RESOLUTION NO. 2016-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING GENERAL PLAN LAND USE MAP AMENDMENT GP 2014-01 TO CHANGE THE LAND USE DESIGNATION FROM "SINGLE FAMILY RESIDENTIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A ±0.8 ACRE PROJECT SITE LOCATED AT 3033-3039 MARINA DRIVE (APN 033-171-002)

WHEREAS, entitlements requested include a General Plan Land Use Map amendment (GP 2014-01) to change the land use designation from "Single Family Residential" to "Multi-Family Residential", and;

WHEREAS, at the regular meeting of December 10, 2015, the Planning Commission adopted Resolution No. 2015-09, recommending that City Council consider approving General Plan Land Use Map amendment GP 2014-01 to change the land use designation from "Single Family Residential" to "Multi-Family Residential for the ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002).

WHEREAS, on February 2, 2016 and March 15, 2016, the City Council of the City of Marina conducted a duly noticed public hearing to consider General Plan Land Use Map amendment GP 2014-01 to change the land use designation from "Single Family Residential" to "Multi-Family Residential", considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the February 2, 2016 and March 15, 2016 meeting related to the proposed use, and;

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA) an Initial Study and Mitigated Negative Declaration has been prepared to analyze and mitigate the project's potentially significant environmental impacts.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves General Plan Land Use Map amendment GP 2014-01 to change the land use designation from "Single Family Residential" to "Multi-Family Residential" for a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002), making the following findings:

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Land Use Map Amendment GP 2016-01 is internally consistent with the General Plan as follows:

   (a) City of Marina Housing Element 2008-2014
   The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant of underutilized infill parcels in Central Marina with residential development potential.

   (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with four income restricted units will help meet this requirement, address the need for affordable housing, and help the City of Marina to achieve its Housing Element goals.

(c) This is an appropriate location for townhome/apartment infill development given: (1) the sites location within an already-developed urban area; (2) adjacency to and compatibility with similar multi-family apartments and townhomes without the need for buffers or transition zones; (3) adjacency to existing bus planned rapid transit stops; (4) adjacency to the Monterey Bay Sanctuary Scenic Trail; (5) close proximity to City services and supplies. Intensification of use at this location will more fully utilize the City's existing infrastructure and tax revenue from the existing land supply.

(d) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.

(e) Policy 2.31.6 requires that new housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.

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

(g) Policy 3.3.8 requires that the City link existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.

(h) Policy 3.34.6 directs that new development and redevelopment within the City of Marina should be designed with a network of streets to disperse traffic loads evenly and provide route options and direct travel for pedestrians and bicyclists.

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

(j) Policy 3.34.1, the City's Pedestrian Network Map identifies this link as part of the City's future pedestrian network.

(k) Policy 3.35.1 requires that adequate bicycle parking shall be provided at all existing civic and recreational destinations, including comprehensive support facilities and in all new multi-family residential projects.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of March 2016, 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 C. Delgado, Mayor

ATTEST:

_____
Anita Sharp, Deputy City Clerk

January 29, 2016 Item No: **9a**

Honorable Chair and Members
of the Marina City Council

City Council Meeting
of ~~February 2, 2016~~
March 15, 2016

REQUEST THAT THE CITY COUNCIL OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER: (1) ADOPTING RESOLUTION NO 2016- , APPROVING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND DUPLEX AND CONSTRUCTION OF SIXTEEN (16) NEW TOWNHOMES AND TWO (2) APARTMENTS; (2) ADOPTING RESOLUTION NO. 2016- , APPROVING GENERAL PLAN LAND USE MAP AMENDMENT GP 2014-01 TO CHANGE THE LAND USE DESIGNATION FROM "SINGLE FAMILY RESIDENTIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR THE PROJECT SITE; (3) INTRODUCING ORDINANCE NO. 2016- , APPROVING ZONING MAP AMENDMENT ZM 2014-01 TO CHANGE THE ZONING DISTRICT FROM "MULTIPLE FAMILY RESIDENTIAL (R-4)" TO "SPECIFIC PLAN (SP)" FOR THE PROJECT SITE; (4) ADOPTING RESOLUTION NO. 2016- , APPROVING SPECIFIC PLAN SP 2014-01 INCLUDING SITE AND ARCHITECTURAL DESIGN REVIEW DR 2014-01 FOR THE SITE PLAN, BUILDING ELEVATIONS AND CONCEPTUAL LANDSCAPE PLAN AND TREE REMOVAL PERMIT TP 2014-01 FOR THE REMOVAL OF SEVEN (7) TREES, AND; (5) ADOPTING RESOLUTION NO. 2016- , APPROVING AN AFFORDABLE HOUSING PLAN AND AFFORDABLE HOUSING AGREEMENT, ON A ±.8 ACRE PROJECT SITE LOCATED AT 3033-3039 MARINA DRIVE (APN 033-171-002)

REQUEST:
It is requested that the City Council:

1. Open a public hearing, take any testimony from the public and consider adopting Resolution No. 2016- , approving the Mitigated Negative Declaration of environmental impact and the associated Mitigation Monitoring and Reporting Program (MMRP) for demolition of an existing single family dwelling and duplex and construction of sixteen (16) new townhomes and two (2) apartments on a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002);

2. Resolution No. 2016- , approving General Plan Land Use Map amendment GP 2014-01 to change the land use designation from "Single Family Residential" to "Multi-Family Residential" for a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002);

3. Introducing Ordinance No. 2016- , approving Zoning Map amendment ZM 2014-01 to change the Zoning District from "Multiple Family Residential (R-4)" to "Specific Plan (SP)" for a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002);

4. Resolution No. 2016- , approving Specific Plan SP 2014-01, including Site and Architectural Design Review DR 2014-01 for the Site Plan, Building Elevations, Conceptual Landscape Plan, and colors and materials for demolition of an existing single family dwelling and duplex and construction of sixteen (16) new townhomes and two (2) apartments, and Tree Removal Permit TP 2014-01 for the removal of seven (7) trees on a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002), subject to conditions.

5. Resolution No. 2016- , approving an Affordable Housing Plan and an Affordable Housing Agreement.

BACKGROUND:

The project site is a linear parcel located at 3033-3039 Marina Drive. The project site is bordered by the Monterey County (TAMC) branch line railway tracks, TAMC's Monterey Bay Sanctuary Scenic Trail and Del Monte Boulevard to the south and east; and the Highway 1 dune berm and a City-owned storm water percolation pond to the north and west. San Pablo Court forms the northern property boundary.

The subject property is developed with nine existing units. These include one (1) single family dwelling, one (1) duplex, and one (1) multi-family apartment containing six (6) units. Two (2) of the units in the apartment building had been created without the benefit of permits and in 2014 were brought into compliance with the California Building Code and Fire Code through the Building Services Division by the current property owner, Mr. Scott Green. The proposed development, the Beach Townhome Apartments, involves the demolition of the single family dwelling and duplex and construction of 16 new townhomes and two (2) apartments for a total of 24 units (six existing and 18 new). A building housing an office, laundry and storage/maintenance area will serve all residents.

On July 2, 2014, Mr. Scott Green submitted a complete application for entitlements, including a General Plan amendment (GP 2014-01) to change the General Plan Land Use Map from "Single Family Residential" to "Multiple Family Residential", a change to the Zoning District Map (ZM 2014-01) from "Multi-Family Residential" to "Specific Plan", adoption of a Specific Plan (SP 2014-01), adoption of an Affordable Housing Plan and Affordable Housing Agreement, Site and Architectural Design Review (DR 2014-01) for the Site Plan, Building Elevations, Landscape Plan and colors and materials for a project including demolition of three (3) existing units and the addition of 17 townhomes (now 16 townhomes and 2 apartments for 18 total units), and a Tree Removal Permit (TP 2014-1) for removal of seven (7) trees on a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002).

At the regular meeting of November 19, 2014, the Tree Committee adopted Resolution No. 2014-01 (TC), recommending Planning Commission approval of TP 2014-01, subject to conditions.

After consideration at two public meetings held on November 19, 2015 and February 25, 2015, the Site and Architectural Design Review Board (DRB) adopted Resolution No. 2015-07, recommending Planning Commission approval of DR 2014-01, subject to conditions. These conditions were either addressed by the applicant in resubmitted plans or by inclusion of the Conditions of Approval in the Planning Commission Resolution.

Google Earth Image of Subject Property

At the regular meeting of December 10, 2015, the Planning Commission adopted Resolutions No. 2015-08 through 2015-12, recommending that City Council consider adopting the Mitigated Negative Declaration of environmental impact for a proposed project; approving General Plan Land Use Map amendment GP 2014-01 to change the land use designation from "Single Family Residential" to "Multi-Family Residential"; approving Zoning Map amendment ZM 2014-01 to change the Zoning District from "Multiple Family Residential (R-4)" to "Specific Plan (SP)"; approving Specific Plan SP 2014-01, including Site and Architectural Design Review DR 2014-01 for the Site Plan, Building Elevations, Conceptual Landscape Plan, and colors and materials for demolition of an existing single family dwelling and duplex and construction of sixteen (16) new townhomes and two (2) apartments, and Tree Removal Permit TP 2014-01 for the removal of seven (7) trees; and approving the Affordable Housing Plan and Affordable Housing Agreement for the Beach Townhome Apartments, located on a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002).

ANALYSIS:

GENERAL PLAN LAND USE MAP AMENDMENT

In June 1982, the subject property was designated as "Multiple Family Residential" on the General Plan Land Use Map with a residential density of 21 dwelling units per acre. In October 2000, for reasons that are not clear in the historical files, all of the properties located in the triangle south of Marina del Mar Elementary School, east of San Pablo Court and west of Marina Green Drive including the subject property, were re-designated as "Single Family Residential" on the General Plan Land Use Map, making the majority of the parcels non-conforming as to the density.

The allowable density established by the General Plan for areas designated "Single Family Residential" is five units per acre; thus four units are currently allowed on the subject property. The six existing units on the site currently exceed the General Plan's residential density limit of five units per acre. To increase density on the site, an amendment to the General Plan Land Use Map from "Single Family Residential" to "Multi-Family Residential", which allows between 20 and 35 units per acre, will be required ("**EXHIBIT A**").

This is an appropriate location for townhome/apartment infill development given: (1) the sites location within an already-developed urban area; (2) adjacency to and compatibility with similar multi-family apartments and townhomes without the need for buffers or transition zones; (3) adjacency to existing bus stops; (4) adjacency to the Monterey Bay Sanctuary Scenic Trail; and (5) close proximity to City services and supplies. Intensification of use at this location will more fully utilize the City's existing infrastructure and increase tax revenue from the existing land supply.

ZONING DISTRICT MAP AMENDMENT

The subject parcel is zoned "Multiple Family Residential" (R-4) on the Zoning Map. The Beach Townhome Apartments Specific Plan will establish a "Specific Plan" (SP) Zoning District to replace the R-4 Zoning District for the site ("**EXHIBIT B**").

Inconsistencies between the General Plan Land Use Map and Zoning District Map were identified during the preparation of the Marina General Plan 2000. Policy 5.4 of the Program and Implementation Element of the General Plan addressed this item by identifying the need for a major revision of the City's existing Zoning Code. To date, this revision has not been completed.

ADOPTION OF SPECIFIC PLAN

The subject property is located within the boundary of the Downtown Vitalization Area. Within Central Marina, the Downtown Vitalization Specific Plan (DVSP) was initiated as a tool to accomplish consistency between the City's land use and zoning maps. A Draft DVSP was prepared by the Development Services Department (DSD) prior to dissolution of redevelopment agencies in California. This project is currently on hold.

General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies. As such, a Specific Plan has been prepared for the project ("**EXHIBIT C**").

Unique development standards and design guidelines, as illustrated by the development plans, have been incorporated into the proposed Beach Townhome Apartments Specific Plan. The Specific Plan has been prepared pursuant to Government Code Sections 65450-65457.

The Specific Plan includes the following five chapters:

- Chapter 1 (Introduction and Background) describes the project background, vision and description of the existing conditions. The relationship to the General Plan is also discussed.

- Chapter 2 (Context and Setting) describes the setting, environmental constraints, and existing infrastructure and public services for the Specific Plan area.

- Chapter 3 (Development Standards and Design Guidelines) establishes a set of development standard and design guidelines for the consistent promotion of high-quality, well-designed developments on the project site.

- Chapter 4 (Infrastructure and Public Services Plan) discusses the development policies pertaining to the planned distribution, location, extent and intensity of water, sewer and storm drainage infrastructure, and solid waste facilities.

- Chapter 5 (Specific Plan Administration and Implementation) provides the framework for implementing the Specific Plan and ensuring its objectives are integrated effectively with the goals of the City of Marina General Plan.

Staff has worked collaboratively with the applicant in the preparation of the Specific Plan. Staff has confirmed that the plan is consistent with and furthers the goals, policies and implementation objectives of the Marina General Plan and is compliant with the requirements of State law.

SITE PLAN

The proposed project development plans form the Appendix to the Specific Plan.

The Site Plan (*Sheet A-1)* shows the distribution on the site of the existing three-story apartment building, three rows of new townhome units, a new storage/laundry/office building and a bicycle storage building. Linear blocks of six and eight townhome units located at the west and north-west property boundaries abut the Highway 1 dune berm and City-owned percolation pond lot, respectively, with a smaller block of three units fronting on Marina Drive. Parking for all units is centralized within the development. A Marina Coast Water District (MCWD) lift station is located on the north-west corner of the property. Two enclosures for garbage and recycling are provided, one in each parking lot. The garbage and recycling enclosures will house a four yard recycling dumpster and a three yard trash dumpster, which are estimated to handle approximately 1,200 pounds of waste. According to the solid waste hauler (Green Waste), the average apartment generates approximately 40 pounds of solid waste per week. With 24 total units, the project would produce an estimated 960 pounds of solid waste per week. Thus, the size of the provided trash enclosures would be adequate for a weekly solid waste pick-up. If once weekly pickup is not adequate for any reason, the applicant can schedule a twice weekly pickup.

The Demolition Plan (*Sheet A-3*) shows the locations of the existing apartment building that will remain and the duplex and single family units, and accessory structures that will be demolished.

Except where infeasible, development standards within MMC Chapter 17.20, Multiple Family Residential District, have been used by the applicant to guide the site planning process.

Table 1, below, shows the development standards proposed for the subject property, as incorporated in the Specific Plan.

Table 1.
Proposed Specific Plan Standards

Metric	Specific Plan Standard
Housing Element Program 1.1 requires minimum density 20 units/acre in DVSP area or 16 units	23 units on 0.8 acres = 29 units/acre
Total Open Space (excludes driveways and walkways)	10,037 sq. ft.
Private Open Space (patios and decks)	3,774 sq. ft.
Building Height	22' and two stories
Site Coverage	27%
Front Yard	10' minimum
Side Yards	5' minimum
Rear Yard	5' minimum
Parking (all 2 bedroom units)	1 ½ spaces per unit = 35 spaces

Circulation

Access to the site would be provided via two new driveways on Marina Drive and one new driveway at San Pablo Drive. There would be no passage for vehicles through the site. The Marina Fire Department has reviewed the proposed project and has required that dead-end access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The southerly parking area terminates at 135 feet. The parking has been designed to provide for vehicle maneuvering so that vehicles may leave the site in a forward direction (rather than backing out into the roadway).

The project would generate net increase of 117 daily vehicle trips, including 9 in the AM peak hour and 10 in the PM peak hour. This level of traffic would not measurably influence the levels of service of any nearby roadway or intersection.

The site is located within walking distance of downtown Marina. The site is also adjacent to a public bus stop, the adjacent TAMC regional bicycle and pedestrian trail, and a cul-de-sac with on-street parking availability.

The closest Monterey-Salinas Transit (MST) bus stops are located at Palm Avenue and Del Monte Avenue, approximately 900 feet northeast of the proposed project site. From this location, Routes 17, 20, 21 and 28 take passengers to CSUMB, the Dunes Shopping Center, Monterey Transit Plaza, Salinas Transit Center and the Watsonville Transit Center. Also, TAMC is planning to build a Light Rail Transit (LRT) station at Palm Avenue and Del Monte Boulevard as part of the future Monterey Branch Line LRT project.

Neither Marina Drive nor San Pablo Court have been fully improved. As part of the project, curb, gutter and a 4' wide sidewalk will be constructed along both street frontages. As shown in the Grading Plan (*Sheet A-2*), the applicant will adjust the property line and donate an 8' strip of land along the San Pablo Court frontage to the City. With this property line adjustment and the proposed improvements to add curb, gutter, and sidewalk, San Pablo Court would be widened and improved. The applicant has additionally offered to pave the full width of Marina Drive.

The proposed internal sidewalk network will link the front entry of each unit to the parking area and to the sidewalks along Marina Drive and San Pablo Court as well as the community patio and bicycle storage area located adjacent to the office/laundry building.

Parking

As shown in the image below, parking for the existing on-site development occurs on the street or within driveways; currently there is no formal parking lot for the six-unit complex. At the December 10, 2015 Planning Commission meeting, nearby residents indicated that vehicles currently park within the TAMC branch line right-of-way, located across Marina Drive to the southeast of the project site. The image below (taken in April 2015) shows three cars parked along the southeast shoulder of Marina Drive, including two at the end of the cul-de-sac and one across from the six-unit complex near the intersection with San Pablo Court. Photographs taken by City staff in December 2015 indicate a similar situation, with one car parked at the end of the cul-de-sac and one across from the six-unit complex near the intersection with San Pablo Court.

April 2015 Google Earth Street View image of Marina Drive from San Pablo Court, facing south. The subject property is on the right.

April 2015 Google Earth Street View Image of from the end of Marina Drive facing east. The subject property is behind the photographer.

Staff photograph taken December 22, 2015 of Marina Drive from San Pablo Court, facing south. The subject property is on the right.

As part of the proposed development, a total of 38 parking spaces (or approximately 1.6 spaces per unit) would be provided on the site, including six new spaces in front of the existing apartment building, four spaces with access off San Pablo Court, and 28 spaces with access off Marina Drive (each parking area would have a separate access point). A motorcycle parking spot would be provided at the south end of the parking lot, directly off of Marina Drive. Bicycle parking would be provided in the form of a 12 foot by 8 foot bike storage building and additional bike racks, in the northwest portion of the site, between the six unit and nine unit structures. One parking spot for each of the existing apartments would be added in front of the apartment building off of Marina Drive. It is anticipated that the provision of on-site parking would alleviate some of the existing

parking constraints along Marina Drive and San Pablo Court, as formal off-street parking would be provided for the existing and proposed units, where none exists currently.

The proposed on-site parking stalls are 9 feet by 17.5 feet with 10-foot width for corner stalls. Two spaces are ADA accessible in compliance with the two percent requirement of the California Building Code.

Flood Plain and Storm Water Management

According to the 2009 FEMA Flood Insurance Rate Map, the north-eastern half of the property is located in the AE Flood Zone and has a Base Flood Elevation (BFE) of 28 feet. Seven of the new units will be fully or partially located within the identified flood plain. To address this, new construction will locate the lowest habitable floor above the BFE. The site will be graded to create pad elevations with the top of each slab at or above 28 feet (Site Plans *Sheet A-2*).

At the December 10, 2015 Planning Commission meeting, nearby residents indicated that flooding is a concern along both Marina Drive and San Pablo Courts. City staff visited the neighborhood on December 11, 2015 following a rain event. The images show some pooling on Marina Drive near Marina del Mar Elementary School, but not substantial flooding. Recent City improvements to the drainage in the area have provided some localized flooding relief. Additional drainage improvements on Marina Drive near Marina del Mar Elementary School are incorporated into the Capital Improvement Program (CIP) list which will be presented to City Council on February 17, 2016.

Staff photograph taken December 11, 2015 of Marina Drive near Marina del Mar Elementary School following a rain event.

The proposed project would not exacerbate the existing flooding situation and would improve on-site drainage compared to existing conditions. The project would include infiltration basins to keep all stormwater on-site, as required by Policy 3.57 of the City of Marina General Plan. Three catch basins would be installed on the project site. The catch basins would be located in the three separate parking areas: one in the townhouse parking area off Marina Drive, one in the six unit apartment complex parking area off of Marina

Drive, and one in the parking area off of San Pablo Court. Each catch basin would have Storm Tech SC-740 chambers and be designed to meet the General Plan requirement of conveying runoff from a ten-year frequency storm (City of Marina General Plan, 2000). The infiltration basins would prevent runoff and erosion, as well as contribute to the removal of pollutants in the stormwater.

ELEVATIONS

The applicant is also seeking approval of the Exterior Elevations (*Sheets A-4 and A-5*) as depicted in the color renderings in the Specific Plan (*Views from Del Monte (2); North Elevation; View from Freeway*). An additional perspective as viewed from Del Monte Boulevard, as requested by Planning Commission, has been provided on the cover of the Plan Set.

Each of the 16 new townhome units will be approximately 864 sq. ft. and will include livable space downstairs, with a ½ bath and washer/dryer hook-ups. Upstairs there will be two bedrooms and a shared bath. The two new apartments would each include one bedroom and one bath in approximately 600 sq. ft. Each unit will have a private entry porch and a rear patio. White wooden picket fences define the front entries and 6' redwood fences create privacy at the rear of the units.

The design and materials wrap around the building. Finishes for the units include stucco on the first floor, a 12" wood belly-band between the first and second floors, board and batten siding on the second floor, painted aluminum gutters and downspouts, and composition shingle roofs. Windows are vinyl with French pane uppers. The colors and materials board and color renderings show the colors and their placement on the buildings.

The units have been differentiated from one another through the following:

- The rooflines for each block of one or two units are offset due to grade changes consistent with the existing topography, which varies from 33' at the north of property to 28' at the south;

- Porch overhangs are either pitch roof or shed roof at the front door entry; and

- Distinctive paint colors are used in blocks of two units. The single northernmost end units are painted as singles repeating the color scheme of interior blocks.

Colored window shutters on the upper story of each of the units harmonize the complex as a whole.

To satisfy Planning Commissioner concerns about building integration, the existing on-site structure would also be modified to include colored window shutters on the upper story and a 12” wood belly-band between the first and second floors, painted to match the building trim. Additional Monterey cypress trees would also be planted near the corner of Marina Drive and San Pablo Court to screen and soften the view of this structure from surrounding roadways.

A City-owned storm water percolation pond is located northwest of the project site, which is currently surrounded by a chain link fence. The applicant proposed to replace the existing chain link fence with six-foot tall redwood fence, similar to the proposed rear privacy fence.

CONCEPTUAL LANDSCAPE PLAN

The applicant has also prepared a Conceptual Landscape Plan (*Sheet L1*) for approval. The plan shows the locations of the landscape areas adjacent to each row of townhouses, in the parking areas and on the street frontages.

Seven of the existing trees are proposed to be removed to accommodate the development and the rest will be retained, including several mature cypress trees. All of the trees proposed to be retained, except *Melaleuca*, a California native, are on the City of Marina Recommended List of Preferred Trees, approved by the Site and Architectural Design Review Board and the Planning Commission in 2009. Nine of the shrubs listed on the landscape plan are California natives, and eight are not.

The number of new trees and shrubs to be planted on-site is not yet known. Standard Conditions of Approval have been added to the draft Resolution to ensure at least 65 percent of trees and shrubs are native plantings, establish minimum plant sizes and guide placement during development of the Final Planting Plan.

TREE REMOVAL PERMIT

To accommodate the proposed development, the applicant is requesting the removal of seven (7) trees including five (5) myoporum trees, one (1) olive tree and one (1) acacia tree. An Arborists Report prepared by Frank Ono (July 11, 2014) provided by the applicant was reviewed by the Tree Committee and the Planning Commission. The report identified all trees to be removed as being in poor health or within the development impact area as noted in the findings in the draft Resolution.

Conditions of Approval have been added to the draft Resolution requiring that the Final Landscape Plan shall show replacement of the seven removed trees at a ratio of at least 2:1 (at least 14 trees), consistent with Municipal Code Section 17.51.060 D2, and that all remaining trees in the vicinity of the proposed construction shall be protected during all construction activities.

AFFORDABLE HOUSING PLAN AND AFFORDABLE HOUSING AGREEMENT

The Affordable Housing Plan and Affordable Housing Agreement has been reviewed by staff, including special legal counsel at Goldfarb & Lipman, LLP, who has found the plan in compliance with City of Marina Municipal Code Chapter 17.45 based on the percentage of affordable housing units proposed in each income category, pursuant to Section 17.45.030 (**"EXHIBIT D"**).

As required, four affordable housing units are proposed with the following affordability mix: one (1) very low, one (1) low, and two (2) moderate income units. Two of the units (both 2 bedroom/1 bath) will be located in the existing 6-plex, one (2 bedroom/1.5 bath) will be in the new 8-unit building, and one (2 bedroom/1.5 bath) will be in the new 6-unit building. Occupancy of the units is restricted to individuals who meet the State income limits, as updated annually, with maximum rents for the apartments established and updated annually by the Department of Housing and Community Development.

Once the City Council approves the Affordable Housing Plan and Affordable Housing Agreement for the project, the applicant will prepare and record a Regulatory Agreement, for the four affordable units based on the language of the City prepared Agreement. These documents must be approved and recorded prior to issuance of a building, demolition or grading permit for the site.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for the project. A 20-day public review period for the IS-MND began on October 28, 2015, and concluded on November 16, 2015. A Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the Office of the Monterey County Clerk on October 28, 2015. No comments were received.

An Initial Study (IS) and Mitigated Negative Declaration (MND) have been prepared in response to the requirements of the California Environmental Quality Act (CEQA) ("**EXHIBIT E**"). Through the Initial Study, it has been determined that the project's environmental impacts are less than significant with mitigation measures. These mitigations measures relate to potentially significant impacts associated with nesting birds and potentially significant impacts associated with construction noise. The Mitigation and Monitoring Program (MMRP) for the project is attached ("**EXHIBIT F**").

CONCLUSION:

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

submitted,

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

REVIEWED/CONCUR:

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Layne P. Long
City Manager City of
Marina