

RESOLUTION NO. 2015-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING THE PHASE 1C FINAL MAP FOR THE DUNES ON
MONTEREY BAY DEVELOPMENT PROJECT SUBDIVISION (FORMERLY
UNIVERSITY VILLAGE), AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE FINAL MAP ON BEHALF OF CITY SUBJECT TO FINAL
REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-127, certifying the Final Environmental Impact Report for the University Village Development Project; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-128, approving the General Plan Amendments, Resolution No. 2005-130, for the Specific Plan, Resolution No. 2005-131, for the Tentative Map and Resolution No. 2005-132, Design Review for the regional retail, the Village Promenade and all residential phases for the former University Village Development Project; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Ordinance No. 2005-07, approving the Zoning Ordinance amendments and Ordinance No. 2005-08, approving the Final Development Agreement; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-133, approving the Phase 1 Tree Removal Permit; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-127, certifying the Final Environmental Impact Report for the University Village Development Project; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-128, approving the General Plan Amendments, Resolution No. 2005-130, for the Specific Plan, Resolution No. 2005-131, for the Tentative Map and Resolution No. 2005-132, Design Review for the regional retail, the Village Promenade and all residential phases for the former University Village Development Project; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Ordinance No. 2005-07, approving the Zoning Ordinance amendments and Ordinance No. 2005-08, approving the Final Development Agreement; and

WHEREAS, at the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-133, approving the Phase 1 Tree Removal Permit; and

WHEREAS, at the regularly scheduled meeting of October 2, 2007, the City Council adopted Resolution No. 2007-229, approving Phase 1C Final Map for The Dunes on Monterey Bay Development Project Subdivision (Formerly University Village), and approving a Subdivision Improvement Agreement between the City of Marina & Marina Community Partners, LLC (MCP). This Map and Subdivision Improvement Agreement were never executed and recorded with the Monterey County Recorder's office; and

WHEREAS, at the regular meeting of August 5, 2008, the City Council adopted Resolution No. 2008-173, approving Public Improvement Agreement between City of Marina (City) and Marina Community Partners LLC (MCP), of Marina, California, to construct public improvements in the Dunes Phase 1C area; and

WHEREAS, at the regular meeting of October 21, 2008, the City Council adopted Resolution No. 2008-209, certifying an addendum to the Environmental Impact Report EIR SCH No. 2004091167, approving an amended tentative map and conditions of approval, revised site plan for the Dunes Phase 1B and revised Project and Tenant Sign Criteria, subject to conditions; and

WHEREAS, Shea Homes Limited Partnership (“Developer”) has submitted the Phase 1C Final Map & Street Improvement Plans to the City for review and approval. Staff has reviewed and approved the plans for construction on June 6, 2014. The Developer has also submitted a Public Improvement Agreement and will provide labor and materials and faithful performance bonds required for the recordation of the Phase 1C Final Map. It has been determined that the Phase 1C Tentative Map Conditions of Approval as amended and presented to the City Council on February 3, 2015 have been met; and

WHEREAS, the Phase 1C Final Map is for the first phase/residential for The Dunes Development Project. The Developer proposes to present in a later phase, the mixed use Village Promenade and specific neighborhood improvements such as parks and open space that comprise the remainder of Phase 1; and

WHEREAS, all required future phased final maps must meet all the appropriate conditions of approval and will be presented to City Council for consideration at a future date; and

WHEREAS, should the City Council approve this request, the City requires the developer to provide satisfactory evidence of their ability to complete the public improvements by the posting of labor and material and faithful performance subdivision improvement bonds in an amount of 100% of the City Engineer's estimate of the cost to perform the work.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby approve the Phase 1C Final Map for The Dunes on Monterey Bay Development Project Subdivision (“**EXHIBIT A**”), and authorizing the City Manager to execute the Final Map on behalf of City subject to final review and approval by the City Attorney based on the following finding:

Findings:

1. Based on substantial evidence in the record, sufficient water supplies from water allocations that have been made or may be made by the City will be available for development encompassed by this Final Map.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on the 18th day of February 2015, by the following vote:

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

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita DeAmaral, Deputy City Clerk

OWNER'S STATEMENT

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO, THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP, AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY, AND WE CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE SUBDIVISION BOUNDARY LINES; AND DO HEREBY DEDICATE TO THE CITY OF MARINA FOR PUBLIC USE, IN FEE, THOSE PORTIONS OF SAID LANDS DESIGNATED ON SAID MAP AS 10TH STREET, CANVAS WAY, LIGHTHOUSE LANE, SHOREBIRDS PLACE, BOARDWALK AVENUE, TELEGRAPH BOULEVARD AND BUNGALOW DRIVE.

PARCELS A, B, C, D, E AND F ARE "RESERVED AS PRIVATE OPEN SPACE" AND ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

THERE ALSO SHOWN ON THIS MAP AREAS OF LAND DESIGNATED AND DELINEATED AS "IEE" (PRIVATE INGRESS AND EGRESS EASEMENT) TO BE RESERVED AS PRIVATE ACCESS EASEMENTS FOR THE PRIVATE USE OF THE OWNERS OF THOSE LOTS ADJOINING EACH SUCH EASEMENT, THEIR LICENSEES, VISITORS, AND TENANTS. THESE EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION BY THE CITY OF MARINA.

THERE ARE ALSO AREAS OF LAND SHOWN ON THIS MAP DESIGNATED AND DELINEATED AS "WE" (PRIVATE WALKWAY EASEMENT). THE DESIGNATED USE AND MAINTENANCE OF THESE EASEMENTS SHALL BE AS PROVIDED BY THE PROJECT COVENANTS, CONDITIONS AND RESTRICTIONS. THESE EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION BY THE CITY OF MARINA. THERE ARE ALSO SHOWN ON THE HEREON MAP EASEMENTS FOR PRIVATE UTILITY PURPOSES DESIGNATED AND DELINEATED AS "UE" (PRIVATE UTILITY EASEMENT) FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE UTILITY FACILITIES. THESE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT LAWFUL FENCES, AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE UTILITY FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE LOT OWNERS, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF MARINA.

WE ALSO HEREBY RELINQUISH ANY AND ALL RIGHTS OF INGRESS AND EGRESS TO VEHICULAR TRAFFIC (ABUTTER'S RIGHTS) ACROSS THE LINES AS SHOWN ON HEREON MAP AND DEPICTED AS [|||||]

WE ALSO HEREBY DEDICATE FOR PUBLIC USE THOSE EASEMENTS LABELED "PUE"(PUBLIC UTILITY EASEMENT) TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF REPAIR, REPLACEMENT AND MAINTENANCE OF PUBLIC UTILITIES. SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES NOT SERVING THE PURPOSE OF THIS EASEMENT.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE THOSE EASEMENTS LABELED "SDE" (STORM DRAIN EASEMENT) FOR PUBLIC STORM DRAINAGE PURPOSES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSES OF REPAIR, REPLACEMENT AND MAINTENANCE OF STORM DRAINAGE FACILITIES. UNDERGROUND PIPING IS TO BE MAINTAINED BY THE CITY OF MARINA. SAID STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES NOT SERVING THE PURPOSE OF THE EASEMENT.

THERE ARE ALSO AREAS OF LAND SHOWN ON THIS MAP DESIGNATED AND DELINEATED AS "SYE" (SIDEYARD EASEMENT). THESE 5.00 FOOT STRIPS OF LAND, SHOWN HEREON, ARE IN FAVOR OF THE ADJACENT LOTS FOR SIDE YARD PURPOSES. THE DESIGNATED USE AND MAINTENANCE OF THESE EASEMENTS SHALL BE AS PROVIDED BY THE PROJECT COVENANTS, CONDITIONS AND RESTRICTIONS. THESE EASEMENTS ARE NOT OFFERED FOR DEDICATION BY THE CITY OF MARINA.

THE ABOVE PUBLIC USE EASEMENT DEDICATIONS SHALL INCLUDE REASONABLE RIGHT OF INGRESS & EGRESS OVER ADJOINING LANDS WITHIN THIS SUBDIVISION.

SUBDIVIDER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, IT'S CITY COUNCIL, PLANNING COMMISSION, AGENTS, OFFICERS AND EMPLOYEES FROM ANY CLAIM, ACTION OR PROCEEDING AGAINST THE CITY OR IT'S CITY COUNCIL, PLANNING COMMISSION, AGENTS, OFFICERS OR EMPLOYEES, TO ATTACK, SET ASIDE, VOID OR ANNUL AN APPROVAL OF THE CITY, CITY COUNCIL, PLANNING COMMISSION, OR OTHER BOARD, ADVISORY AGENCY OR LEGISLATIVE BODY CONCERNING THIS SUBDIVISION. CITY WILL PROMPTLY NOTIFY THE SUBDIVIDER OF ANY CLAIM, ACTION OR PROCEEDING AGAINST IT AND WILL COOPERATE FULLY IN THE DEFENSE. THIS CONDITION IS IMPOSED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66474.9.

OWNERS: SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, ITS MANAGING MEMBER

BY: _____ LAYNE MARCEAU, AUTHORIZED AGENT

BY: _____ DONALD A. HOFER, AUTHORIZED AGENT

FINAL MAP OF PHASE 1C, THE DUNES ON MONTEREY BAY - FIRST PHASE

BEING A SUBDIVISION OF LOT 10 AS SHOWN ON THE PARCEL MAP FILED IN VOLUME 22 OF PARCEL MAPS AT PAGE 106, MONTEREY COUNTY RECORDS. CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA

FEBRUARY 2015



OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA) COUNTY OF _____) ON _____, BEFORE ME, _____ PERSONALLY APPEARED, _____

WHO PROVED TO ME ON THE BASIS SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA) COUNTY OF _____) ON _____, BEFORE ME, _____ PERSONALLY APPEARED, _____

WHO PROVED TO ME ON THE BASIS SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____

TRUSTEE'S STATEMENT

FIRST AMERICAN TITLE INSURANCE COMPANY, AS TRUSTEE UNDER DEED OF TRUST RECORDED JUNE 24, 2014, AS RECORDER SERIES NO. 2014029109, OFFICIAL RECORDS OF MONTEREY COUNTY, AGAINST THE LAND SHOWN HEREON CONSENTS TO THE MAKING AND FILING OF THIS MAP.

BY: _____ NAME: _____ TITLE: _____

BENEFICIARY'S STATEMENT

WELLS FARGO BANK, A NATIONAL ASSOCIATION, SOLELY IN ITS CAPACITY AS COLLATERAL AGENT FOR THE PARI-PASSU LIEN SECURED PARTIES AS BENEFICIARY UNDER DEED OF TRUST RECORDED DECEMBER 16, 2014, AS RECORDER SERIES NO. 2014062771 OF OFFICIAL RECORDS.

BY: _____ NAME: _____ TITLE: _____

TRUSTEE'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA) COUNTY OF _____) ON _____, BEFORE ME, _____ PERSONALLY APPEARED, _____

WHO PROVED TO ME ON THE BASIS SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____

BENEFICIARY'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
 COUNTY OF _____)
 ON _____, BEFORE ME, _____
 PERSONALLY APPEARED, _____

WHO PROVED TO ME ON THE BASIS SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____

CITY ENGINEER'S STATEMENT

I, NOURDIN KHAYATA, ACTING CITY ENGINEER OF THE CITY OF MARINA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL THE PROVISIONS OF THE CALIFORNIA "SUBDIVISION MAP ACT" AS AMENDED, AND OF MARINA CITY ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF SAID TENTATIVE MAP, HAVE BEEN COMPLIED WITH.

 NOURDIN KHAYATA
 ACTING CITY ENGINEER CITY OF MARINA
 R.C.E. 52446 EXPIRATION DATE: 12-31-16



CITY SURVEYOR'S STATEMENT

I, CYRUS KIANPOUR, ACTING CITY SURVEYOR OF THE CITY OF MARINA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND IT IS TECHNICALLY CORRECT.

 CYRUS KIANPOUR
 ACTING CITY SURVEYOR, CITY OF MARINA
 L.S. 7515 EXPIRATION DATE: 12-31-15



PLANNING STATEMENT

I, THERESA SZYMANIS, ACTING COMMUNITY DEVELOPMENT DIRECTOR, CITY OF MARINA, HEREBY CERTIFY THAT THE MAP SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AS APPROVED BY THE CITY COUNCIL OF MARINA ON THE 31ST DAY OF MAY 2005, AND SUBSEQUENT AMENDMENT APPROVED OCTOBER 2, 2008.

 THERESA SZYMANIS, ACTING COMMUNITY DEVELOPMENT DIRECTOR
 CITY OF MARINA

CITY CLERK'S STATEMENT

I, ANITA SHARP, DEPUTY CITY CLERK OF THE CITY OF MARINA, HEREBY CERTIFY THAT THE CITY COUNCIL OF SAID CITY OF MARINA APPROVED THE HEREIN MAP ON THE _____ DAY OF _____, 2015 AND ACCEPTS ON BEHALF OF THE PUBLIC, IN FEE, SUBJECT TO IMPROVEMENTS, THOSE PORTIONS OF SAID LANDS DESIGNATED ON SAID MAP AS 10TH STREET, CANVAS WAY, LIGHTHOUSE LANE, SHOREBIRDS PLACE, BOARDWALK AVENUE, TELEGRAPH BOULEVARD AND BUNGALOW DRIVE OFFERED FOR DEDICATION, IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND ACCEPTS PUBLIC EASEMENTS OFFERED FOR DEDICATION.

 ANITA SHARP
 DEPUTY CITY CLERK OF MARINA

SOILS REPORT STATEMENT

A SOILS REPORT DATED JULY 1, 2005 PREPARED BY BERLOGAR GEOTECHNICAL CONSULTANTS HAS BEEN SPECIFICALLY PREPARED FOR THIS SUBDIVISION AND IS ON FILE AT THE CITY OF MARINA ENGINEERING DEPARTMENT.

SURVEYOR'S STATEMENT

I, MICHAEL E. LONG, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, AND IS BASED UPON A FIELD SURVEY MADE DURING THE MONTH OF APRIL 2014 IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AT THE REQUEST OF MARINA COMMUNITY PARTNERS, LLC. I HEREBY STATE THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2016, AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE AREA OF THIS SUBDIVISION IS 47.28 ACRES, MORE OR LESS.

 MICHAEL E. LONG DATE: _____
 P.L.S 6815
 EXPIRATION DATE: 09/30/2016



RECORDER'S STATEMENT

FILED THIS ____ DAY OF _____, 2015, _____ M IN VOLUME _____ OF CITIES AND TOWNS, AT PAGE _____ AT THE REQUEST OF FIRST AMERICAN TITLE CO.

SIGNED: _____

COUNTY RECORDER

BY: _____

DEPUTY

SERIAL NUMBER: _____ FEE: _____

FINAL MAP OF
**PHASE 1C, THE DUNES ON
 MONTEREY BAY - FIRST PHASE**
 BEING A SUBDIVISION OF LOT 10 AS SHOWN ON THE PARCEL MAP
 FILED IN VOLUME 22 OF PARCEL MAPS AT PAGE 106,
 MONTEREY COUNTY RECORDS.
 CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA



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 Pleasanton, CA 94588 Tel 925.847.1556

FEBRUARY 2015

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 JOB # 3089.002

NOTES

- ALL CURVES DIMENSIONED WITH RADIUS, DELTA, ARC LENGTH, CHORD BEARING AND CHORD LENGTH. CHORD LENGTHS MAY CONTAIN SOME ROUNDING ERROR.
- ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- DUE TO ROUNDING THE SUM OF THE INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.
- TOTAL AREA FOR THIS "PHASE 1C, THE DUNES ON MONTEREY BAY - FIRST PHASE" SUBDIVISION IS 47.28± AC. GROSS, CONSISTING OF 117 RESIDENTIAL DEVELOPMENT LOTS AND 6 PARK/OPEN SPACE LOTS AND 31.74± ACRES DESIGNATED REMAINDER.
- 5/8" REBAR CAPPED LS 6815 WILL BE SET AT ALL FRONT AND REAR LOT CORNERS, ALONG WITH ALL LOT LINE ANGLE POINTS, OR AT 1.00 FOOT PROJECTION BEHIND LOT LINES ADJACENT TO SIDEWALKS; AT 2.00 FOOT PROJECTION ALONG LOT LINES ADJACENT TO SOUNDWALLS OR 1" BRASS DISK LS 6815 AT 1.00 FOOT PROJECTION OF PROPERTY LINE ONTO THE SIDEWALK FOR FRONT CORNERS.

LEGEND

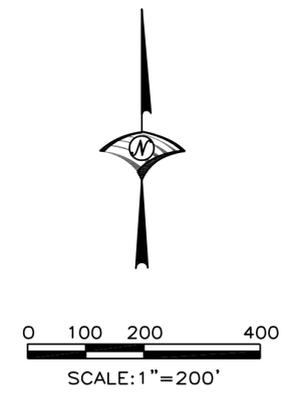
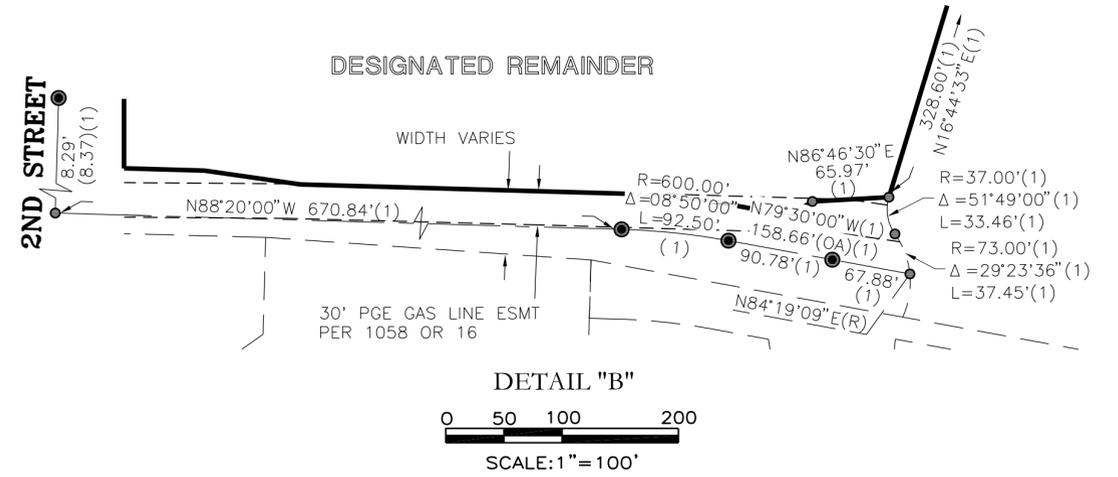
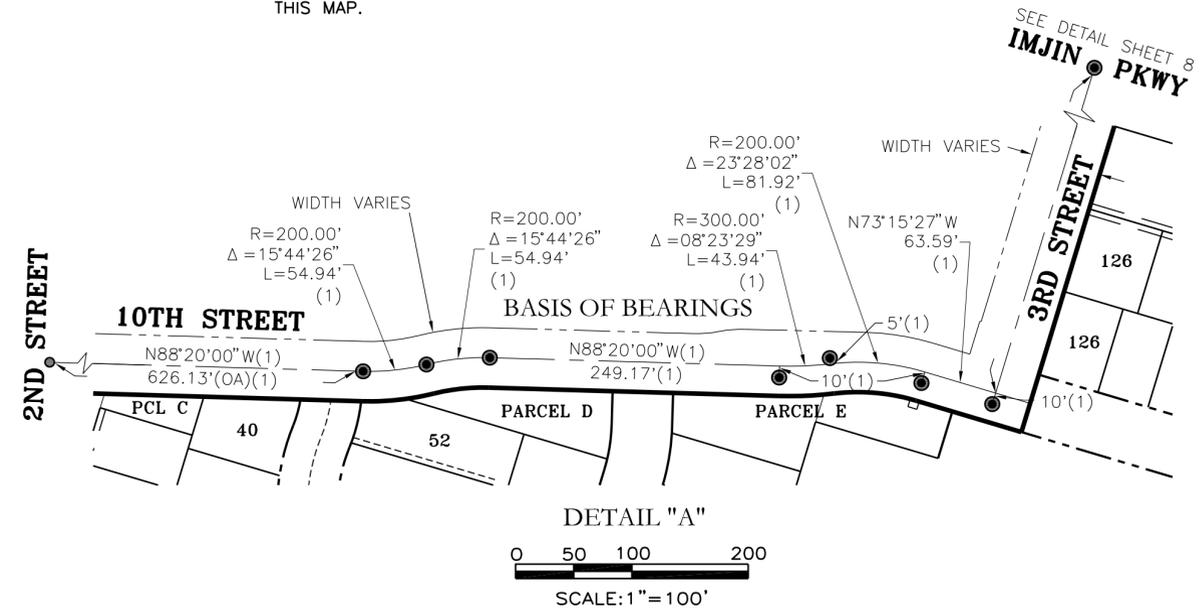
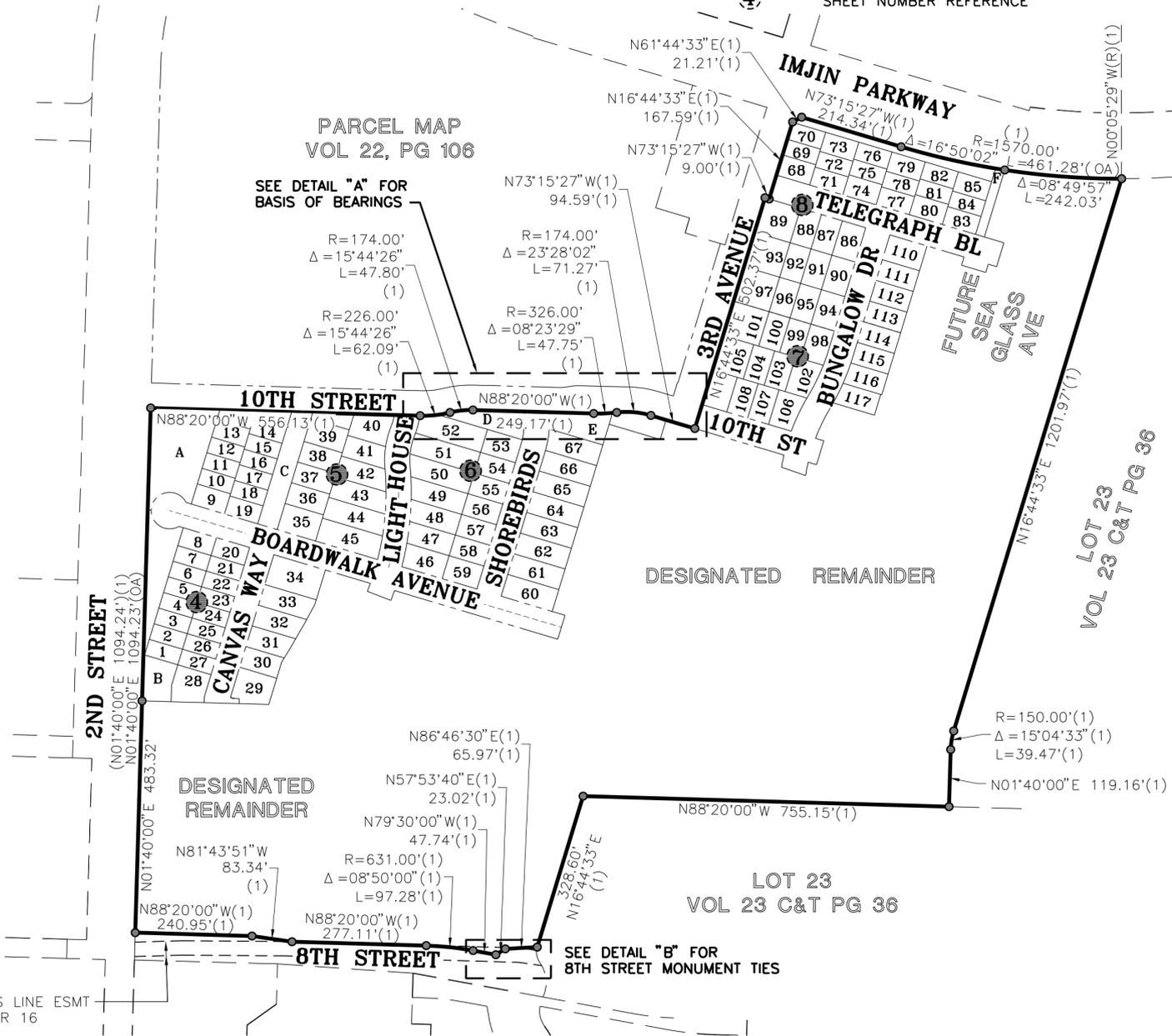
- DIMENSION POINT
- ⊙ SET STANDARD STREET WELL MONUMENT
- ⊙ FOUND STANDARD STREET WELL MONUMENT PER (1)
- AC ACRES
- ADJACENT PROPERTY LINE / EASEMENTS
- CENTERLINE
- EASEMENTS
- RIGHT-OF-WAY LINE
- ESMT EASEMENT
- IEE PRIVATE INGRESS/EGRESS EASEMENT
- IP IRON PIPE
- NTS NOT TO SCALE
- OR OFFICIAL RECORDS
- (OA) OVERALL DISTANCE
- PUE PUBLIC UTILITY EASEMENT
- (R) RADIAL BEARING
- UE PRIVATE UTILITY EASEMENT
- SDE STORM DRAIN EASEMENT
- WE WALKWAY EASEMENT
- SYE SIDEYARD EASEMENT
- (4) SHEET NUMBER REFERENCE

REFERENCES:

- (1) 22 PARCEL MAPS 106 (PARCEL MAP)

BASIS OF BEARINGS

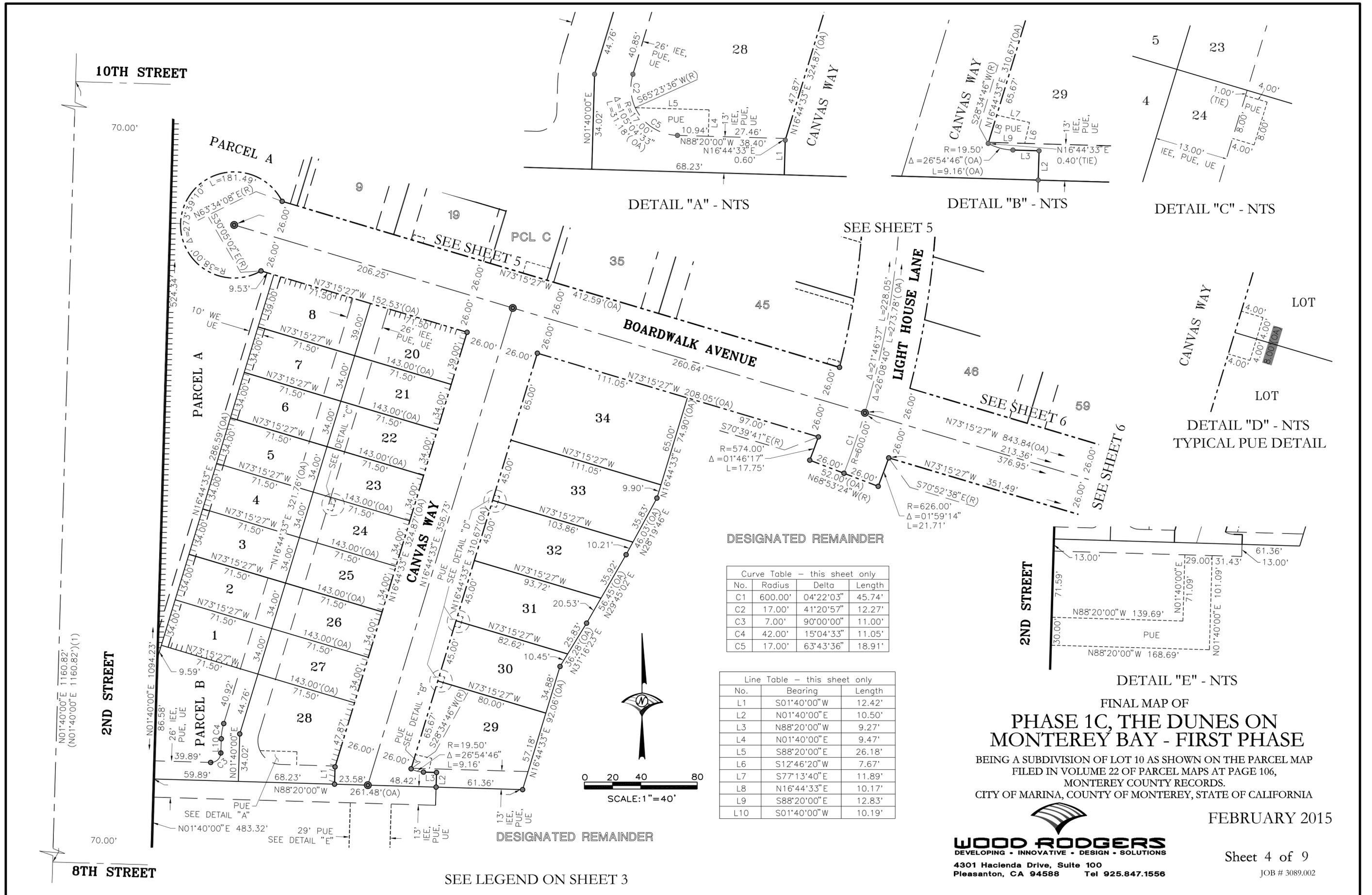
THE BEARING OF N88°20'00"W BETWEEN FOUND STREET MONUMENTS IN 10TH STREET, AS SHOWN ON THE PARCEL MAP FILED IN VOLUME 22 OF PARCEL MAPS AT PAGE 106, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.



FINAL MAP OF
PHASE 1C, THE DUNES ON MONTEREY BAY - FIRST PHASE
 BEING A SUBDIVISION OF LOT 10 AS SHOWN ON THE PARCEL MAP FILED IN VOLUME 22 OF PARCEL MAPS AT PAGE 106, MONTEREY COUNTY RECORDS.
 CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA
 FEBRUARY 2015

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DETAIL "A" - NTS

DETAIL "B" - NTS

DETAIL "C" - NTS

DETAIL "D" - NTS
TYPICAL PUE DETAIL

DETAIL "E" - NTS

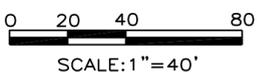
DESIGNATED REMAINDER

Curve Table - this sheet only

No.	Radius	Delta	Length
C1	600.00'	04°22'03"	45.74'
C2	17.00'	41°20'57"	12.27'
C3	7.00'	90°00'00"	11.00'
C4	42.00'	15°04'33"	11.05'
C5	17.00'	63°43'36"	18.91'

Line Table - this sheet only

No.	Bearing	Length
L1	S01°40'00"W	12.42'
L2	N01°40'00"E	10.50'
L3	N88°20'00"W	9.27'
L4	N01°40'00"E	9.47'
L5	S88°20'00"E	26.18'
L6	S12°46'20"W	7.67'
L7	S77°13'40"E	11.89'
L8	N16°44'33"E	10.17'
L9	S88°20'00"E	12.83'
L10	S01°40'00"W	10.19'



FINAL MAP OF
**PHASE 1C, THE DUNES ON
MONTEREY BAY - FIRST PHASE**

BEING A SUBDIVISION OF LOT 10 AS SHOWN ON THE PARCEL MAP
FILED IN VOLUME 22 OF PARCEL MAPS AT PAGE 106,
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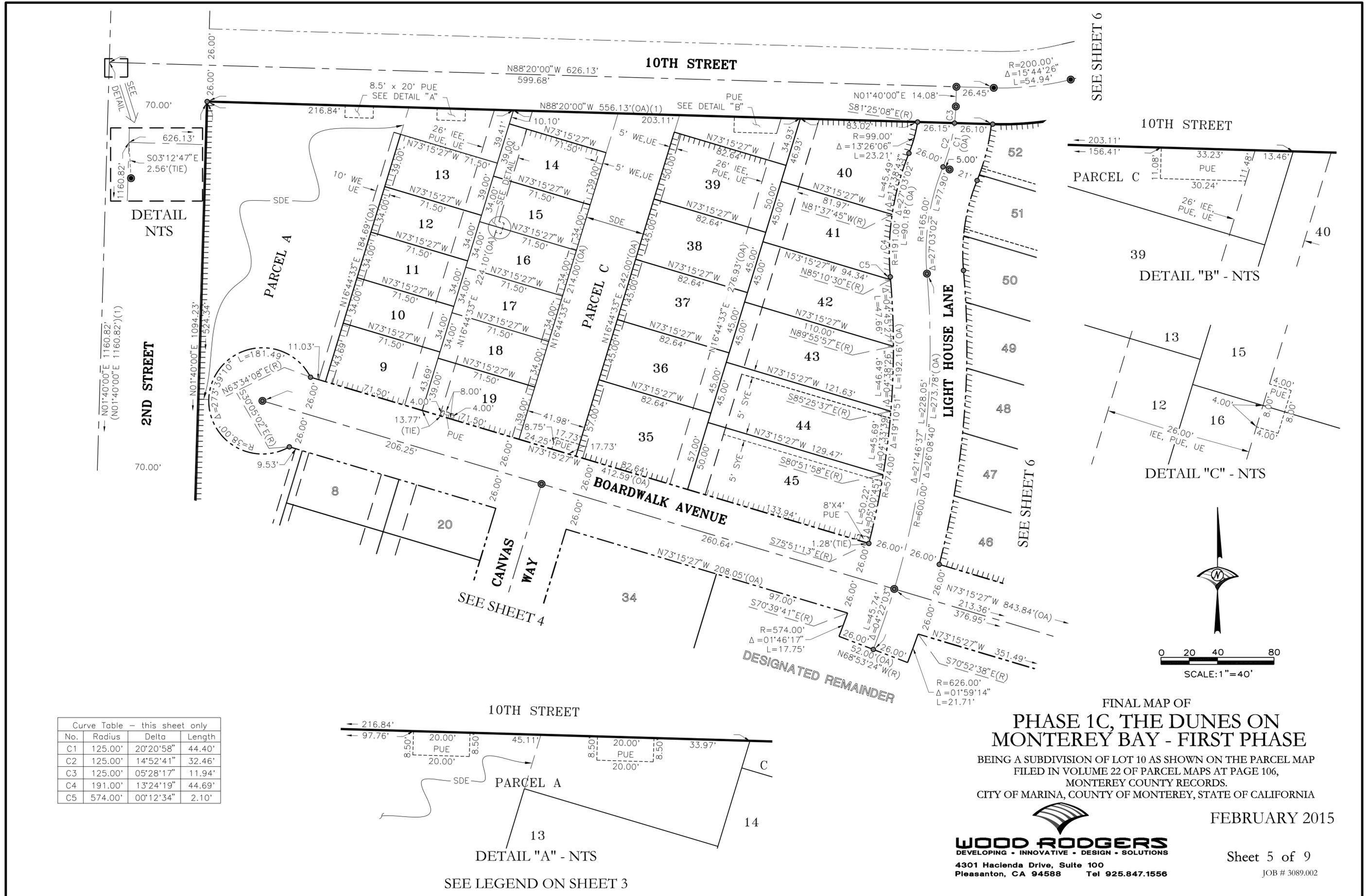
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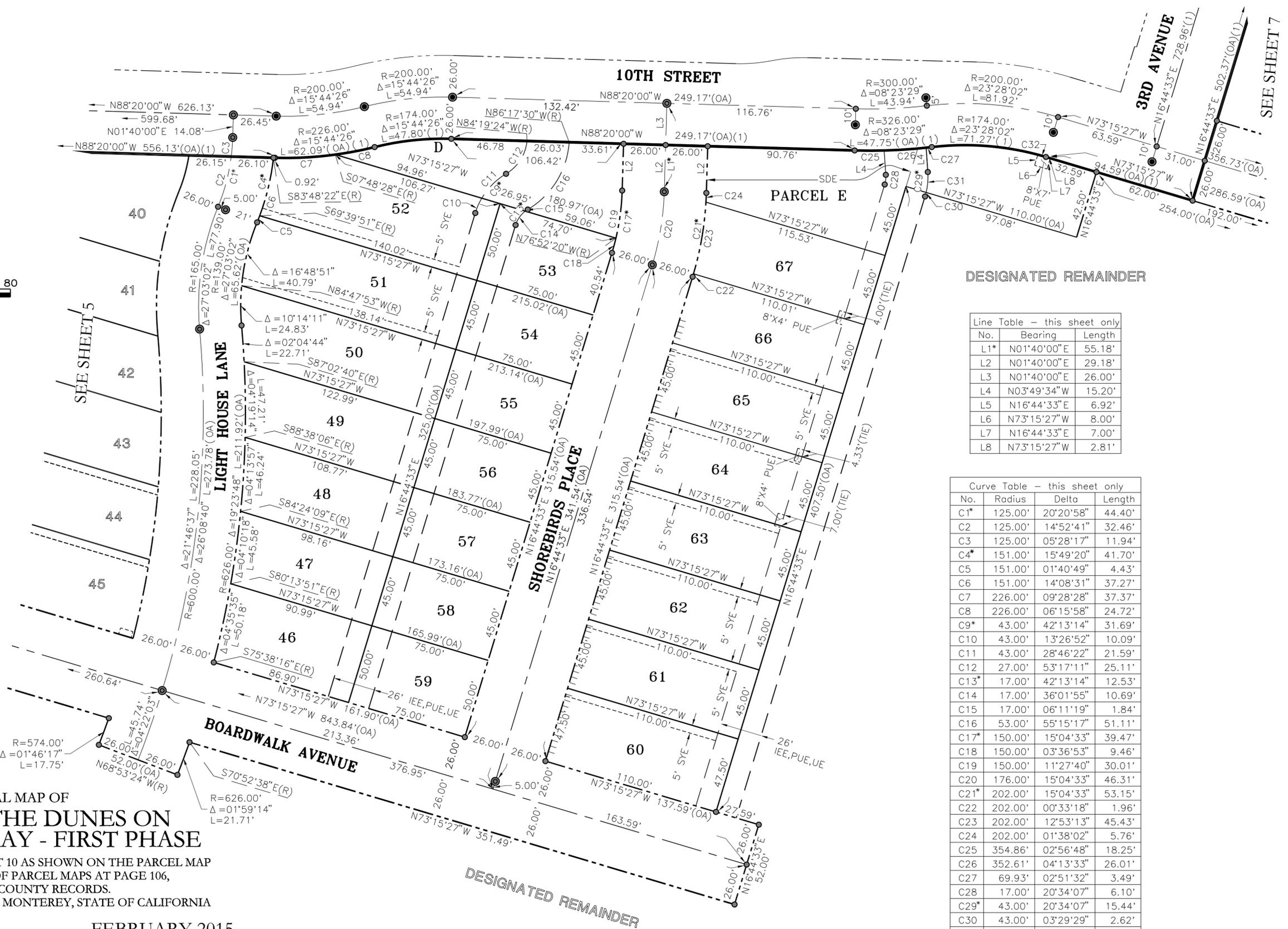
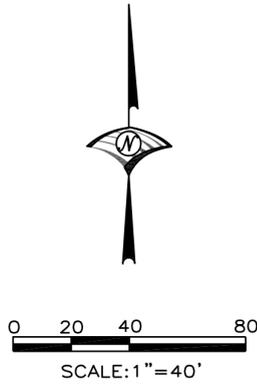
FEBRUARY 2015

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JOB # 3089.002

SEE LEGEND ON SHEET 3





DESIGNATED REMAINDER

Line Table - this sheet only

No.	Bearing	Length
L1*	N01°40'00"E	55.18'
L2	N01°40'00"E	29.18'
L3	N01°40'00"E	26.00'
L4	N03°49'34"W	15.20'
L5	N16°44'33"E	6.92'
L6	N73°15'27"W	8.00'
L7	N16°44'33"E	7.00'
L8	N73°15'27"W	2.81'

Curve Table - this sheet only

No.	Radius	Delta	Length
C1*	125.00'	20°20'58"	44.40'
C2	125.00'	14°52'41"	32.46'
C3	125.00'	05°28'17"	11.94'
C4*	151.00'	15°49'20"	41.70'
C5	151.00'	01°40'49"	4.43'
C6	151.00'	14°08'31"	37.27'
C7	226.00'	09°28'28"	37.37'
C8	226.00'	06°15'58"	24.72'
C9*	43.00'	42°13'14"	31.69'
C10	43.00'	13°26'52"	10.09'
C11	43.00'	28°46'22"	21.59'
C12	27.00'	53°17'11"	25.11'
C13*	17.00'	42°13'14"	12.53'
C14	17.00'	36°01'55"	10.69'
C15	17.00'	06°11'19"	1.84'
C16	53.00'	55°15'17"	51.11'
C17*	150.00'	15°04'33"	39.47'
C18	150.00'	03°36'53"	9.46'
C19	150.00'	11°27'40"	30.01'
C20	176.00'	15°04'33"	46.31'
C21*	202.00'	15°04'33"	53.15'
C22	202.00'	00°33'18"	1.96'
C23	202.00'	12°53'13"	45.43'
C24	202.00'	01°38'02"	5.76'
C25	354.86'	02°56'48"	18.25'
C26	352.61'	04°13'33"	26.01'
C27	69.93'	02°51'32"	3.49'
C28	17.00'	20°34'07"	6.10'
C29*	43.00'	20°34'07"	15.44'
C30	43.00'	03°29'29"	2.62'
C31	43.00'	17°04'38"	12.82'
C32	174.00'	01°42'34"	5.19'

* DENOTES AN OVERALL MEASUREMENT

FINAL MAP OF
**PHASE 1C, THE DUNES ON
 MONTEREY BAY - FIRST PHASE**
 BEING A SUBDIVISION OF LOT 10 AS SHOWN ON THE PARCEL MAP
 FILED IN VOLUME 22 OF PARCEL MAPS AT PAGE 106,
 MONTEREY COUNTY RECORDS.
 CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA



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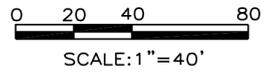
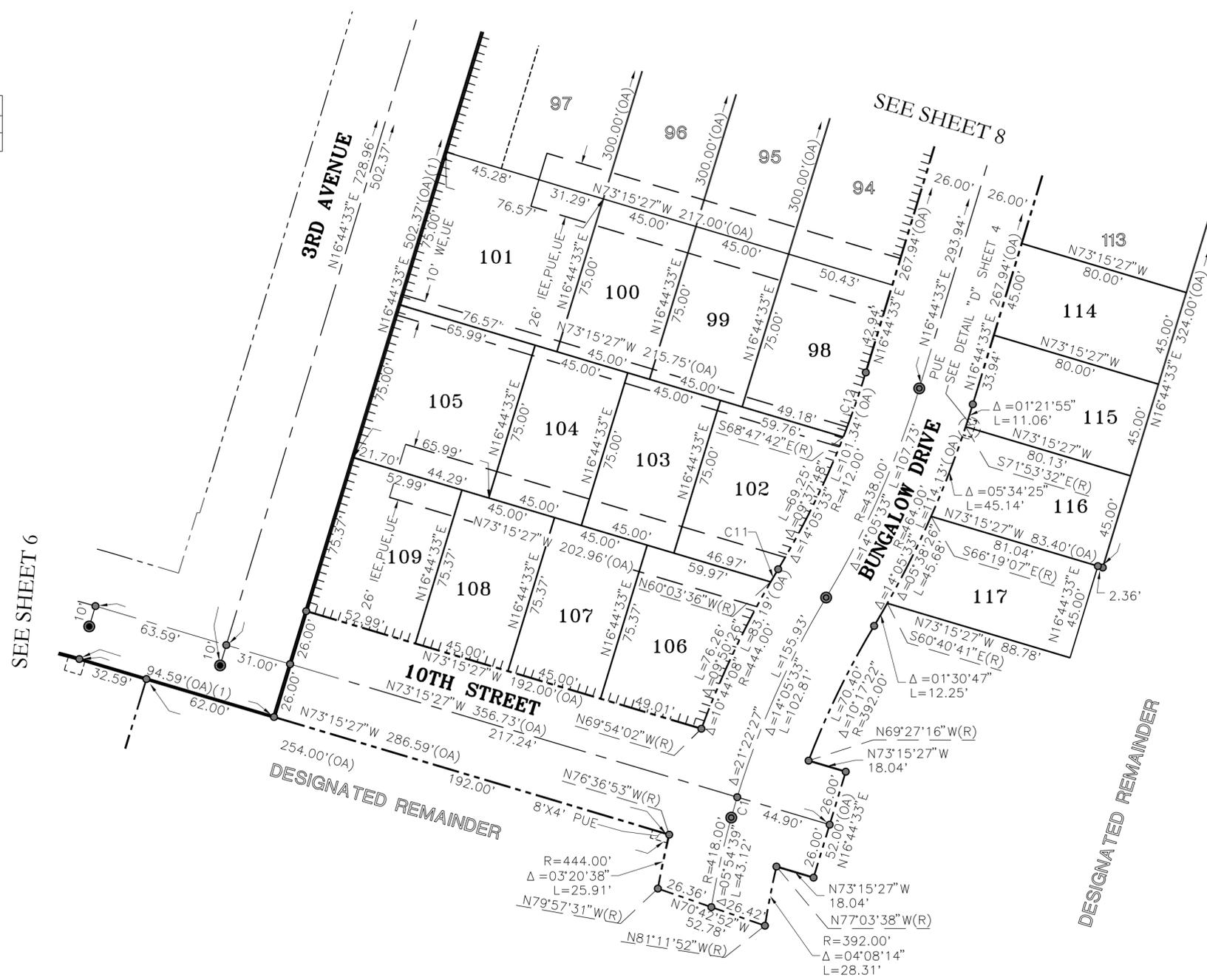
FEBRUARY 2015

Sheet 6 of 9

JOB # 3089.002

SEE LEGEND ON SHEET 3

Curve Table - this sheet only			
No.	Radius	Delta	Length
C1	418.00'	01°22'15"	10.00'



SEE LEGEND ON SHEET 3

FINAL MAP OF
**PHASE 1C, THE DUNES ON
 MONTEREY BAY - FIRST PHASE**
 BEING A SUBDIVISION OF LOT 10 AS SHOWN ON THE PARCEL MAP
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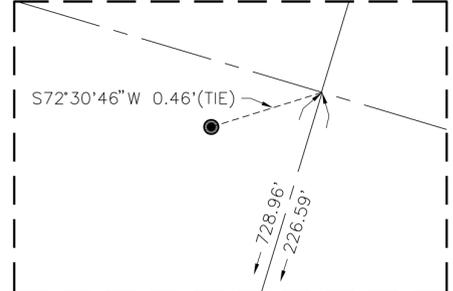
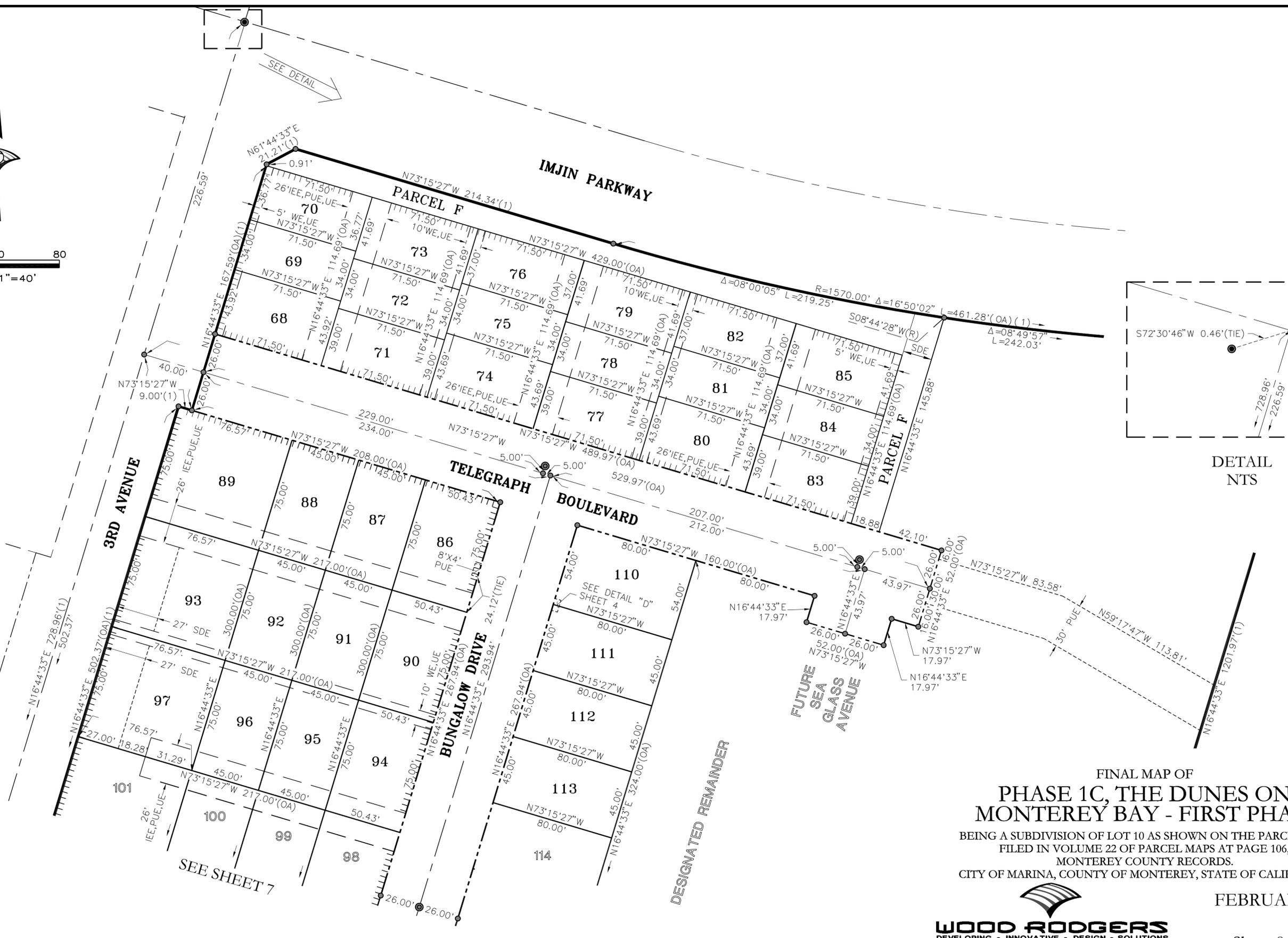
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Sheet 7 of 9
 JOB # 3089.002



0 20 40 80
SCALE: 1" = 40'



DETAIL
NTS

FINAL MAP OF
**PHASE 1C, THE DUNES ON
MONTEREY BAY - FIRST PHASE**

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Sheet 8 of 9

JOB # 3089.002

SEE LEGEND ON SHEET 3

LOT AREAS					
LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)
1	2,431	53	3,749	105	4,949
2	2,431	54	3,375	106	4,024
3	2,431	55	3,375	107	3,392
4	2,431	56	3,375	108	3,392
5	2,431	57	3,375	109	3,994
6	2,431	58	3,375	110	4,320
7	2,431	59	3,750	111	3,600
8	2,788	60	5,225	112	3,600
9	3,124	61	4,950	113	3,600
10	2,431	62	4,950	114	3,600
11	2,431	63	4,950	115	3,600
12	2,431	64	4,950	116	3,663
13	2,789	65	4,950	117	3,804
14	2,788	66	4,950		
15	2,431	67	5,036		
16	2,431	68	3,140		
17	2,431	69	2,431		
18	2,431	70	2,629		
19	2,789	71	2,789		
20	2,788	72	2,431		
21	2,431	73	2,981		
22	2,431	74	3,124		
23	2,431	75	2,431		
24	2,431	76	2,645		
25	2,431	77	2,789		
26	2,431	78	2,431		
27	2,431	79	2,981		
28	4,896	80	3,124		
29	5,219	81	2,431		
30	3,613	82	2,645		
31	3,975	83	2,789		
32	4,450	84	2,431		
33	4,871	85	2,981		
34	7,219	86	3,782		
35	4,710	87	3,375		
36	3,719	88	3,375		
37	3,719	89	5,743		
38	3,719	90	3,782		
39	4,132	91	3,375		
40	4,658	92	3,375		
41	3,923	93	5,743		
42	4,613	94	3,782		
43	5,226	95	3,375		
44	5,664	96	3,375		
45	6,604	97	5,743		
46	4,430	98	3,769		
47	4,243	99	3,375		
48	4,643	100	3,375		
49	5,201	101	5,743		
50	5,903	102	4,088		
51	6,311	103	3,375		
52	6,791	104	3,375		

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FEBRUARY 2015



Sheet 9 of 9

JOB # 3089.002

February 2, 2015

Ms. Theresa Szymanis
Planning Services Manager
City of Marina, Community Development Department
211 Hillcrest Avenue
Marina, CA 93933

Subject: Water Review – MCP Phase 1C

Dear Ms. Szymanis:

We have completed a review of the background materials provided for the proposed Project as requested by the City of Marina. This letter provides the results of our review.

Introduction:

The City of Marina (City) is currently reviewing conditions for the final Map for Phase 1C of The Dunes On Monterey Bay Project, formally the University Villages Project. The project Applicant is the Marina Community Partners (MCP) and the proposed Project is located in the Dunes Specific Plan area.

Brezack & Associates Planning, LLC, (B&AP) was requested by the City to prepare a reevaluation and letter report for the consistency of the proposed project to the Specific Plan EIR. The purpose of the consistency analysis is to determine the accuracy of the water demands of the proposed Project, based on typical unit water demand factors, and the adequacy of water supplies.

B&AP prepared this report with assistance and coordination from representatives of the City and the project Applicant.

The Marina Coast Water District (MCWD) is the water purveyor to the proposed project. MCWD has previously prepared a Water Supply Assessment and Written Verification (WSA / WV) for the Specific Plan Area (MCWD, 2005). MCWD also prepared a 2010 update to its Urban Water Management Plan (MCWD, 2010) that includes water demands for the Specific Plan area development. Staff of B&AP previously prepared water demand estimation models for the City that are used in this reevaluation.

Water Demand Analysis:

B&AP prepared a water demand estimate for the proposed Project based on information provided to the City by the Project Applicant. Water demands are separately identified for interior potable water use, and exterior use to facilitate an accounting of the potential future use of recycled water.

The proposed Project's unit and total water demands for residential land uses also references data from similar projects.

Table 1 presents an itemization of the facilities planned to be constructed in the proposed Project. The proposed Project is characterized as completely residential, small lot, subdivision.

Table 1: Proposed Project Description

Product Type	Numbers of Units	Approximate Lot Area (Square-feet)
Duets	46	2250
Small Lot Alley	43	3088
Small Lot Standard	14	3800
Large Lot Alley (Carriage)	14	4750
TOTAL	117	

The University Villages Settlement Agreement (Settlement Agreement) imposes the following requirements for the installation of facilities in residences throughout the specific plan area that maximize water conservation:

- Drought-tolerant plant materials in landscaping,
- Satellite controlled (Evapotranspiration-based) irrigation control systems,
- Tankless hot water heaters,
- Dual / Ultra low flow toilets,
- Front-loading (horizontal axis) clothes washing machines.

The Water Conservation Act of 2009 (SBx7-7) requires most urban water suppliers in California to establish baseline daily per capita water demand and water conservation targets. California’s statewide goal of reducing average per capita water demand by twenty percent by the year 2020 has been developed. California’s estimated average statewide demand in 2005 was 192 gallons per capita day (gpcd), with a conservation target of 154 gpcd for 2020. An interim statewide target of 173 gpcd was set for the year 2015.

MCWD’s baseline water demand was estimated to be 154 gpcd (MCWD 2010). The regional conservation targets are 139 gpcd for the year 2015, and 123 gpcd by the year 2020. MCWD’s service area average water demand has been at or below the regional 2020 target since 2009 (MCWD, 2010). The following table is taken from MCWDs 2010 Update to its Urban Water Management Plan and presents MCWD’s baseline, maximum and interim per capita water use targets for its service area.

Table 2: MCWD Per Capita Water use Targets.

Description	Year	Amount
Baseline Water Demand	2008	133 gpcd
Maximum Target (95% of 5-year baseline)	2020	126 gpcd
Method 3 Target (95% of Regional Target)	2020	117 gpcd
Interim Target	2015	125 gpcd

Table 3 presents the estimated water demand for the proposed Project. It is based on assumptions of water use and Best Management Practices (BMP’s) for the installation and use of water conservation facilities and practices similar to those already in use by MCWD. These assumptions result in a total estimated water demand for the proposed project of 22.5 AFY. The overall estimate for the water demand of the total project is approximately 93 gpcd, or roughly 80% of the Method 3 per capita Target used by MCWD.

Table 3: MCP Phase 1C Water Demand Estimates

Product Type	No. Units	Interior Water Demand			Exterior Water Demand							Total Exterior Demand (AFY)	Projected Unit Demand (AFY/Unit)	Total Demand (AFY)	
		People/Unit	Unit Interior Demand (AFY/Unit)	Total Interior Demand (AFY)	Lot Size (ft^2)	Lot Size (ac)	Irrigable Area (% of Lot)	Turf (% of Irrigable)	Turf Demand (AFY)	Ornamental (% of Irrigable)	Ornamental Demand (AFY)				Unit Exterior Demand
Duets	46	1.0	0.077	3.6	2250	0.05	40%	40%	0.017	60%	0.020	0.036	1.67	0.114	5.2
Small Lot Alley	43	2.0	0.155	6.6	3088	0.07	40%	30%	0.017	70%	0.032	0.049	2.10	0.203	8.7
Small Lot Standard	14	3.0	0.232	3.2	3800	0.09	40%	50%	0.035	50%	0.028	0.063	0.88	0.295	4.1
Large Lot Alley (Carriage)	14	3.0	0.232	3.2	4750	0.11	40%	60%	0.052	40%	0.028	0.080	1.12	0.312	4.4
Total	117	216.0		16.7									5.77		22.5

Baseline Conditions:

On May 17, 2005 the City passed and approved Resolution No. 2005-129 Reserving and Allocating Water Sufficient to Serve the Marina Community Partners Development. In part, the basis for that resolution is the fact that an allocation of 1325 AFY of potable water had been made by the Fort Ord Reuse Authority (FORA) to serve properties throughout the Marina-Ord area. Further, Resolution 2005-129 acknowledged that a WSA/WV had been prepared by the MCWD for the Dunes on Monterey Bay (University Villages) Specific Plan area, in compliance with various provisions of the California Water Code (CWC) (MCWD, 2005). The WSA identifies a water supply of 732 AFY for the University Villages – Ord.

A number of facts resulted in discrepancies between the total water demand estimates made by MCWD to those made by the City in their independent evaluation of the development plans made for the Specific Plan area. As a result, and in consideration of the entire record, the City’s resolution was adopted to reserve and allocate 593 AFY to serve the MCP Development. Subsequent analysis made by the MCWD for WSA/WV’s for other projects acknowledge and adopt water demand estimating procedures and incorporation of recycled water and augmentation supplies, similar to the practice used by the City.

Running Tally:

Several redevelopment projects have occurred throughout the Specific Plan Area that are the result of land transferences by the MCP to other parties. The following is a list of these redevelopments projects:

- Community Hospital of the Monterey Peninsula (CHOMP), Marina Campus,
- Veterans Administration Monterey Health Care Center,
- Springhill Suites (Marriott) Hotel Project.

The effect of redevelopment to the original water demand estimated in the Specific Plan has been the addition of approximately 75.64 AFY, Table 4. A net increase in water supply resulted from the downscaling of approved land uses from the above three projects. These projects were analyzed independently by the City and determined to each have lower water demands than was anticipated in the Specific Plan.

Table 4: Redevelopment Projects in MCP Specific Plan Area.

Project	UV/Dunes SP Demand	Approved Project	Net Effect to Dunes SP Area	Notes
UV/Dunes Specific Plan Allocation	593.00	593.00	593.00	MCWD WSA Estimate = 732 AFY; City's estimate is 593 AFY
UV/Dunes Lower Demand than estimated in the EIR				
CHOMP Marina Campus	68.20	22.34	45.86 *	
VA Monterey Health Care Center	43.16	20.70	22.46 *	
Springhill Suites (Marriott) Hotel	29.50	24.28	5.22 *	
Cinemark Theater	2.10	TBD	TBD **	
2 Restaurants	44.10	44.10	0.00	
University Villages 108 Apt Units (Completed)	13.60	13.60	0.00	
Subtotal of UV/Dunes Constructed projects	200.66	125.02	75.64	
Proposed Phase IC Development Projects	19.74	22.47	-2.73	Proposed for Approval
Balance Remaining Using City Project Allocation of 593 AFY	372.60	445.51	520.09	
Balance Remaining Using MCWD Project Allocation of 732 AFY	511.60	584.51	659.09	
* Water demand analysis has shown that the demand is less than identified in the EIR				
** Exterior demand not yet determined				

Relationship to WSAs and Written Verifications:

B&AP has reviewed the WSA / Written Verification for the Specific Plan Area as well as the related sections of the Specific Plan EIR and the University Villages Settlement Agreement. The intent of this section is to make comparisons between these documents and the Baseline Conditions and Running Tally.

Table 5 provides a summary comparison of the Baseline Conditions and Running Tally against the various information sources used to determine water supply availability and demand.

Term II.A of the Settlement Agreement stipulates that “Prior to the approval of the Final Map the applicant shall comply with the requirements of Government Code 66473.7. Government Code 66473.7 implements the requirements of SB221 that requires that certain subdivisions, generally of a size of 500 dwelling units or above, must prepare a Written Verification of a Sufficient Water Supply. In 2005 the MCWD prepared and adopted a Water Supply Assessment and Written Verification of Supply for the MCP University Villages Specific Plan Development. The MCWD concluded that a sufficient water supply did not exist, pursuant to 66473.7, however did so without consideration of future water supplies that would be available to the District (implementation of the Fort Ord Water Augmentation Project that will provide 2400 AFY of additional water as well as the implementation and use of recycled municipal wastewater). The City of Marina in Resolution 2005-129 made findings based on substantial evidence that:

- Projected water supplies will be sufficient to satisfy the demands of the project (MCP Specific Plan) in addition to existing and planned future uses,
- The Water Supply Assessment / Written Verification (WSA/WV) failed to account for additional water supplies that are or will be, available prior to completion of the MCP Development.

Table 5: Comparison of Baseline Conditions and Actual Water Use in the area of the Proposed Project

	Baseline Conditions		Running Tally	
	<p><i>“Baseline Conditions” refer to the allocation of 593 AFY of Potable Water to MCP Development water per City Resolution No. 2005-129 that makes findings of a sufficient water supply and reservation of adequate supplies for the project area.</i></p>		<p><i>“Running Tally” refers to the changes in the remaining availability of water resulting from development per plan and redevelopment of properties within the UV/Dunes Specific Plan Area.</i></p>	
Information Source	Water Supply	Water Demand	Water Supply	Water Demand
MCWD’s WSA/WV for the UV/Dunes SP Area	<p>Marina-Ord = 1175+150</p> <p>SP Area Supply = 694.</p> <p>City’s adoption of 2005-129 makes additional findings on water supply availability per Exhibit B of 2261 AFY in consideration of Augmentation Supplies and findings on lower demand estimates.</p>	<p>Total SP Demand 732 + 124 = 856.</p> <p>City’s adoption of 2005-129 makes additional findings on water demand per Exhibit B-1 of 701 AFY.</p>	<p>Lower demands from redevelopment parcels increases supply availability to remaining parcels by 73.54 AFY.</p>	<p>Redevelopment parcels approved at cumulative 73.54 AFY less than anticipated in City’s approval of the project including MCWD’s WSA/WV.</p>
City Adopted/Certified UV / Dunes Specific Plan UV/Dunes EIR	<ul style="list-style-type: none"> • UT-1 Existing water entitlements and resources are sufficient to meet the projected water demand for the Proposed Project. • Improvement Measure: UT-1.1 Implement the water conservation measures identified in the Specific Plan. 			
UV/Dunes Settlement Agreement	<ul style="list-style-type: none"> • Requires the use of water conservation BMPs consistent with WSA/WV that have been applied to all developments within the Specific Plan Area. • Acknowledges the City’s adoption of 2005-129 that allocates 593 AFY to the UV Specific Plan Area and the City’s determination of an adequate water supply for the project. • Requires the City to monitor and collect water use data for prior phases of the MCP Development for reporting to MCWD for the completion of Water Supply Verifications. The proposed project is for the construction of a variety of single family homes. To date, no similar land uses have been constructed in the MCP Development. 			

Further, the City produced a report that identified water demands estimated for the MCP Specific Plan area were 593 afy as compared to the demand estimates made by the MCWD of 732 AFY.

Individual developments within the MCP Specific Plan area have been moving forward and generally have been predicted to use less water than originally analyzed by the water purveyor. The discrepancy between demand estimates made by the water purveyor to those made by the City have been summarized in the 2010 MCWD Urban Water Management Plan update as follows:

“It has been observed that during the development process and in the preparation of water supply assessments and written verifications of supply, more sophisticated forecasts are made by disaggregating indoor and outdoor uses when the proposed land use data is sufficient to support such analyses. These assessments generally result in lower projected water demands than the general methods used in this Plan. In a long-term forecast such as provided here, the precise types of uses and plot plans that will be constructed and maintained over the long term cannot be precisely known. As development proceeds, market forces will dictate the specific land uses within non-residential zones and refined plans for residential uses will allow for more detailed consumption projections. The Urban Water Management Planning Act recognizes this fundamental nature of demand forecasting in requiring updated Urban Water Management Plans every five years. In the case of MCWD, where development in the next twenty years is expected to dramatically change the nature of the community and more than double its population and water demands, these periodic updates will be critical to MCWD’s ability to plan for future demands as they are identified.”

Water Supply Availability:

A comparison of water supply availability has been prepared based on the City’s existing water demand model. The City’s existing and anticipated future water supply and water demand forecasts have been documented in the MCWD’s 2010 Urban Water Management Plan Update, the Specific Plan EIR, and in various Water Supply Assessment and Written Verification of Water Supply Reports by MCWD. Term A.2 of the Settlement Agreement requires that the sufficiency of water supplies for the development “...shall take account of available data requiring actual water use with any prior phases of the MCP Development that have been constructed and occupied.” However, the MCWD and not the City has access to and accounting of actual water use data through their metered water sales. MCWD makes publically available a summary report of water consumption by land use jurisdiction. The latest report reviewed by the City is dated January 26, 2015. That consumption report presents aggregated water demands indicating that a range of five to eleven percent of allocated supply was used in the MCP Specific Plan Area over the past ten years. Therefore, the water demand of existing developments has not exceed the allocated water supplies. A closer comparison between water supply availability and demand is not possible as none of the existing uses are similar to those proposed in Phase IC.

Conclusion:

An adequate supply of water is available to the proposed Project based on the allocation of 593 AFY of Potable Water to the MCP Specific Plan Area per City Resolution No. 2005-129. Using the allocation of 732 AFY made by MCWD in their WSA /WV increases the availability of water for the development of the proposed project and other portions of the MCP Specific Planning Area by an additional 139 AFY. Comparison to metered water sales by MCWD identifies a range of five to eleven percent of allocated supply used in the MCP Specific Plan Area over the past ten years.

The City in its project approval process had more detailed planning level information available that facilitated its water demand estimating separately for interior and exterior uses. Further, the City obtains from proposed development projects sufficient information for making more detailed estimates than may have been possible when the WSA /WV was prepared in 2005. The MCWD’s Written Verification of Supply Availability did not consider the availability of water from the Water Augmentation Project (2,400 AFY) and the development or recycled water. The City in its Resolution 2005-129 made findings of an adequate water supply for the MCP Specific Planning Area based on the availability of future water supplies and lower water demand estimates.

January 27, 2015

Item No. **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of February 18, 2015

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2015-, APPROVING THE PHASE 1C FINAL MAP FOR THE DUNES ON MONTEREY BAY DEVELOPMENT PROJECT SUBDIVISION (FORMERLY UNIVERSITY VILLAGE), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL MAP ON BEHALF OF CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

1. Consider approving the Phase 1C Final Map for The Dunes on Monterey Bay Development Project Subdivision (“**EXHIBIT A**”), and;
2. Consider authorizing the City Manager to execute the Final Map on behalf of City subject to final review and approval by the City Attorney.

BACKGROUND:

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-127, certifying the Final Environmental Impact Report for the University Village Development Project.

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-128, approving the General Plan Amendments, Resolution No. 2005-130, for the Specific Plan, Resolution No. 2005-131, for the Tentative Map and Resolution No. 2005-132, Design Review for the regional retail, the Village Promenade and all residential phases for the former University Village Development Project.

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Ordinance No. 2005-07, approving the Zoning Ordinance amendments and Ordinance No. 2005-08, approving the Final Development Agreement.

At the regularly scheduled meeting of May 31, 2005, the City Council adopted Resolution No. 2005-133, approving the Phase 1 Tree Removal Permit.

At the regularly scheduled meeting of October 2, 2007, the City Council adopted Resolution No. 2007-229, approving Phase 1C Final Map for The Dunes on Monterey Bay Development Project Subdivision (Formerly University Village), and approving a Subdivision Improvement Agreement between the City of Marina & Marina Community Partners, LLC (MCP). This Map and Subdivision Improvement Agreement were never executed and recorded with the Monterey County Recorder’s office.

At the regular meeting of August 5, 2008, the City Council adopted Resolution No. 2008-173, approving Public Improvement Agreement between City of Marina (City) and Marina Community Partners LLC (MCP), of Marina, California, to construct public improvements in the Dunes Phase 1C area.

At the regular meeting of October 21, 2008, the City Council adopted Resolution No. 2008-209, certifying an addendum to the Environmental Impact Report EIR SCH No. 2004091167, approving an amended tentative map and conditions of approval, revised site plan for the Dunes Phase 1B and revised Project and Tenant Sign Criteria, subject to conditions.

ANALYSIS:

Shea Homes Limited Partnership (“Developer”) has submitted the Phase 1C Final Map & Street Improvement Plans to the City for review and approval. Staff has reviewed and approved the plans for construction on June 6, 2014. The Developer has also submitted a Public Improvement Agreement and will provide labor and materials and faithful performance bonds required for the recordation of the Phase 1C Final Map. It has been determined that the Phase 1C Tentative Map Conditions of Approval as amended and presented to the City Council on February 3, 2015 have been met.

A review of water supply availability to serve the Phase 1C Final Map has also been provided by Breezak & Associates Planning (February 2, 2015) (“**EXHIBIT B**”) pursuant to Section II A of the University Villages Settlement Agreement and the required finding is made in the draft Resolution.

The Phase 1C Final Map is for the first phase/residential for The Dunes Development Project. The Developer proposes to present in a later phase, the mixed use Village Promenade and specific neighborhood improvements such as parks and open space that comprise the remainder of Phase 1.

All required future phased final maps must meet all the appropriate conditions of approval and will be presented to City Council for consideration at a future date.

FISCAL IMPACT:

Should the City Council approve this request, the City requires the developer to provide satisfactory evidence of their ability to complete the public improvements by the posting of labor and material and faithful performance subdivision improvement bonds in an amount of 100% of the City Engineer's estimate of the cost to perform the work.

CONCLUSION:

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

Respectfully submitted,



Edrie Delos Santos, P.E.
Associate Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:



Electronic Signature

Theresa Szymanis, AICP CTP
Acting Director
Community Development Department
City of Marina



Electronic Signature

Layne P. Long
City Manager
City of Marina