



CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
831-884-1220; FAX 831-884-9654
www.ci.marina.ca.us

AGENDA

Thursday, November 13, 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 August 28 and October 23, 2014 Planning Commission meetings

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 2014-03 for the Site Plan, Landscape Plan and Exterior Elevation Modifications, including a 188 square-foot expansion to the existing 1,448 square-foot building, for the site and a convenience store located at 3044 Del Monte Boulevard (APN 032-312-043), and;
 2. Resolution No. 2014- , approving Conditional Use Permit UP 2014-06 to allow for the off-sale of beer, wine and liquor in the modified convenience store, for the above-noted project site, subject to conditions.

- b. (Continued from October 23, 2014)
 1. 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 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;

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

c. (Continued from October 23, 2014)

1. 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.

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

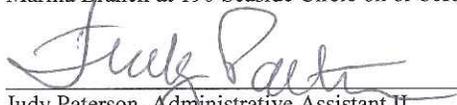
9. CORRESPONDENCE:

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, November 10, 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 7-0-0-0 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 concern that the project did not acknowledge and accommodate the trail connections prescribed in the Base Reuse Plan. While supporting the church project, she did not find that the project had been shown consistent with the Fort Ord Reuse Plan in this regard.

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



MINUTES

Thursday, October 23, 2014

6:30 P.M.

**REGULAR MEETING
PLANNING COMMISSION**

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

1. CALL TO ORDER

Chairman 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,

Members absent: Ken Turgen (excused)

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:

Commissioner Furey commented on the personal attacks by candidate supporters toward elected officials during the campaign season.

Commissioner Davis announced that the 5th Annual Veterans Day Celebration will be on Saturday, November 8 with the historical emphasis on the Viet Nam War.

Chair Burnett reminded everyone to vote on November 4.

5. CONSENT AGENDA: .

- a. Minutes for the August 28, 2014 Planning Commission meeting

Commissioner Davis noted that her comments regarding the LDS Church project were not accurately reflected in the minutes. Staff will review the video and make appropriate corrections and bring the minutes back for approval at the next meeting.

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 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.

Ms. Szymanis gave a staff report.

Commissioners asked for clarification regarding adequate parking, future landscaping and pedestrian connections.

The public hearing was opened.

Patti Bradshaw, Marina resident, suggested providing pet-friendly services. She also inquired whether the meeting rooms would be available to use by the public.

Chief Edmundo Rodriguez, Marina Police Department, expressed a concern about alcohol sales and the full bar in such close proximity to a university. He indicated the Police Department would need to assess the potential of serving underage drinkers. He requested that the decision on the use permit be delayed until they could research other cities with similar situations.

Wendy Elliott, Project Manager for The Dunes encouraged approval of the project.

Tom Bolea, Andrew Circle, commented on serving alcohol without food, and mentioned energy and water savings techniques as well as security using lighting and cameras.

Harbhajan Dadwal, project applicant, addressed the commission and responded to questions and concerns including the prevention of underage drinking, the lack of food service, the future need for additional parking, the possible use of public art.

The public hearing was closed.

Staff recommended that the commission consider approving the Site and Architectural Design Review and the consistency determination for the design review only, continue the consideration of the use permit for alcohol sales and its consistency determination at their next regular meeting on November 13, 2014. That would provide the opportunity for the Chief to conduct the research he had requested.

Commissioner Furey disclosed a conversation with Fire Chief Kelley regarding site access and the building height. Chief Kelley responded that the project met the Fire Code.

City Manager, Layne Long addressed the commission's concerns for more parking. He explained that the Dunes Specific Plan requires smaller parking lots in order to encourage the use of public transportation, biking and walking.

Commissioner Ledesma made a motion to approve the Site and Architectural Design Review with amended conditions concerning red gum eucalyptus trees in the landscape plan and provisions for using the adjacent easement for overflow parking following a 4 month review period. The motion was seconded by Commissioner Piper and passed by a 6-0-1(Turgen)-0 vote.

- 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.

Mr. Meek gave a staff report.

Following commissioner's questions and comments the public hearing was opened.

Police Chief Rodriguez addressed the commission regarding hours of operation indicating an earlier closing time greatly reduced crime. He noted the business is intended to be a convenience store rather than a liquor store.

Patti Bradshaw, Flower Circle, commented that she lives in close proximity to the store and had not experienced any problems.

Tom Bolea, Andrew Circle, expressed a concern about police activity that he had observed at the location and that he did not think gas stations selling alcohol was a good match.

Terry Bixler, co-owner of the Howard Johnson mini-mart addressed the commission. He explained the difficult and expensive process of obtaining an alcoholic beverage license in Monterey County. He commented that guests of the attached motel are driving to other stores that sell alcohol and having beer and wine sales at the mini-mart would keep them off of the road.

The public hearing was closed.

Commissioner Doherty made a motion to approve the condition use permit for the sale of beer and wine. The motion was seconded by Commissioner Furey. Commissioner Piper offered an amendment to the motion to modify Condition # 23 to substitute that owners and managers receive the required training rather than all employees. Chief Rodriguez commented that he felt it was important for all employees to receive the training. The maker of the motion, Commission Doherty, did not agree to amend his motion.

Chair Burnett re-opened the floor for public comment on the motion.

Tom Bolea, Andrew Circle, addressed the health issues of alcohol abuse and drunk driving.

Patti Bradshaw commented that perhaps employees could take the training required by the Alcoholic Beverage Control on-line while owners and managers would also take the training.

The public comment on the motion was closed.

Action was taken on the original motion to approve the conditional use permit. The motion tied by a 3-3(Burnett, Davis, Ledesma)-1(Turgen)-0 vote.

Chair Burnett made a motion to deny the conditional use permit with a finding that it would be detrimental to the community. The motion was seconded by Commissioner Ledesma and tied by a 3-3(Doherty, Furey, Piper)-1(Turgen)-0 vote.

Since no action was taken due to the tie votes, the item will be continued to the November 13, 2014 meeting.

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

9. CORRESPONDENCE:

- a. None

10. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Admin. Assistant II

DATE

Commissioners: There is no staff report for agenda item 6a:

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

1. Resolution No. 2014- , approving Site and Architectural Design Review DR 2014-03 for the Site Plan, Landscape Plan and Exterior Elevation Modifications, including a 188 square-foot expansion to the existing 1,448 square-foot building, for the site and a convenience store located at 3044 Del Monte Boulevard (APN 032-312-043), and;
2. Resolution No. 2014- , approving Conditional Use Permit UP 2014-06 to allow for the off-sale of beer, wine and liquor in the modified convenience store, for the above-noted project site, subject to conditions.

The applicants have withdrawn their application for the conditional use permit, however the item was legally advertised and must remain on the agenda in case any members of the public have attended the meeting for this item.

November 6, 2014

Item No:

Honorable Members
of the Marina Planning Commission

Planning Commission Meeting of
November 13, 2014

PLANNING COMMISSION CONSIDER ADOPTING: (1) 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 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 (2) 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 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 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;
2. 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.

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.

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.

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.

At the regular meeting of October 23, 2014, the Marina Planning Commission adopted Resolution No. 2014-08, 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, and adopted Resolution No. 2014-09, finding the above-noted project to be consistent with the Fort Ord Base Reuse Plan.

The Conditional Use Permit request was continued to the Planning Commission meeting of November 13, 2014 at 6:30 p.m.

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. 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.

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 DSP 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 without dining establishments 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.

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.

Review of the proposed hotel bar by the Police Chief has resulted in a draft Resolution conditioned to reduce the requested hours of operation from 11 A.M. to 2:00 A.M., to 11:00 A.M. to 12:00 A.M. daily.

Conditions of Approval have also been added to the draft Resolution to both prevent incidences and provide high technology surveillance to aid the Police Department should an incident occur.

CONSISTENCY WITH THE FORT ORD BASE REUSE PLAN

On May 31, 2015, 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.

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.

The proposed sale of alcoholic beverages for on-site consumption will occur within the hotel bar. As such, the issuance of the Conditional Use Permit 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).

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 AND 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, 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, 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, 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 DSP 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 without dining establishments 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, 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, and;

WHEREAS, the proposed sale of alcoholic beverages for on-site consumption will occur within the hotel bar. As such, the issuance of the Conditional Use Permit 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), and;

WHEREAS, at the regular meeting of October 23, 2014, the Marina Planning Commission adopted Resolution No. 2014-08, 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, and adopted Resolution No. 2014-09, finding the above-noted project to be consistent with the Fort Ord Base Reuse Plan, and;

WHEREAS, the Conditional Use Permit request was continued to the Planning Commission meeting of November 13, 2014 at 6:30 p.m., and;

WHEREAS, on November 13, 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 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. 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.
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 12:00 A.M. daily.
2. Room service shall not be offered for the sole purpose of delivering alcohol to the guest rooms.
3. Providing bar services at the meeting rooms for meetings and special events is permitted as long as the hours of operation listed in item 1 are followed.
4. Any special event allowing dancing will require a permit under the provisions of Chapter 5.40 of the Marina Municipal Code.
5. Static IP addressed security cameras shall be installed at all access areas to the bar area.
6. The security system shall be activated during all hours of operation of the bar.
7. 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.
8. The security system must be maintained and operational with recordings that are clear and available to the Police Department upon request.
6. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
7. 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.
8. 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.

9. This Conditional Use Permit is not transferable.
10. This Conditional Use Permit shall expire ten years from the date of issuance and subject to renewable.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 13th day of November 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 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 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, at the regular meeting of October 23, 2014, the Marina Planning Commission conducted a public hearing, provided comments and considered 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, 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 (SCH. No. 2004091167) 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") shows that 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 issuance of 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 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 is 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 13th day of November 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.

November 6, 2014

Item No:

Honorable Chair and Members
Of the Marina Planning Commission

Planning Commission Meeting
of November 13, 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.

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 allowing application for a 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. The Planning Commission neither approved nor denied the project, and therefore the item was continued to the next regularly scheduled Planning Commission meeting of November 13, 2014, at 6:30 p.m.

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.

Subsequent to the October 23, 2014, continued Planning Commission meeting, the Police Chief made minor modifications to recommended Conditions of Approval Nos. 17 and 21. The former now includes a requirement under subsection “h” that “a static internet protocol (IP) address shall be created and maintained for the security system and provided to the Police Department upon request” and the latter now states that “a peephole or exterior camera shall be installed on the rear door of the convenience store that offers a 180 degree view.”

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, AICP
Senior Planner
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 2014-08) 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 consider allowing application for a 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, and continued the item to the next regularly scheduled Planning Commission meeting of November 13, 2014, at 6:30 p.m., and;

WHEREAS, on November 13, 2014, at a regularly scheduled meeting, the Planning Commission of the City of Marina continued a duly noticed public hearing to consider allowing application for a 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.
 - h) A static internet protocol (IP) address shall be created and maintained for the security system and provided 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 or exterior camera 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 13th day of November 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

WALK-IN COOLER

DESCRIPTION: WALK-IN COOLER

FOAM THICKNESS: 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:

MHZD033IB: 208-230/60/1 3HP

MCA: 30 MOP: 45 R/LA: 18.7

LRA: 96.0 TD: 10 RFC: R-404A

LIQUID: 5/8 SUCTION: 1-1/8

CONDENSER DIMENSIONS (in):

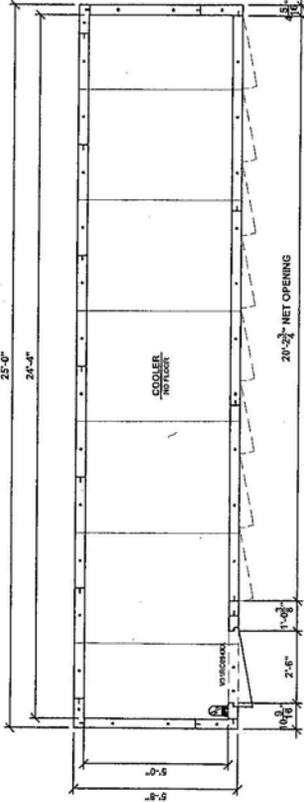
L: 30 W: 31 H: 26 BASE: M. WT. 302#

(2) LEHZ0104A: 115/60/1

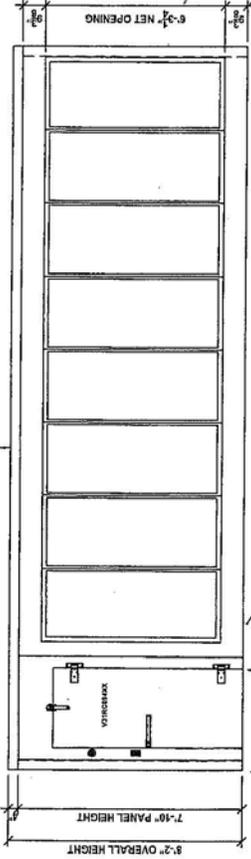
EVAPORATOR DIMENSIONS (in):

L: 46 W: 15 H: 16 WT. 71#

FAN MOTOR AMPS: 1.8 TD: 10



PLAN VIEW



ELEVATION

CHANGE TO HINGE LEFT
OR AS DRAWN HINGE RIGHT

NOTE
CHANGE DOOR TO
LEFT HINGE

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APPROVED BY: ROLFE SCHREINER
Rolfe (PRINT NAME) 9/3/14 (SIGNATURE & DATE)

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

FACTORY MUTUAL RESEARCH TESTED
FOAMED-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

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NSI LISTED CONSTRUCTION

FLOORLESS TYPE DOOR DETAIL

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)

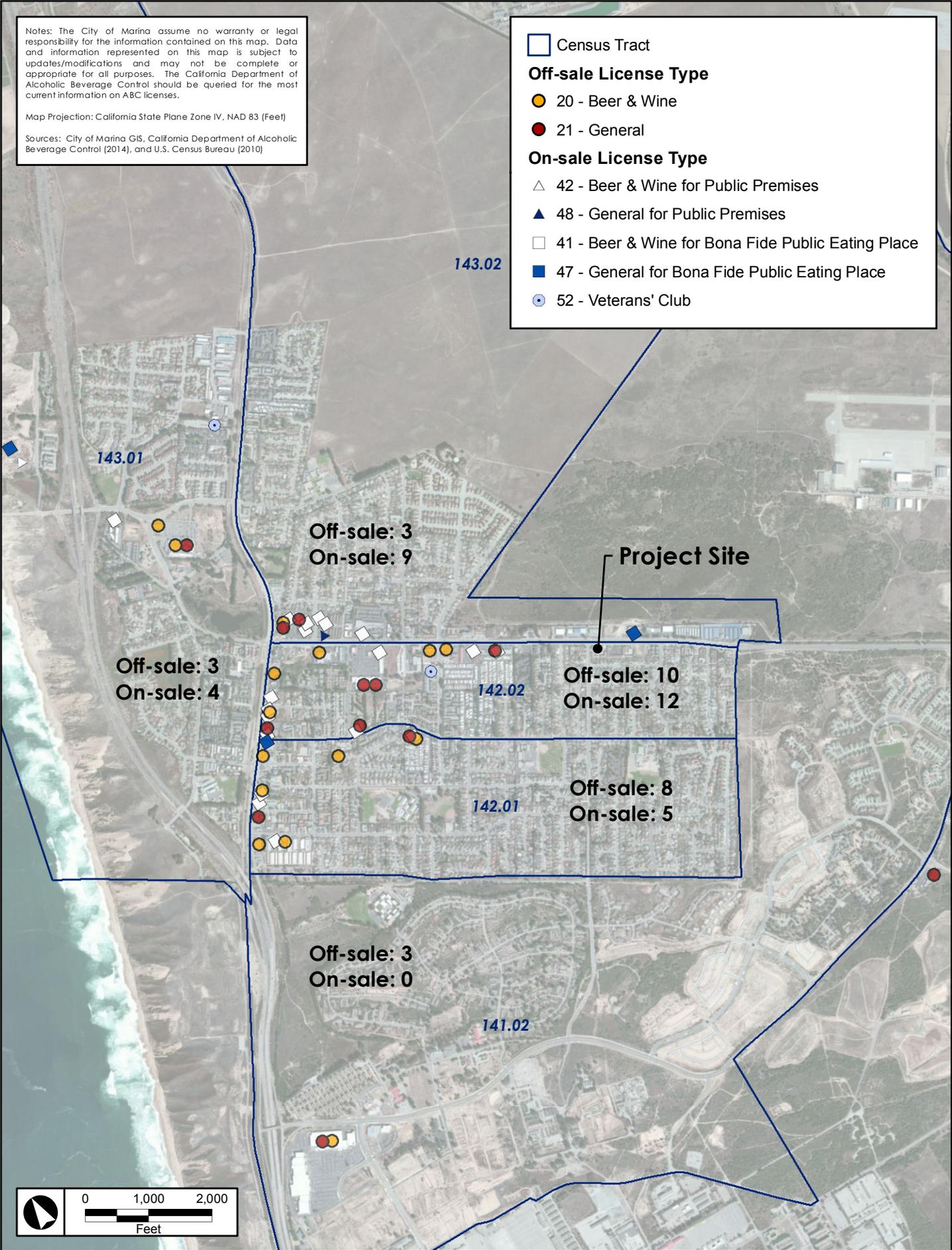
Census Tract

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