at least one employee on duty shall be equipped with a remote silent holdup alarm that is attached to their person.
21. That a peephole shall be installed on the rear door of the convenience store that offers a 180 degree view.

Operations and Training:

22. That the hours of operation shall not change. They shall remain 6:00 AM to 10:00 PM Monday through Sunday.
23. That all employees shall be required to attend the California Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drug (LEAD) Training and submit a Certificate of Completion to the Marina Police Department.

Indemnity:

24. That 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 Planning Commission of the City of Marina at a regular meeting duly held on the 23rd day of October 2014, by the following vote:

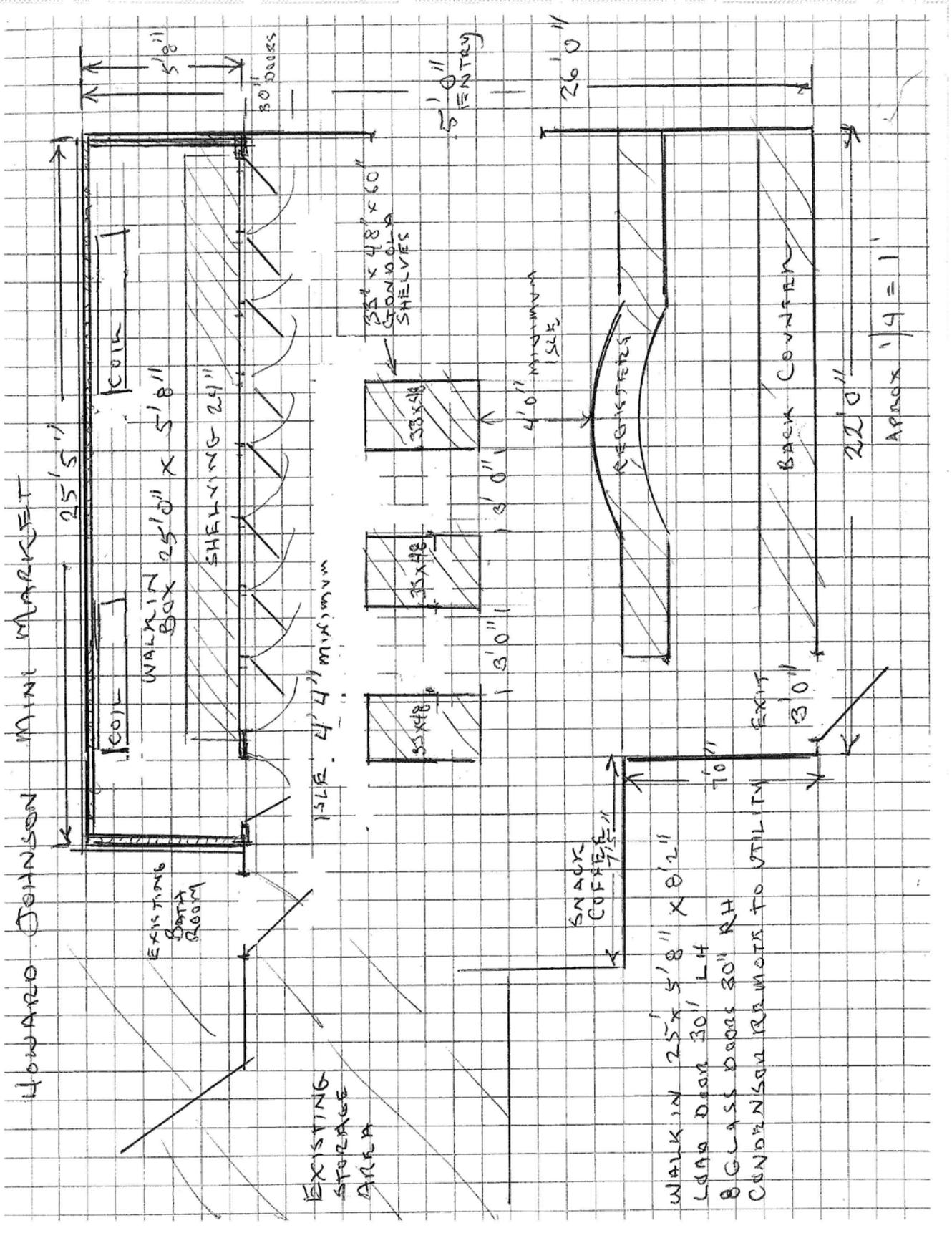
AYES, PLANNING COMMISSION MEMBERS:
NOES, PLANNING COMMISSION MEMBERS:
ABSENT, PLANNING COMMISSION MEMBERS:
ABSTAIN, PLANNING COMMISSION MEMBERS:

David Burnett, Chairperson

ATTEST:

Christine di Iorio, ACIP, Director
Community Development Department

“EXHIBIT A” TO THE STAFF REPORT
Proposed Floor Plan and Walk-in Cooler Elevation



WALK-IN COOLER

DESCRIPTION: WALK-IN COOLER
 CEILING - 4" FOAM INSULATION
 WALLS - 4" FOAM INSULATION
 FLOOR - NONE

FINISH: INTERIOR CEILING - 26 GA. ACRYLIC STUCCO GALV.
 INTERIOR WALLS - 26 GA. ACRYLIC STUCCO GALV.
 INTERIOR FLOOR - NONE
 EXPOSED EXTERIOR - 26 GA. ACRYLIC STUCCO GALV.
 UNEXPOSED EXTERIOR - 26 GA. ACRYLIC STUCCO GALV.

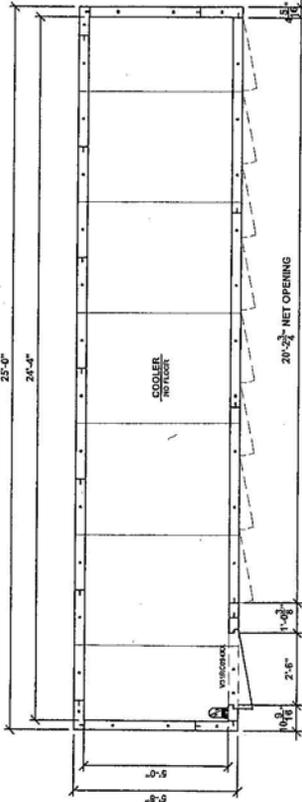
DOORS: 30" x 78" FLUSH IN-FITTING
 DOOR EXTERIOR - 26 GA. ACRYLIC STUCCO GALV.
 DOOR INTERIOR - 26 GA. ACRYLIC STUCCO GALV.

GENERAL NOTES:
 -ALL CEILING PANELS, CAPPED AT FACTORY
 -ALL ELECTRICAL & PLUMBING WORK BY OTHERS
 -ALL DIMENSIONS SUBJECT TO CHANGE UPON FIELD MEASUREMENTS

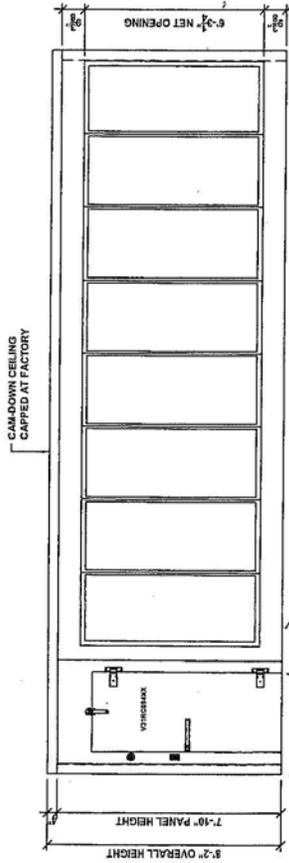
ACCESSORIES: (1) SET OF (8) 30 1/4" x 75" ANTHONY 401 GLASS DOORS
 (1) 26 WATT CFL FIXTURE w/GLOBE & BULB
 (1) 3" DIAL THERMOMETER

REFRIGERATION:

MHZD0331B: 208-230/60/1 3HP (2) LEHZ0104A: 115/60/1
 MCA: 30 MOP: 45 R/LA: 18.7 EVAPORATOR DIMENSIONS (in):
 LRA: 96.0 TD: 10 RFC: R-404A L: 46 W: 15 H: 16 WT: 71#
 REFRIGERANT LINE CONNECTIONS (in): FAN MOTOR AMPS: 1.8 TD: 10
 LIQUID: 5/8 SUCTION: 1-1/8 CONDENSER DIMENSIONS (in):
 L: 30 W: 31 H: 26 BASE: M WT: 302#

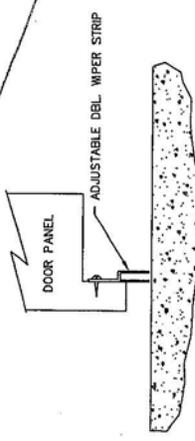


PLAN VIEW



ELEVATION

CHANGE TO HINGE LEFT
 OR AS DRAWN HINGE RIGHT



NOTE
 CHANGE DOOR TO
 LEFT HINGE

FLOORLESS TYPE DOOR DETAIL

NOT FOR CONSTRUCTION!
PRINTS FOR APPROVAL ONLY!
 THESE DRAWINGS ILLUSTRATE OUR UNDERSTANDING OF YOUR REQUESTS. THE DRAWINGS ARE SUBMITTED FOR YOUR VERIFICATION OF TYPE, QUANTITIES, SIZE, SPECIFICATION AND SUITABILITY FOR END USE.
 APPROVAL OF THESE DRAWINGS CONSTITUTE APPROVAL OF "AS DRAWN BY KOOL STAR" TO YOUR REQUIREMENTS AND SPECIFICATIONS.
 PLEASE SIGN ONE COPY AND RETURN. PRODUCTION IS HELD FOR APPROVAL.

APPROVED BY: Rolf Schreiner
 (PRINT NAME) 9/3/14
 (SIGNATURE & DATE)

DESCRIPTION: WALK-IN COOLER	COMPANY: Hobart Sales & Service
PAPER: D00TE	JOB NUMBER: K5-1447
SCALE: C	DATE: 3/3/14
1/4"=1'	MB 09/03/2014
1 of 1	1 of 1

FACTORY MUTUAL RESEARCH TESTED
 FLOAMED-IN PLACE UL LISTED, CLASS 1 URETHANE FOAM INSULATION WITH
 THE FOLLOWING RATINGS WHEN TESTED IN ACCORDANCE TO ASTM E84 (UL-723)
 FLAME SPREAD LESS THAN 25
 SMOKE DENSITY LESS THAN 450
 THESE MATERIALS ARE ALSO PROTECTED UNDER COPYRIGHT LAW AND TREATIES

PROPRIETARY INFORMATION
 THIS DRAWING IS THE PROPERTY OF STANDEX INTERNATIONAL. IT CONTAINS PROPRIETARY
 INFORMATION AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF STANDEX INTERNATIONAL.
 THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF STANDEX INTERNATIONAL.
 NOTE: THESE MATERIALS ARE ALSO PROTECTED UNDER COPYRIGHT LAW AND TREATIES

NSI
 LISTED
 CONSTRUCTION

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The California Department of Alcoholic Beverage Control should be queried for the most current information on ABC licenses.

Map Projection: California State Plane Zone IV, NAD 83 (Feet)

Sources: City of Marina GIS, California Department of Alcoholic Beverage Control (2014), and U.S. Census Bureau (2010)

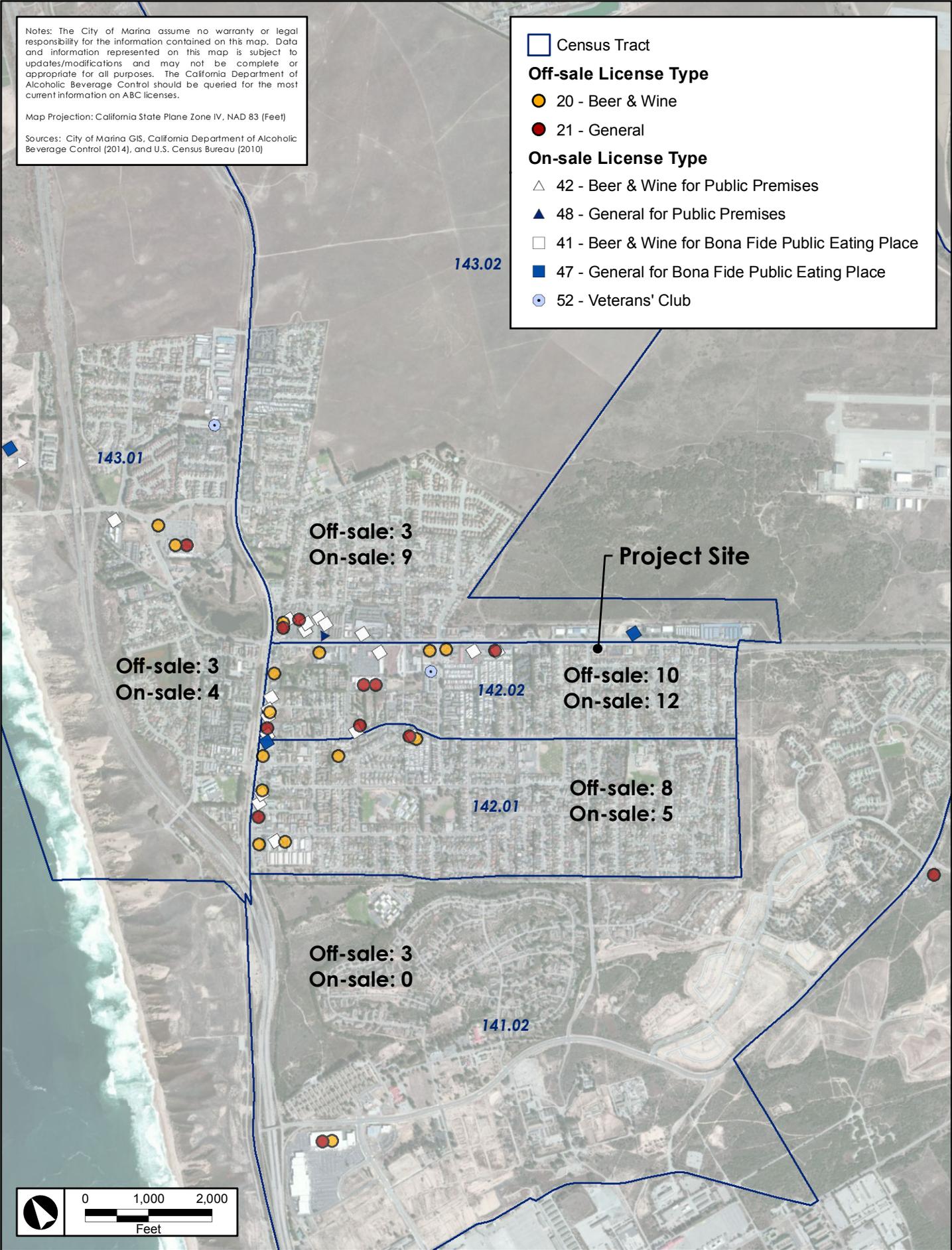
Census Tract

Off-sale License Type

- 20 - Beer & Wine
- 21 - General

On-sale License Type

- △ 42 - Beer & Wine for Public Premises
- ▲ 48 - General for Public Premises
- 41 - Beer & Wine for Bona Fide Public Eating Place
- 47 - General for Bona Fide Public Eating Place
- ⊙ 52 - Veterans' Club



Map prepared by Justin Meek (10/8/2014) | S:\GIS\Clean GIS Files\MXD\Misc\ABC licenses for 416 Reservations.mxd

EXHIBIT B ABC On- and Off-Sale Licenses by Census Tract