



AGENDA

Tuesday, August 4, 2015

6:30 P.M.

**SPECIAL 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, 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 May 28, and July 23, 2015 **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. Adopting Resolution No. 2015- , recommending that City Council consider approving a text amendment to General Plan Policy 2.40, Table 2.4 and other applicable General Plan policies to allow that the minimum Floor Area Ratio (FAR) for projects within Specific Plan areas designated “Retail/Service” on the General Plan Land Use Map (Figure 2.2) may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan; and approving a map amendment to change the General Plan Land Use Map from “Multiple Use” to “Retail/Service” for a ±3.7 acre project site within the Dunes on Monterey Bay (formerly University Villages) Specific Plan area (APNs 031-282-024 through -027), and;

b Modifying Planning Commission Resolution No. 2015-02 Condition of Approval No. 2 to be consistent with the aforementioned General Plan text amendment language.

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



MINUTES

Thursday, May 28, 2015

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, Tim Ledesma, Virgil Piper, Ken Turgen, (one vacancy).

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:

Jonathan Garcia from the Fort Ord Reuse Authority provided an update of the draft Regional Urban Design Guidelines that are being prepared for the former Fort Ord area.

Commissioner Doherty announced that the Bay Belles singing group will perform at the Marina Library on June 13 from 1-3 p.m.

Commissioner Davis reported that the annual Warhorse event on May 9th at the Equestrian Center was a big success.

Commissioner Ledesma mentioned the work being done by local Boy Scout and Girl Scout troops around the city. The Boy Scouts have beautified the city's entrance monument signs while the Girl Scouts are painting public art on utility boxes.

5. CONSENT AGENDA:

- a. Minutes for the November 13, 2014 Planning Commission meeting

Commissioner Piper made a correction to the minutes regarding two conditions of approval that were eliminated from the Marriot Springhill Suites conditional use permit. No action was taken and the corrected minutes will come before the commission on a future agenda.

6. PUBLIC HEARINGS:

It is requested that the Planning Commission:

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

1. Adopting Resolution No. 2015- , recommending that City Council consider GP 2015-01, approving a text amendment to General Plan Policy 2.57 and Table 2.4 to remove the minimum Floor Area Ratio (FAR) for projects within areas designated "Multiple Use" on the General Plan Land Use Map and located within Multiple Use designated areas in existing and subsequent Specific Plans, to provide flexibility to be less than 0.25 FAR, and;
2. Resolution No. 2015- , recommending that City Council consider DR 2015-03, allowing up to ±30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay (formerly University Villages) Specific Plan area (APNs 031-282-024 through -027, formerly the northern portion of APN 031-282-012), subject to conditions.

Mr. Meek gave a staff report. He described the requests before the commission and addressed their questions and concerns including the density of the project, building orientation, pedestrian access, parking, and restrictive leases from adjacent businesses such as Best Buy and Target. He introduced the applicant, Scott Negri, who also addressed the commission's concerns.

The public hearing was opened.

Sandy Tomkins, Kohl's Department Store, spoke in support of the project.

Steve Emerson, Marina resident, addressed the economic benefits by providing jobs for students and Marina residents.

Patti Bradshaw described the need for food services in the shopping center to keep customers shopping and to offer CSUMB students a walkable destination.

Lenore Masterson supported the proposed project's design and location.

David Marsh, Carmel resident representing a potential tenant, commented on how much the food services are needed at The Dunes.

Scott Negri's Civil Engineer, Carrie Moska, and Architect, Alan Weber, addressed further concerns expressed by the commission regarding site restrictions, such as grade differential, reduced floor area ratios due to lease restrictions, and public access from 2nd Avenue.

In response to a question by Commissioner Davis to the City Manager, Mr. Long, responded that staff had worked extensively with the applicant to overcome many of the obstacles and restrictions of the site and the result of all that discussion was the project that was before them.

Chair Burnett closed the public hearing and brought the discussion back to the dais for a motion.

Commissioner Ledesma made a motion to adopt a resolution recommending that City Council consider GP 2015-01, approving a text amendment to General Plan Policy 2.57 and Table 2.4 to remove the minimum Floor Area Ratio (FAR) for projects within areas designated "Multiple Use" on the General Plan Land Use Map and located within Multiple Use designated areas in existing and subsequent Specific Plans, to provide flexibility to be less than 0.25 FAR.

Commissioner Davis expressed frustration with the project design and the lack of adherence to the Regional Urban Design Guidelines that were a result of the community's input as to what they want to see in The Dunes area. She commented on the kind of walkable, livable city that is wanted (e.g., buildings facing streets). She opined that there are other options available for the site. She indicated that she would not vote to support the project since the City's General Plan supports increasing concentration of uses and reducing sprawl.

Chair Burnett had a concern about the General Plan text amendment and the citywide impact to future development. He indicated that the text amendment to allow a FAR less than 0.25 could have long-term implications for the city's economic growth, and that for future developers to take heed that the City is looking for more intense—and not spread out—development to best utilize land within the Dunes area to ensure long-term economic development.

The motion was seconded by Commissioner Piper and passed by a 4-2 (Burnett, Davis)-0-0 vote.

Vice-Chair Turgen made a motion to adopt a resolution recommending that City Council consider DR 2015-03, allowing up to ±30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay (formerly University Villages) Specific Plan area (APNs 031-282-024 through -027, formerly the northern portion of APN 031-282-012), subject to conditions. The motion was seconded by Commissioner Piper and passed by a 5-1 (Davis)-0-0 vote.

7. OTHER ACTION ITEMS:

- a. None

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

Staff reported on:

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

Chair Burnett requested election of officers be on the next agenda as well as the reporting of completed projects in 2014.

Commissioner Ledesma asked for a future discussion of the reorganization of the Design Review Board.

- c. Ad Hoc Committee

Commissioner Doherty reported on the May 20 meeting with Commissioner Davis and Chair Burnett. They would like to place on a future Planning Commission agenda the review of site visit regulations as well as a discussion by the commission of their concerns to be addressed by staff. There was also a concern expressed that re-appointed commissioners had not been formally notified or sworn-in.

9. CORRESPONDENCE:

- a. None

10. ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Admin. Assistant II

DATE



MINUTES

Thursday, July 23, 2015

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, Tim Ledesma, Virgil Piper, Ken Turgen

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:

Mike Owen, resident and member of the Tree Committee thanked planning staff for their quick response to a concern he raised about tree protective barriers at The Dunes housing project. He also welcomed the two new commission appointees and encouraged commissioners to visit the site at The Dunes that is the subject of a Tree Removal appeal.

Chair Burnett announced that the Marina Democratic Club will be hosting a series "White like Me" on Saturday, July 25 at the library.

Commissioner Ledesma announced the Marina Labor Day Parade and Festival on Saturday, September 5.

5. CONSENT AGENDA: .

- a. Corrected Minutes for the November 13, 2014 Planning Commission meeting

Commissioner Piper made a motion to adopt the corrected minutes of November 13, 2014. The motion was seconded by Commissioner Ledesma and passed by a 4-0-0-1(Turgen) vote.

6. PUBLIC HEARINGS:

It was requested that the Planning Commission:

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

1. Adopting Resolution No. 2015- , approving Conditional Use Permit UP 2015-01, for installation of a fifty (50) foot tall wireless facility located within the “General Commercial (C-2)” Zoning District at Unit # 74, 224 Reindollar Avenue (APN 032-421-015), subject to conditions, and;

2. Approving Site and Architectural Design Review DR 2015-06, for installation of a fifty (50) foot tall wireless facility, that is concealed by branches of a simulated pine tree, and conversion of a ±600-sqsquare-foot portion of an existing storage unit to be used as the equipment area, located at Unit #74, 224 Reindollar Avenue (APN 032-421-015), subject to conditions.

Ms. Szymanis gave a staff report.

Commissioner Piper offered clarification on this item that came before the Design Review Board on June 17. He indicated that the applicant was not present at the meeting when additional conditions were applied regarding the modification of the building.

The public hearing was opened.

Trisha Knight, representing Verizon, expressed a concern about the additional conditions for building modification and fencing. She had not been able to attend the Design Review Board meeting due to a family illness and was not aware of the new conditions until very recently. She also had not had an opportunity to discuss them with the property owner.

Commissioners discussed visibility of the site from adjacent properties that will be developed in the future.

Chair Burnett offered the applicant an opportunity to continue the item until she could confer with the property owner about the modifications to the storage unit. Ms. Knight indicated she would prefer a continuance.

Chair Burnett made a motion to continue the item to the August 13 regular meeting at 6:30 p.m. The motion was seconded by Commissioner Piper and passed by a unanimous vote (5-0.)

7. OTHER ACTION ITEMS:

a. None

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

Staff and commissioners reported on:

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

9. CORRESPONDENCE:

a. None

10. ADJOURNMENT

The meeting was adjourned at 7:09 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Admin. Assistant II

DATE

July 29, 2015

Item No: 6A
b

Honorable Chair and Members
Of the Marina Planning Commission

Planning Commission Meeting
of August 4, 2015

REQUEST TO OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2015- , RECOMMENDING THAT CITY COUNCIL CONSIDER (1) APPROVING A TEXT AMENDMENT TO GENERAL PLAN POLICY 2.40, TABLE 2.4 AND OTHER APPLICABLE GENERAL PLAN POLICIES TO ALLOW THAT THE MINIMUM FLOOR AREA RATIO (FAR) FOR PROJECTS WITHIN SPECIFIC PLAN AREAS DESIGNATED “RETAIL/SERVICE” ON THE GENERAL PLAN LAND USE MAP (FIGURE 2.2) MAY BE LESS THAN 0.25 FAR, PROVIDED THAT FINDINGS ARE MADE BY THE APPROVING BODY THAT THE PROJECT IS CONSISTENT WITH GENERAL PLAN POLICIES, AND THE DEVELOPMENT STANDARDS AND DESIGN GUIDELINES OF THE SPECIFIC PLAN; AND APPROVING A MAP AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE MAP FROM “MULTIPLE USE” TO “RETAIL/SERVICE” FOR A ±3.7 ACRE PROJECT SITE WITHIN THE DUNES ON MONTEREY BAY (FORMERLY UNIVERSITY VILLAGES) SPECIFIC PLAN AREA (APNS 031-282-024 THROUGH -027), AND; (2) MODIFYING PLANNING COMMISSION RESOLUTION NO. 2015-02 CONDITION OF APPROVAL NO. 2 TO BE CONSISTENT WITH THE AFOREMENTIONED GENERAL PLAN TEXT AMENDMENT LANGUAGE

REQUEST:

It is requested that the Planning Commission:

1. Open a public hearing, take any testimony from the public, and consider:
2. Adopting Resolution No. 2015- , recommending that City Council consider approving a text amendment to General Plan Policy 2.40, Table 2.4 and other applicable General Plan policies to allow that the minimum Floor Area Ratio (FAR) for projects within Specific Plan areas designated “Retail/Service” on the General Plan Land Use Map (Figure 2.2) may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan; and approving a map amendment to change the General Plan Land Use Map from “Multiple Use” to “Retail/Service” for a ±3.7 acre project site within the Dunes on Monterey Bay (formerly University Villages) Specific Plan area (APNs 031-282-024 through -027), and;
3. Modifying Planning Commission Resolution No. 2015-02 Condition of Approval No. 2 to be consistent with the aforementioned General Plan text amendment language.

BACKGROUND:

The subject property is located within the Dunes on Monterey Bay Specific Plan area. The site is in-between the Dunes on Monterey Bay Shopping Center and the planned Village Promenade, and is bounded by 2nd Avenue to the east, General Stillwell Drive to the north and west, and an unnamed access road to the south (APNs 031-282-024 through -027, formerly the northern portion of APN 031-282-012). The site is approximately 280 feet in width and 630 feet in length on ±3.7 acres. There are several documents governing land development on this site. These include the City of Marina entitlements, the Shopping Center's Operation and Easement Agreement and the Best Buy lease terms, described as follows in chronological order of effective date.

City of Marina Entitlements

At a special meeting of May 31, 2005, the Marina City Council adopted the following Resolutions:

- Resolution No. 2005-127 certifying the final Environmental Impact Report (EIR) (SCH No. 2004091167) for the Dunes on Monterey Bay Specific Plan project in accordance with the California Environmental Quality Act (CEQA) and state and local guidelines;
- Resolution No. 2005-130 approving the Dunes on Monterey Bay Specific Plan containing planning principles, development standards and design guidelines for the redevelopment of 420 acres within South Marina;
- Resolution No. 2005-131 approving the University Village Tentative Map. The Tentative Map Conditions of Approval are intended to assure the timely provision of adequate infrastructure and services, including but not limited to water supplies, sewer, stormwater drainage, and streets, including pedestrian and bicycle access;
- Resolution No. 2005-132 approving site plans, landscaping and lighting plans, building elevations, and sign programs for the Regional Retail and Village Promenade project components; and
- Resolution No. 2005-134 finding that the legislative land use approval for the Dunes on Monterey Bay Specific Plan project is consistent with the Fort Ord Reuse Plan.

Operation and Easement Agreement

On February 16, 2007, an Operation and Easement Agreement (OEA) for the Shopping Center was executed and recorded by Target Corporation, Shea Marina Village, LLC and Marina Community Partners (Series No. 2007-14247 of Official Records, Monterey County). The OEA established a non-exclusive easement for passage and parking of vehicles over and across the parking and driveway areas, including the subject site which is referred to as "MCP Tract Phase B2." The OEA also states "...the parking area on the Target Tract, the Kohl's Tract, the Developer Tract and Phase B2 shall contain sufficient ground level... parking spaces, without reliance on parking spaces that may be available on another portion of the Shopping Center..." (Article 3 Construction, Section 3.2.5, p. 17). It further establishes minimum parking requirements that differ from the Dunes on Monterey Bay Specific Plan and that require, in effect, additional parking spaces for retail and restaurant uses beyond the minimum parking standards in the Specific Plan.

Best Buy Lease Agreement

In 2007, Marina Community Partners entered into a lease agreement with Best Buy that limits the location, size and height of development on the subject property. In short, the Best Buy lease restricts the use of the subject property to not more than 21,000 square-feet of development on three-7,000 square-foot building pads, one of which, at the corner of 2nd Avenue and General Stillwell Drive, may

be 22 feet in height and the other two, at either end of the unnamed access road, may be two-stories up to 40 feet in height. The Best Buy lease further indicates that any building or improvement shall have a "self-contained parking field..." as if it were a "...free-standing site without benefit of cross-parking rights as to the balance of the Shopping Center."

Subsequent City of Marina Entitlements

At the regular meeting of October 21, 2008, the Marina City Council adopted Resolutions No. 2008-208 through 2008-210 taking the following actions: certifying an addendum to the EIR for The Dunes on Monterey Bay Project; approving an amendment to the University Village Tentative Map; and revising the site plan for Phase 1B and tenant sign criteria for retail Phases 1A and 1B for The Dunes on Monterey Bay development, subject to conditions. The site plan modifications affected the Village Square, such as changing traffic around the square from one- to two-way. Two additional conditions were added to the amended Tentative Map resolution conditions of approval, one designating reciprocal parking in all non-residential areas on the Map and the other requiring submittal of a parking demand management plan prior to issuance of any building permit.

On November 1, 2012, a Parcel Map was recorded subdividing the subject site into four lots totaling $\pm 160,679$ square-feet. The Parcel Map states that the rights of ingress and egress and overall use of the subject property are governed by the aforementioned Shopping Center OEA.

Casual Fast Food Process to Date

On January 29, 2015, the applicant, Scott Negri, on behalf of SKN Properties, filed an application for Site and Architectural Design Review Board to review DR 2015-03, allowing up to $\pm 30,994$ square-feet of new buildings on up to four development pads located on a ± 3.7 acre site within the Dunes on Monterey Bay Specific Plan area.

At the special meeting of April 29, 2015, the Site and Architectural Design Review Board adopted Resolution 2015-01, recommending Planning Commission consideration of DR 2015-03, allowing up to $\pm 30,994$ square-feet of new buildings on up to four development pads located on a ± 3.7 acre site within the Dunes on Monterey Bay Specific Plan area, subject to conditions.

At the regular meeting of May 28, 2015, the Marina Planning Commission adopted Resolution No. 2015-01, recommending City Council consideration of DR 2015-03, allowing up to $\pm 30,994$ square-feet of new buildings on up to four development pads located on a ± 3.7 acre site within the Dunes on Monterey Bay Specific Plan area (APNs 031-282-024 through -027, formerly the northern portion of APN 031-282-012), subject to conditions.

Also at the regular meeting of May 28, 2015, the Marina Planning Commission adopted Resolution No. 2015-02, recommending City Council consideration of GP 2015-01, approving a text amendment to General Plan Policy 2.57 and Table 2.4 to remove the minimum FAR for projects within areas designated "Multiple Use" on the General Plan Land Use Map and located within Multiple Use designated areas in subsequent Specific Plans, to provide flexibility to be less than 0.25 FAR.

This staff report seeks a revision to the General Plan amendment to include both a text amendment and a change to the General Plan Land Use Map, for reasons discussed as follows.

ANALYSIS:

GENERAL PLAN CONSISTENCY

General Plan Text Amendment

As a result of constraints imposed by the Shopping Center OEA and the Best Buy Lease Agreement, site design options are limited and the project intensity does not fall within the acceptable range of Floor Area Ratio (FAR)¹ required by the General Plan.

To remedy this, a General Plan text amendment was proposed on May 28, 2015 to the Planning Commission. That amendment would provide flexibility by removing the minimum 0.25 FAR for projects within areas designated "Multiple Use" on the General Plan Land Use Map and located within "Multiple Use" designated areas in subsequent Specific Plans.

A section was provided within the Planning Commission staff report for the May 28, 2015 meeting that discussed the implications of the General Plan text amendment to affected properties. It described that low-intensity land use is often auto-oriented versus pedestrian-oriented and can result in underutilization of land, thus minimizing enhancements to the City's economic and fiscal base. Properties affected by the text amendment were identified only within the Dunes on Monterey Bay Specific Plan area and no other areas of the City. Notably, sites include the conference center site north of Imjin Parkway, the mixed use hotel site east of 2nd Avenue, the Village Square and the Village Promenade ("FIGURE 1").

Upon further consideration by staff in consultation with special legal counsel of the potential for the proposed General Plan text amendment to result in a diminishment of intensity and thus walkability within areas not yet fully entitled, including the Village Promenade, it was determined that strengthening the language of the text amendment would mitigate these concerns. Therefore, new language (shown in ~~striketrough~~/underline) is proposed to be added to General Plan Policy 2.40 and Table 2.4 to allow that the minimum FAR for projects within Specific Plan areas designated "Retail/Service" on the General Plan Land Use Map (Figure 2.2) may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan.

The proposed text amendments needed to implement this idea are shown within the context of other "Retail/Service" General Plan policies ("EXHIBIT A" to the draft Resolution).

General Plan Land Use Map Amendment

Also, a change to the General Plan Land Use Map (Figure 2.2) is now proposed whereby the text would be applicable to sites designated as "Retail/Service" rather than "Multiple Use" ("EXHIBIT B" to the draft Resolution). Properties designated "Retail/Service" include the Dunes Shopping Center site (currently developed at an FAR of 0.30), the Community Hospital of the Monterey Peninsula site (entitled at an FAR of 0.26), and two separate parcels located on 2nd Avenue near the University and on Imjin Parkway at California Avenue, described in the Dunes on Monterey Bay Specific Plan as neighborhood retail nodes.

Land uses permitted within areas designated "Retail/Services" are spelled out in General Plan Policy 2.41 and include stores and shops of a retail commercial character and eating establishments, amongst

¹ FAR is the numerical ratio between the square footage of enclosed building space and the square footage of the site. An FAR of 0.25 indicates that the permitted enclosed floor area of a building is equal to one-quarter the square footage of the parcel on which it is located, whereas an FAR of 3.0 indicates that a building may have a total floor area equal to three times the total square footage of its site.

other uses. As there is substantial overlap between “Multiple Use” and “Retail/Services” uses, none of the proposed land uses for the subject parcel would be precluded and no additional changes to the Specific Plan are needed to allow the proposed regional retail sales and services.

Policy 2.48 supports that regional retail sales and services intended to serve the larger Monterey Peninsula shall be located in University Villages and Marina Landing Shopping Center. These areas are designated as “Retail/Service” and “Multiple Use” to take advantage of the proximity to Highway 1 and planned transit improvements and redevelopment opportunities provided by the decommissioning of former Fort Ord. The subject property meets the criteria and would serve as a bridge between the Dunes Shopping Center and the vibrant pedestrian district of the Village Promenade envisioned in the Specific Plan, serving the needs of regional visitors, CSUMB faculty and staff, and residents.

Land Use Intensity

General Plan Table 2.4 and Policy 2.40 identify the minimum FAR at 0.25 for land designated “Retail/Service.” The floor area required to meet the minimum 0.25 FAR on the site is 40,293 square-feet. The applicant is unable to achieve the minimum FAR of 0.25 due to development restrictions imposed by the Best Buy lease. In applying the development criteria permitted by the lease, the applicant has the ability to achieve only 21,000 square-feet of development on three 7,000-square-foot building pads. The three buildings would result in an FAR of 0.13 and this is not within the acceptable range of the General Plan.

The applicant is seeking to negotiate with Best Buy to amend the terms of the lease as it affects the development potential of the subject parcel to allow an additional ±9,994 square-feet (forth building) for a total of ±30,994 square-feet of structural coverage. The proposed ±30,994 square-feet of retail/restaurant development would result in an FAR of 0.19 and is still insufficient to meet the minimum FAR set by the General Plan.

For either the three pad (±21,000 square-feet) or four pad (±30,994 square-feet) development scenarios, the proposed General Plan amendments are needed to allow for a finding of General Plan consistency to be made.

CONSISTENCY WITH THE DUNES ON MONTEREY BAY SPECIFIC PLAN

Design Concept

All design aspects of the proposed project are unchanged.

SITE AND ARCHITECTURAL DESIGN REVIEW CONDITION OF APPROVAL AMENDMENT

Amendment to PC Resolution No. 2015-02

On May 28, 2015 the Planning Commission, upon recommendation from the Site and Architectural Design Review Board (DRB), reviewed the Plan Set and adopted Resolution No. 2015-02, recommending City Council consideration of DR 2015-03, subject to conditions. Condition No. 2 calls for a General Plan Amendment. The text of Condition No. 2 has been revised to reflect the new General Plan text amendment language as follows:

2. General Plan Amendment – Project approval is subject to approval, by City Council, of a text amendment to General Plan Policy ~~2.57~~ 2.40 and Table 2.4 to ~~remove~~ allow that the minimum FAR for projects within Specific Plan areas designated “~~Multiple Use~~Retail/Service” on the General Plan Land Use Map (Figure 2.2) and located within ~~Multiple Use designated areas in subsequent Specific Plans, to provide flexibility to~~ may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan

policies, and the development standards and design guidelines of the Specific Plan; and an amendment to the General Plan Land Use Map from "Multiple Use" to "Retail/Service" for the project site.

No other aspects on DR 2015-03 are under consideration for amendment and the revised Resolution No. 2015-02 is attached ("EXHIBIT C" to the draft Resolution).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

On May 31, 2005, the Marina City Council adopted Resolution No. 2005-127, certifying the final EIR for the Dunes on Monterey Bay project in accordance with the CEQA 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 up to 750,000 square-feet of retail use within the Dunes on Monterey Bay project area, including the project site. To date, approximately ±368,000 square-feet of retail development have been constructed. The proposed project would not result in retail development exceeding the amount analyzed in the EIR.

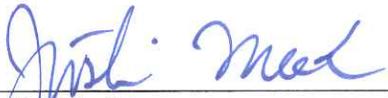
Technical studies have been prepared by qualified professionals to determine whether the project falls within the parameters established by Section 15162(a)(3)(A) through (D) of the CEQA guidelines. These studies determined that the proposed project does not call for the preparation of a subsequent Environmental Assessment, Mitigated Negative Declaration, or Environmental Impact Report, as the proposed project uses were fully contemplated within the Dunes on Monterey Bay Specific Plan and analyzed within the Specific Plan EIR.

The proposed General Plan map and text amendment are exempt from the CEQA pursuant to Section 15061(b)(3) (General Rule), whereby it can be seen with certainty that there is no possibility that the map and text amendment in question may have a significant effect on the environment.

CONCLUSION:

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

Respectfully submitted,

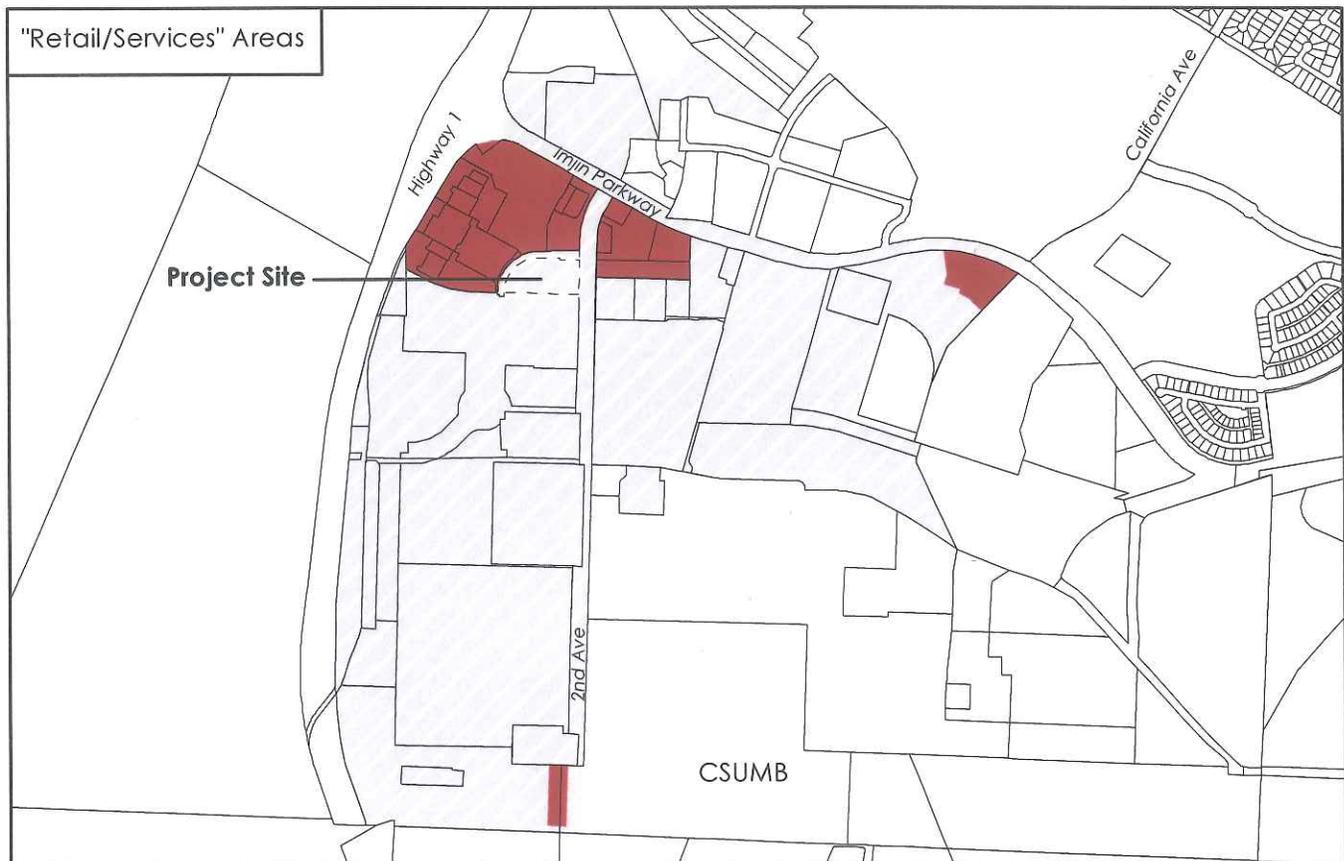
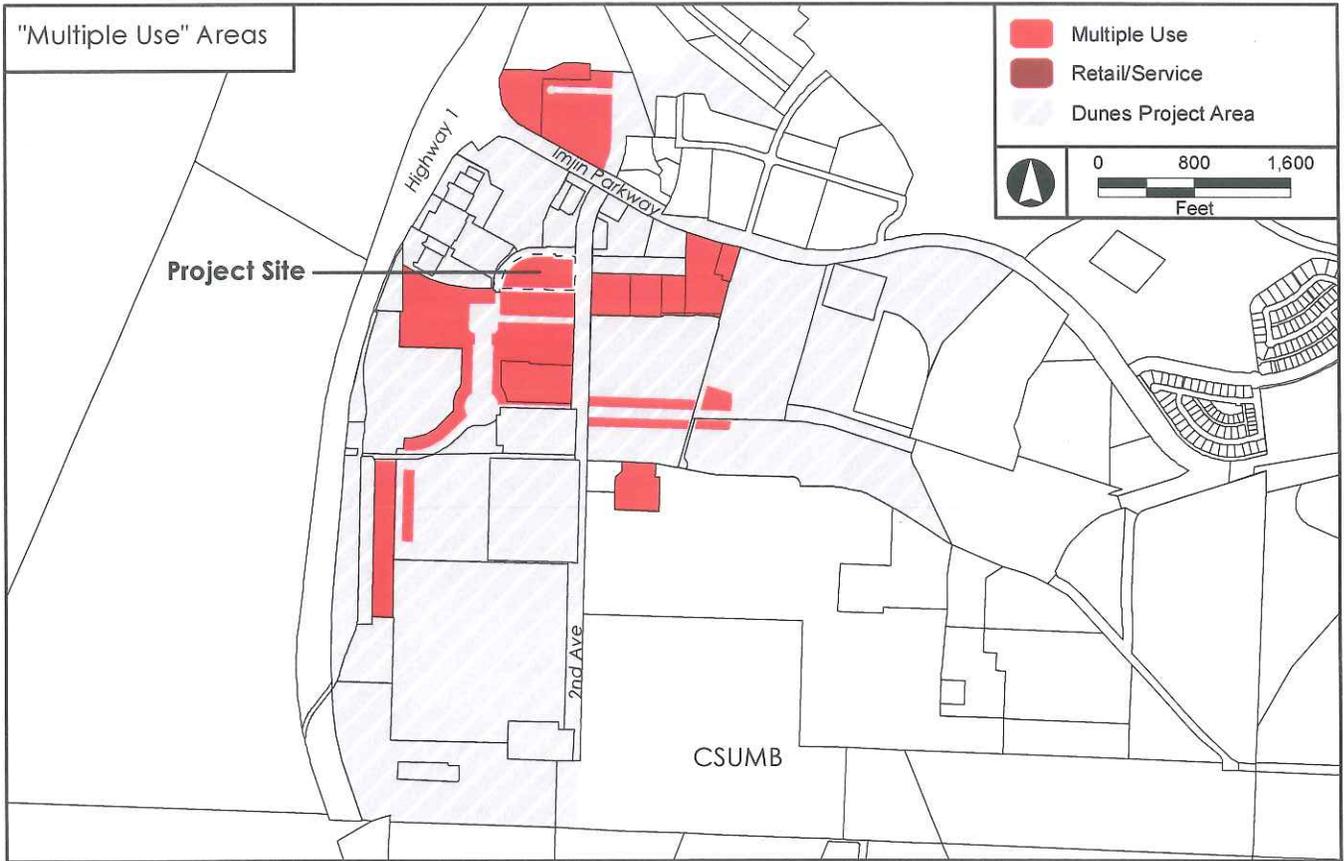


Justin Meek, AICP
Senior Planner
City of Marina

REVIEWED/CONCUR:



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



Comparison of "Multiple Use" and "Retail/Services" Areas in the Dunes on Monterey Bay Specific Plan

Figure 1

7/29/2015

RESOLUTION NO. 2015-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING THAT CITY COUNCIL CONSIDER: (1) APPROVING A TEXT AMENDMENT TO GENERAL PLAN POLICY 2.40, TABLE 2.4 AND OTHER APPLICABLE GENERAL PLAN POLICIES TO ALLOW THAT THE MINIMUM FLOOR AREA RATIO (FAR) FOR PROJECTS WITHIN SPECIFIC PLAN AREAS DESIGNATED "RETAIL/ SERVICE" ON THE GENERAL PLAN LAND USE MAP (FIGURE 2.2) MAY BE LESS THAN 0.25 FAR, PROVIDED THAT FINDINGS ARE MADE BY THE APPROVING BODY THAT THE PROJECT IS CONSISTENT WITH GENERAL PLAN POLICIES, AND THE DEVELOPMENT STANDARDS AND DESIGN GUIDELINES OF THE SPECIFIC PLAN; AND APPROVING A MAP AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE MAP FROM "MULTIPLE USE" TO "RETAIL/SERVICE" FOR A ±3.7 ACRE PROJECT SITE WITHIN THE DUNES ON MONTEREY BAY (FORMERLY UNIVERSITY VILLAGES) SPECIFIC PLAN AREA (APNS 031-282-024 THROUGH -027), AND; (2) MODIFYING PLANNING COMMISSION RESOLUTION NO. 2015-02 CONDITION OF APPROVAL NO. 2 TO BE CONSISTENT WITH THE AFOREMENTIONED GENERAL PLAN TEXT AMENDMENT LANGUAGE

WHEREAS, on January 29, 2015, the applicant, Scott Negri, on behalf of SKN Properties, filed an application for Site and Architectural Design Review Board to review DR 2015-03, allowing up to 30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay Specific Plan area, and;

WHEREAS, as a result of constraints imposed by the Shopping Center Operation and Easement Agreement and the Best Buy Lease Agreement, site design options are limited and the project intensity does not fall within the acceptable range of Floor Area Ratio (FAR) required by the General Plan, and;

WHEREAS, to remedy this, a General Plan text amendment was proposed on May 28, 2015 to the Planning Commission to provide flexibility by removing the minimum 0.25 FAR for projects within areas designated "Multiple Use" on the General Plan Land Use Map and located within "Multiple Use" designated areas in subsequent Specific Plans, and;

WHEREAS, upon further consideration of the potential for the proposed General Plan text amendment to result in a diminishment of intensity and thus walkability within areas not yet fully entitled, including the Village Promenade, it was determined that further strengthening of the language of the text amendment would mitigate these concerns, and;

WHEREAS, new language is proposed to be added to General Plan Policy 2.40, Table 2.4 and other applicable General Plan policies to allow that the minimum FAR for projects within Specific Plan areas designated "Retail/Service" on the General Plan Land Use Map (Figure 2.2) may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan, and;

WHEREAS, a change to the General Plan Land Use Map (Figure 2.2) is proposed whereby the text would be applicable to sites designated as "Retail/Service" rather than "Multiple Use," and

WHEREAS, at a regularly scheduled meeting of August 4, 2015, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider recommending that City Council consider approving a text amendment to General Plan Policy 2.40, Table 2.4 and other applicable General Plan policies to allow that the minimum FAR for projects within Specific Plan areas designated "Retail/Service" on the General Plan Land Use Map (Figure 2.2) may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan; and approving a map amendment to change the General Plan Land Use Map from "Multiple Use" to "Retail/Service" for a ±3.7 acre project site within the Dunes on Monterey Bay (formerly University Villages) Specific Plan area (APNs 031-282-024 through -027), and;

WHEREAS, at a regularly scheduled meeting of August 4, 2015, the Planning Commission of the City of Marina conducted a duly noticed public hearing to also consider recommending the City Council consider modifying Planning Commission Resolution No. 2015-02 Condition of Approval No. 2 to be consistent with the aforementioned General Plan text amendment language, and;

WHEREAS, the Planning Commission finds the proposed maps and text amendment to the Marina General Plan are consistent with the goals, policies and programs of the Marina General Plan in that the amendment is in the public interest as it provides for flexibility in the design of lands designated "Retail/Service" on the General Plan Land Use Map and located within a specific plan area, and;

WHEREAS, the proposed map and text amendment are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) (General Rule), whereby it can be seen with certainty that there is no possibility that the text amendment in question may have a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends that City Council consider approving a text amendment to General Plan Policy 2.40, Table 2.4 and other applicable General Plan policies to allow that the minimum FAR for projects within Specific Plan areas designated "Retail/Service" on the General Plan Land Use Map (Figure 2.2) may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan ("**EXHIBIT A**" to this Resolution), and approving a map amendment to change the General Plan Land Use Map from "Multiple Use" to "Retail/Service" for a ±3.7 acre project site within the Dunes on Monterey Bay (formerly University Villages) Specific Plan area (APNs 031-282-024 through -027) ("**EXHIBIT B**" to this Resolution), and (2) modifying Planning Commission Resolution No. 2015-02 Condition of Approval No. 2 to be consistent with the aforementioned General Plan text amendment language ("**EXHIBIT C**" to this Resolution).

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 4th day of August 2015, by the following vote:

AYES, PLANNING COMMISSION MEMBERS:

NOES, PLANNING COMMISSION MEMBERS:

ABSENT, PLANNING COMMISSION MEMBERS:

ABSTAIN, PLANNING COMMISSION MEMBERS:

David Burnett, Chairperson

ATTEST:

Theresa Szymanis, AICP CTP
Acting Community Development Director

Commercial

2.37 The intent of the General Plan's commercial land use policies is as follows: (1) to provide for the shopping and service needs of local residents, businesses, and persons employed within the City; (2) to attract commercial development that will strengthen the City's fiscal base; and (3) to enhance employment and other economic opportunities for local residents. The General Plan establishes four commercial categories: Retail and Personal Services, which includes local-serving, regional and other retail and personal services; Visitor-Serving Retail and Services; Multiple-Use Commercial; and Office and Research and Development. Policies pertaining to the four commercial categories are set forth in the following sections and in Table 2.4, which summarizes development intensity policies for different commercial land uses. The areas designated for each category are specified in Figure 2.2. (2015-)

Retail and Personal Services

2.38 The land use policies of this section serve to promote the development and location of retail and other commercial personal services which adhere to the General Plan's principal goals. This entails providing locations for retail and service uses that will permit capture of a significant share of locally and regionally generated sales. It also entails providing locations that make access to such uses by foot and public transit viable and attractive as an alternative to access by private automobile, especially in the case of multi-purpose trips. The Community Land Use Element Map designates ~~207~~ 210.7 acres primarily for retail and other personal- and commercial-service uses. (2015-)

2.39 A "strip" form of commercial development shall be avoided, and future retail, personal-service, and business-service uses shall be concentrated to infill the Del Monte Boulevard and Reservation Road core retail areas and create more pedestrian-oriented complexes. Wherever possible, commercial development outside of these areas shall be planned more to complement rather than directly compete with commercial activity in the Del Monte Boulevard and Reservation Road areas. Marina's core retail area is defined as those areas designated for "Commercial Retail/Personal Services" uses along the east side of Del Monte Boulevard from Carmel Avenue to Reservation Road, and along the section of Reservation Road between Del Monte Boulevard and De Forest Road, to include the parcel at the southeast corner of De Forest and Reservation Roads as well as the similarly-sized parcel immediately adjoining to the east. (2001-34)

2.40 Designated Retail and Service areas shall be developed to a minimum floor area ratio (FAR) of 0.25 to avoid economic under-utilization and to maintain sufficient intensity of use to promote a pedestrian-oriented pattern of development. Minimum FAR for projects located within Specific Plan areas designated Retail/Service on Figure 2.2 – Land Use Plan may be less than 0.25, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan. A maximum FAR of 0.55 shall be established to ensure that transportation and other infrastructure requirements of such uses are consistent with their planned capacity. (2003-09, 2015-)

Table 2.4. Summary of Commercial Floor Area Ratios (FAR's)

Land Use	Minimum FAR	Maximum FAR
Retail and Personal Services	0.25 (5)	0.55 (4)
Regional Sales and Services	0.25	0.40
Visitor-Serving Retail and Service	0.15 (1)	0.40
Multiple-Use Commercial	0.25	0.90 (2)
Office and Research	0.25	0.60 (3)

- (1) Interim uses permitted at FAR of 0.10.
- (2) Maximum FAR to be determined by subsequent specific plans.
- (3) Upper limit, varies by area.
- (4) Maximum 0.55 FAR shall be replaced with a maximum FAR ranging between 0.55 FAR and 0.90 FAR in the following circumstances: (a) the increase in the minimum FAR above 0.55 FAR shall be contingent upon the provision a combination of landscaping, pedestrian plazas, walkways and other common open spaces on the site freely usable and accessible by the public at a ratio of one square foot of such open spaces for each five square feet of gross building floor area; and (b) off street parking is screened from view by combination of buildings and landscaping and is principally located towards the rear of the site. Required common open spaces may include covered exterior spaces and, where an agreement for public access acceptable to the City is approved, enclosed spaces may be included. (2003-09, 2004-29, 2005-82)
- (5) Minimum FAR for projects located within Specific Plan areas designated Retail/Service on Figure 2.2 – Land Use Plan may be less than 0.25, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan. (2015-)

2.41 Allowable uses in the “Retail and Personal Services” category include: stores and shops of a retail commercial character, eating establishments, motels, hotels, museums, art galleries, theaters, private schools, charter schools, instructional institutions. Churches and similar religious institutions are also permissible subject to a 5-year limitation. In the retail core area (defined by Section 2.39), motels, hotels and other overnight accommodations should be limited to upper floors above ground-floor retail. Residential-above-commercial is permissible as provided by Section 2.41.8 of this plan. Except as provided otherwise herein, office types of uses are permissible as ancillary uses only to be located either on upper floors or in a manner which does not interfere or distract from the primary retail and personal-service function of an area. Churches and similar religious institutions are permissible subject to a five year limitation. Churches, private/charter schools and instructional uses, with the exception of general education and daycare, are permissible. (2001-34, 2001-80, 2003-35)

2.41.5 Although most vehicle and equipment repair and maintenance services shall be restricted to areas designated for industrial and commercial services, the retail repair, maintenance, washing and detailing of personal vehicles and light trucks is a permissible use in areas designated as “Retail and Personal Services.” (2001-120, 2003-35)

2.41.6 (2006-244, DELETED 2008-111)

2.41.8 Residential use may be allowed when located on upper floors above commercial use, and designed and/or constructed in accordance with the noise standards of this plan. Residential living space shall be included as part of the total gross floor area proposed for a site. Within Marina’s Core Retail Area, as defined by Section 2.39 of this Plan, the residential portion of a mixed use building may occupy up to 50 percent of the total floor area. Outside of Marina’s Core Retail Area, the residential portion of a mixed use building may occupy up to 70 percent of the total allowable floor area. A comprehensive approach to parking required for such mixed use projects should be taken in which the potential for shared parking and project features which might effectively reduce parking need are considered, including possible credit for on street parking for retail. (2002-168, 2005-82)

2.42 Other allowances for retail, personal-service, and business-service uses are provided for in the Multiple-Use category. This allows and encourages the combination of retail uses with office, research-and-development, and light-industrial uses. Retail and service uses, such as restaurants, commercial recreation facilities, and specialty shops that serve visitors to the Monterey Peninsula are also permitted within the area designated for Visitor-Serving uses. (2005-82)

2.42.5 Residential use may be allowed when located on the upper floors above commercial use, and designed and/or constructed in accordance with the noise standards of this plan. Residential living space shall be included as part of the total gross floor area proposed for a site. A comprehensive approach to parking required for such mixed use projects should be taken in which the potential for shared parking and project features which might effectively reduce parking need are considered including possible credit for on street parking for retail. (2002-168)

Local-Serving Retail and Personal Services

2.43 At present, a major portion of Marina's population purchases everyday items such as food, drugs, and other sundries outside the City. The result is both a loss of sales tax revenue in support of City services and the generation of a greater number of vehicular trips by residents. In general, vehicular trips would be decreased both in length and number if everyday goods and services were more available locally.

2.44 In large part, the current situation results from the existence of an insufficient population and level of expendable income in the City to support the type of business enterprises that might offer desired goods and services. However, with the increased population and diversification of housing types envisioned by the General Plan in coming years, the opportunity will be presented to rectify current deficiencies. Such an opportunity will be further enhanced by increases in the daytime population of the City as a result of employment at and MBEST and growth in employment elsewhere in the City.

2.45 The majority of future local-serving retail and personal-service uses shall be concentrated in the following areas except as allowed otherwise by this plan (2001-34):

1. At the existing Marina Landing Shopping Center. At present approximately 13 acres remain undeveloped here.
2. Along Reservation Road between Del Monte Boulevard and California Avenue. New construction in this area, however, will be limited to scattered vacant parcels and other parcels that are economically under-utilized — i.e., parcels with site improvements valued at less than 50 percent of the value of the land.
3. Along the east side of Del Monte Boulevard south of Reservation Road. Retail and service development here will be limited to several small vacant and economically under-utilized parcels. (2005-82)

Other Retail and Personal Service Areas

2.46 Other retail, personal-service, and business-service uses shall be permitted in the following areas provided that the type and extent of development does not detract from the viability of the primary local-serving areas identified above.

1. Small-scale convenience-center development shall be permitted at the four following designated locations: (1) the intersection of Reservation Road and existing Blanco Road; (2) the intersection of Imjin Road and Abrams Drive; (3) the southwest corner of Imjin Boulevard and California Avenue and (4) the southwest corner of 1st Street and 2nd Avenue. (2005-128)

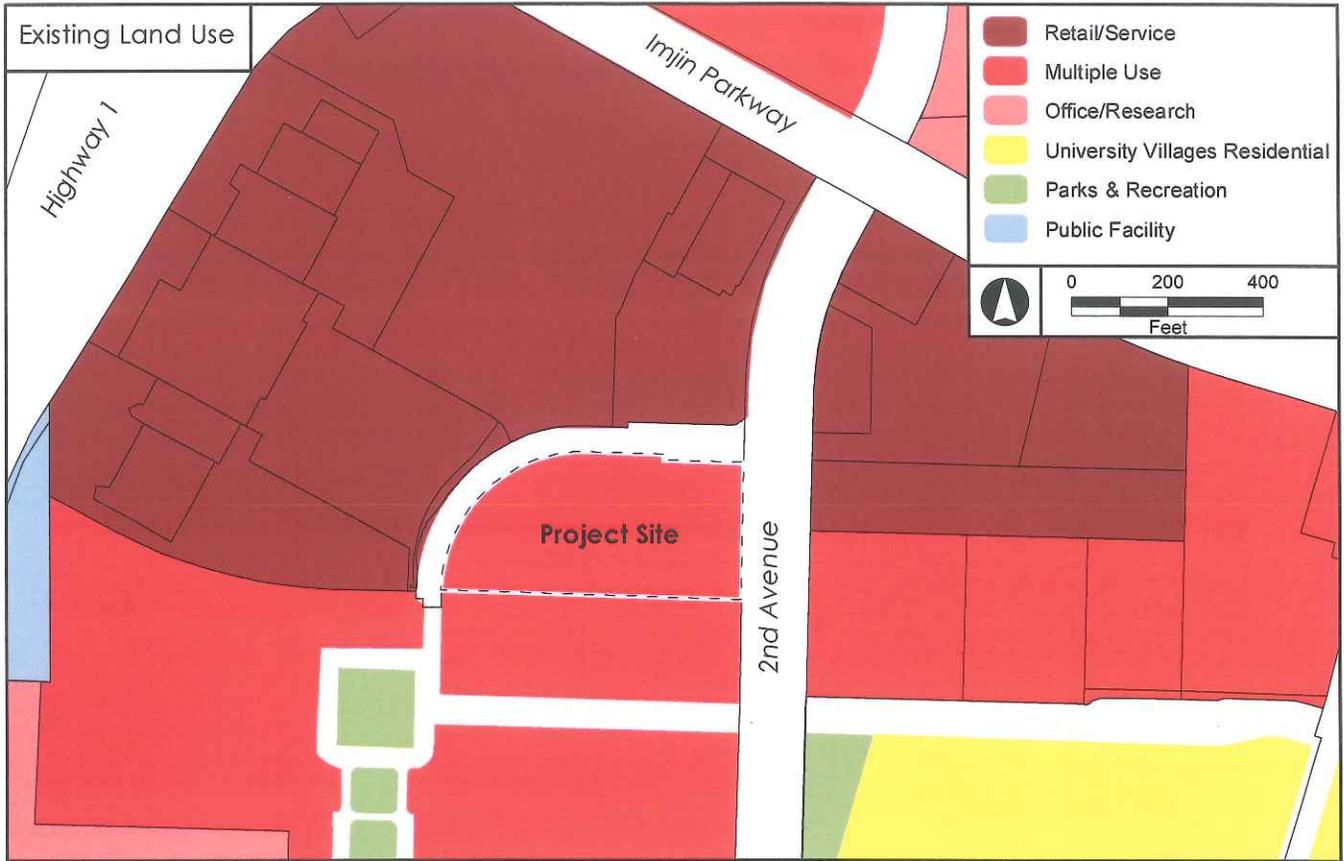
2. In conjunction with the development of the MBEST Center, within areas designated by the MBEST Center Master Plan.
3. In areas designated for industrial and commercial services such that they do not detract from the viability of the primary use of the areas for industrial-service commercial uses and that they do provide services needed by the industrial-serve areas subject to specific review by the City. (2001-120)

2.46.5 Additional uses beyond retail and personal service type uses may be permitted in two locations outside the core retail area as defined above: (1) along the east side of Del Monte Boulevard south of its intersection with Carmel Avenue, and (2) along both sides of Reservation Road east of its intersection with De Forest Road (excluding the east side of De Forest Road). Such uses include: office type uses located anywhere on a site or other non-residential uses as allowed by this section. (2001-34, 2002-168)

2.47 The majority of retail and personal-service facilities shall be concentrated in the designated Multiple Use area to the west of Second Avenue, north of Eighth Street. Provision for such uses on the CSUMB campus shall be limited to no more than 107,000 square feet of space. (2005-128)

Regional Retail Sales and Services

2.48 Retail sales and services intended to serve the larger Monterey Peninsula shall be located in University Villages and Marina Landing Shopping Center. These areas are designated as Retail/Service and Multiple Use to take advantage of the proximity to Highway One and planned transit improvements and redevelopment opportunities provided by the decommissioning of former Fort Ord. (2005-128, 2005-265)



General Plan Land Use Map

Exhibit B

7/29/2015

Map prepared by Justin Meek (7/29/2015) | s:\GIS\Clean GIS Files\MXDs\General Plan and Zoning Map Changes\Domes CFF\Ex 1 GPMA.mxd

RESOLUTION NO. 2015-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING THAT CITY COUNCIL CONSIDER DR 2015-03, ALLOWING UP TO ±30,994 SQUARE-FEET OF NEW BUILDINGS ON UP TO FOUR DEVELOPMENT PADS LOCATED ON A ±3.7 ACRE SITE WITHIN THE DUNES ON MONTEREY BAY (FORMERLY UNIVERSITY VILLAGES) SPECIFIC PLAN AREA (APNS 031-282-024 THROUGH -027, FORMERLY THE NORTHERN PORTION OF APN 031-282-012), SUBJECT TO CONDITIONS

WHEREAS, at a special meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-127 certifying the final Environmental Impact Report (EIR) (SCH No. 2004091167) for the Dunes on Monterey Bay Specific Plan project in accordance with the California Environmental Quality Act (CEQA) and state and local guidelines, and;

WHEREAS, at a special meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-130 approving the Dunes on Monterey Bay Specific Plan containing development principles, development standards and design guidelines for the redevelopment of 420 acres within South Marina, and;

WHEREAS, at a special meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-131 approving the University Village Tentative Map, and;

WHEREAS, at the special meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-132 approving site plans, landscaping and lighting plans, building elevations, and sign programs for the Regional Retail and Village Promenade project components, and;

WHEREAS, at the special meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-134 finding that the legislative land use approval for the Dunes on Monterey Bay Specific Plan project is consistent with the Fort Ord Reuse Plan, and;

WHEREAS, on February 16, 2007, an Operation and Easement Agreement (OEA) for the Shopping Center was executed and recorded by Target Corporation, Shea Marina Village, LLC and Marina Community Partners (Series No. 2007-14247 of Official Records, Monterey County), and;

WHEREAS, in 2007, Marina Community Partners entered into a lease agreement with Best Buy that limits the location, size and height of development on the subject property, and;

WHEREAS, at the regular meeting of October 21, 2008, the Marina City Council adopted Resolution No. 2008-208 through 2008-210 taking the following actions: certifying an addendum to the EIR for The Dunes on Monterey Bay; approving an amendment to the University Village Tentative Map; and revising the site plan for Phase 1B and tenant sign criteria for retail Phases 1A and 1B for The Dunes on Monterey Bay development, subject to conditions, and;

WHEREAS, on November 1, 2012, a Parcel Map was recorded subdividing the subject site into four lots totaling ±160,679 square-feet. The Parcel Map states that the rights of ingress and egress and overall use of the subject property are governed by the aforementioned Shopping Center OEA, and;

WHEREAS, on January 29, 2015, the applicant, Scott Negri, on behalf of SKN Properties, filed an application for Site and Architectural Design Review Board to review DR 2015-03, allowing up to 30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay Specific Plan area as shown on Plan Set, and;

WHEREAS, at the special meeting of April 29, 2008, the Site and Architectural Design Review Board of the City of Marina adopted Resolution 2015-01, recommending Planning Commission consideration of Design Review DR 2015-03, allowing up to 30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay Specific Plan area, subject to conditions, and;

WHEREAS, staff has reviewed the application according to the Marina General Plan, Dunes on Monterey Bay Specific Plan Standards, and the Environmental Mitigation Monitoring Program, 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)(3)(A) through (D) of the California Environmental Quality Act (CEQA), as the proposed project uses were fully contemplated within the Dunes on Monterey Bay Specific Plan and analyzed within the Specific Plan EIR, and;

WHEREAS, at a regularly scheduled meeting of May 28, 2015, the Planning Commission of the City of Marina conducted a duly noticed public meeting to consider recommending City Council consider DR 2015-03, allowing up to 30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay Specific Plan area, considered all public testimony, written and oral, presented at the meeting, received and considered the written information and recommendation of the staff report for the April 29, 2015, meeting related to the proposed project.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends City Council consider Design Review DR 2015-03, allowing up to 30,994 square-feet of new buildings on up to four development pads located on a ±3.7 acre site within the Dunes on Monterey Bay Specific Plan area as shown on “**EXHIBIT A**” attached hereto, based upon the following findings, and subject to the following Conditions of Approval:

Findings

1. Consistency with Marina General Plan Policies – That the proposed project has been designed consistent with the policies within the Marina General Plan (October 31, 2000), provided that the City Council amends the General Plan to remove the minimum FAR for projects within areas designated “Multiple Use” on the General Plan Land Use Map and located within Multiple Use designated areas in subsequent Specific Plans, allowing flexibility for retail developments to have a FAR of less than 0.25.

1. Consistency with Dunes on Monterey Bay Specific Plan – That the proposed project has been designed consistent with the planning principles, development standards and design guidelines within the Dunes on Monterey Bay Specific Plan (May 31, 2005), and that, as conditioned, the project will:
 - a. Create a mix of retail uses within the Dunes of Monterey Bay Specific Plan area.
 - b. Incorporate native and drought tolerant landscaping.

- c. Provide pedestrian and bicycling connections to and from the site.
2. Site and Architectural Design Review DR 2015-03 – That the proposed project has been designed and will be constructed, and so located, that the project, as conditioned, will not:
 - a. Be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the City, in that the project is compatible with the existing nearby Shopping Center and the design is consistent with the Dunes on Monterey Bay Specific Plan design guidelines.
 - b. Impair the desirability of residence or investment or occupation in the City, in that project will develop a vacant property in Phase 1B of the Dunes on Monterey Bay Specific Plan area, and improve and add value to the nearby Phase 1C residential portion of the Dunes on Monterey Bay Specific Plan area and to the City as a whole.
 - c. Limit the opportunity to obtain the optimum use and value of the land and improvements, in that the General Plan shall be revised to remove the minimum FAR to provide flexibility for development at reduced intensity in a specific plan area.
 - d. Impair the desirability of living conditions on or adjacent to the subject site, in that project will provide additional retail spaces convenient located adjacent to the planned residential-above-retail building in the Village Promenade to the south.
 - e. Otherwise adversely affect the general welfare of the community, in that the project will provide convenient retail and restaurant uses and have an overall positive effect on the general welfare of the community.

Conditions of Approval

1. Building Permits – The applicant shall obtain all necessary building permits from the Marina Building Division prior to project construction.
2. General Plan Amendment – Project approval is subject to approval, by City Council, of a text amendment to General Plan Policy 2.57-40 and Table 2.4 to ~~remove~~ allow that the minimum FAR for projects within Specific Plan areas designated “Multiple UseRetail/Service” on the General Plan Land Use Map (Figure 2.2) and located within Multiple Use designated areas in subsequent Specific Plans, to provide flexibility to may be less than 0.25 FAR, provided that findings are made by the approving body that the project is consistent with General Plan policies, and the development standards and design guidelines of the Specific Plan; and an amendment to the General Plan Land Use Map from “Multiple Use” to “Retail/Service” for the project site.
3. Fire Department – Marina Fire Department standard conditions shall be implemented to the satisfaction of the Fire Chief.
4. Compact Parking – The applicant shall revise the Site Plan, as necessary, to provide up to 15 percent of all parking stalls as compact parking stalls that are 8.5 feet wide by 16 feet long, with a 2-foot overhang permitted.

5. Compact Spaces between Buildings A and D – The applicant shall revise the Site Plan to incorporate ± 25 -foot drive aisles and a landscape planter strip bordering the compact stalls in the parking lot between Buildings A and D.
6. Existing Entrance Redesign – The applicant shall work with Marina Community Partners and the City Engineer to consider design alternatives for the General Stillwell Drive entry that removes the existing “pork chop” and allows two-way turn movements. Said design alternatives shall be submitted for review two weeks prior to the June 30, 2015 City Council meeting. If two-way turn movements are not possible or approved by Marina Community Partners and the City Engineer, the applicant shall resubmit Site Plan for further review of site circulation by the Site and Architectural Design Review Board.
7. Pedestrian Crossings Across General Stillwell Drive – The applicant shall revise the Site Plan to provide two (2) pedestrian crossings to the north on either side of the proposed driveway entrance on General Stillwell Drive.
8. Pedestrian Crossing Across the Unnamed Access Road – The applicant shall revise the Site Plan to provide one (1) pedestrian link at the southern driveway entrance next to Building D and across the unnamed access road to the south.
9. Pedestrian Facilities behind Buildings B and C along the Unnamed Access Road – The applicant shall revise the Site Plan to (a) eliminate the sidewalk along the unnamed access road behind Buildings B and C, (b) eliminate the pedestrian link between Buildings B and C and across the unnamed access road to the planned Village Promenade, and (c) provide additional landscaping, including trees, in these areas (i.e., the street-facing southern frontage of the western portion of Building B to the eastern portion of Building C) to soften the appearance of Buildings B and C along the unnamed access road.
10. Pedestrian Access on Unnamed Access Road – The applicant shall revise the Site Plan to provide pedestrian access along the unnamed access road and achieve landscaping goals by either (a) entering into a signed letter of agreement with Marina Community Partners to install a permanent sidewalk to City standards on the south side of the roadway as part of and at the same time as project construction, thereby allowing the removal of the proposed sidewalk on the north side next to Building D and the installation of additional landscaping, including trees, in its place to soften the appearance of the depressed drive aisle behind Building D or (b) keeping the proposed sidewalk on the north side of the roadway and moving Building D to the north to provide space for providing ± 3 feet of landscaping, not including trees, in between the sidewalk and retaining wall to soften the walking experience. If option “a” is selected, a copy of the signed letter of agreement between the applicant and Marina Community Partners shall be submitted to the City Manager for review and approval at least two weeks prior to the June 30, 2015 City Council meeting.
11. Bicycle Lanes along General Stillwell – The applicant shall revise the Site Plan and work with Marina Community Partners and the City Engineer to restripe the General Stillwell Drive to provide a seven (7) foot wide buffered bicycle lane in either direction. The revised Site Plan shall be submitted to the Community Development Director for review and approval at least two weeks prior to the June 30, 2015 City Council meeting
12. Landscape Plan Amendments – The applicant shall amend the Landscape Plan as follows:

- a. Trees along 2nd Avenue shall be either cork oak (*Quercus suber*) or red gum eucalyptus (*Eucalyptus ficifolia*).
 - b. Incorporate trees into the plant mix behind Buildings B and C (and possibly D depending on the actions taken in compliance with Condition of Approval No. 10) bordering the unnamed access road.
 - c. The Landscape Plan shall show the location and proportion of individual shrub and groundcover plants.
 - d. Trees shall be provided in front of the buildings either in tree wells in the concrete walk or in landscape planters in the parking lot next to the concrete walk.
 - e. The currently proposed number of trees, shrubs and groundcover plants shall not be reduced in number and shall constitute at least 65 percent California native plantings.
 - i. The box size for planted trees shall be a minimum of 15 gallons.
 - ii. Trees planted in areas of special interest, such as entries and plaza or patio areas, shall have a minimum tree size of 24-inch box.
 - iii. Trees shall be spaced about 30 feet from center for larger tree varieties and about 20 feet from center for smaller varieties. In addition, tree setbacks shall be a minimum of:
 1. 30 feet from street corners for sight line visibility (greater setback may be required as determined by the City Engineer);
 2. 10 feet from driveways;
 3. 15 feet from streetlights and traffic control signals;
 4. 5 feet from water, gas and fire service laterals; and
 5. 10 feet from sewer and gas laterals.
 - iv. The minimum size for planted shrubs shall be at 5 gallons for at least 50 percent of the shrubs and at 1 gallon for the remaining balance of shrubs.
 - v. Groundcover planting shall be installed at sizes and spacings to provide complete cover within one year of installation.
13. Landscape Plan Resubmittal – After amending the Landscape Plan consistent with the approved Dunes on Monterey Bay plant palette, the applicant shall resubmit it for administrative review and approval.
14. Surety Bond – Prior to the issuance of a building permit, the applicant shall provide a bond or other surety acceptable to the City to guarantee that the installed landscaping shall remain in a healthy and growing condition for a minimum of two years from the date of occupancy approval. The amount of the surety shall be a minimum of 20 percent of the actual or estimated costs of the installation accepted by the Planning Services Division. An amount greater than 20 percent may be required by the Planning Services Division if more exotic, less reliable plant material is specified in the approved Landscaping Plan. Two years after the approval of occupancy, the applicant shall contact the Planning Services Division to arrange for an inspection of the landscaping. If or when all landscaping shown on the approved plans is in place and is in healthy and growing condition, the surety shall be returned to the entity that provided the surety or to another entity upon proof of transfer. If plant material is dead, dying or missing and the applicant does not take steps to restore the landscaping, the City shall have the authority to use the surety for the restoration of the landscaping.
15. Rooftop Screening – Prior to issuance of a building permit, the applicant shall revise the Elevations to provide adequate screening of rooftop mechanical and/or other appurtenances equipment from view of pedestrians on 2nd Avenue. If additional rooftop screening is necessary because equipment

is visible from 2nd Avenue, the applicant shall resubmit Elevations for further review by the Site and Architectural Design Review Board.

16. End Cap Fenestrations – The applicant shall revise the Elevations to treat the end cap units with fenestration, such as windows, on three sides.
17. Elevations Resubmittal – The applicant shall resubmit Elevations for administrative review and approval.
18. Lighting – The Photometric Plan and lighting specifications shall show white light only, consistent with standards set by the Illuminating Engineers Society for open parking, sidewalks and grounds with a minimum variation in foot-candles across the site and shall be submitted for review and approval by the Community Development Director.
19. Substantial Compliance – Once the Plan Set has been revised to the satisfaction of the Community Development Director, development shall be accomplished in substantial accordance with the revised Plan Set.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 28th day of May 2015, by the following vote:

AYES, PLANNING COMMISSION MEMBERS: Burnett, Turgen, Ledesma, Doherty, Piper

NOES, PLANNING COMMISSION MEMBERS: Davis

ABSENT, PLANNING COMMISSION MEMBERS:

ABSTAIN, PLANNING COMMISSION MEMBERS:

David Burnett, Chairperson

ATTEST:

Theresa Szymanis, AICP CTP
Acting Director, Community Development Department