RESOLUTION NO. 2016-94
RESOLUTION NO. 2016-01 (MAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA/AIRPORT COMMISSION TO AMEND THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN INTERIM UPDATED HOUSING ELEMENT 2015-2023, AND FINDING THE INTERIM UPDATED HOUSING ELEMENT 2015-2023 CONSISTENT WITH THE FORT ORD BASE REUSE PLAN.

WHEREAS, on May 12, 2016 the Planning Commission considered a draft Interim Housing Element Update 2015-20123 and authorized staff to submit the updated draft to the State Department of Housing and Community Development (HCD), and;

WHEREAS, the draft Housing Element was submitted to the California Department of Housing and Community Development on May 16, 2016 (**EXHIBIT C** to the June 21, 2016 City Council staff report), and;

WHEREAS, on June 1, 2016, the Department of Housing and Community Development returned comments on the draft Housing Element document (**EXHIBIT D** to the June 21, 2016 City Council staff report), and;

WHEREAS, the Planning Commission has considered the comments from HCD, and;

WHEREAS, on June 9, 2016, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to the City Council on the Interim Housing Element 2015-2023, and;

WHEREAS, the Planning Commission found that the Interim Housing Element 2015-2023 would not have a significant effect on the environment and that no mitigation measures have been conditioned and recommends that the City Council consider adopting a Negative Declaration (PC Resolution No. 2016-05, **EXHIBIT F** to the June 21, 2016 City Council staff report), and;

WHEREAS, the City Council has considered the comments from HCD **(EXHIBIT D** to the June 21, 2016 City Council staff report), and;

WHEREAS, the Planning Commission found that the Interim Housing Element 2015-2023 is consistent with community values and needs as articulated by the Community Goals and Primary Policies of the General Plan (PC Resolution No. 2016-06, **EXHIBIT G** to the June 21, 2016 City Council staff report), and;

WHEREAS, the City Council finds that the Interim Housing Element 2015-2023 would not have a significant effect on the environment and that no mitigation measures have been conditioned, and;

WHEREAS, the City Council finds that the Interim Housing Element 2015-2023 documents housing needs for all sectors and income groups within the City of Marina and presents reasonable policies and programs to enable the City to address these needs.

WHEREAS, the City Council acting as the Marina Airport Commission (MAC), finds that Traffic Pattern Zone 6 of the Marina Municipal Airport Comprehensive Land Use Plan (CLUP), includes some residential areas to the west of the airport and south of Armstrong Ranch. The Draft Interim Housing Element 2015-2023 proposes no land use changes or rezoning from the Final Housing Element 2008-2014 and no incompatibility or inconsistency has been found nor is anticipated with the CLUP, and;

WHEREAS, Chapter 8 of the FORA Master Resolution requires that all legislative land use decisions affecting property in the Former Fort Ord be submitted to FORA for a determination of consistency with the Fort Ord Reuse Plan and master Resolution, and;

WHEREAS, the City Council finds that the Draft Interim Housing Element 2015-2023 proposes no land use changes or rezoning from the Final Housing Element 2008-2014, and that the Draft Interim Housing Element 2015-2023 is consistent with the Fort Ord Base Reuse Plan according to the FOR A Master Resolution, Chapter 8, as evidenced by the City's Consistency Determination Review, as attached to this Resolution (**ATTACHMENT A** to this Resolution).

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby amends the City of Marina General Plan by adopting the Interim Housing Element 2015-2023 (**EXHIBIT C** to the June 21, 2016 City Council staff report).

PASSED AND ADOPTED by the City Council/Airport Commission of the City of Marina at a regular meeting duly held on the 21st day of June 2016 by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Delgado
NOES, COUNCIL MEMBERS: None
ABSENT, COUNCIL MEMBERS: Brown
ABSTAIN, COUNCIL MEMBERS: None

_____
Bruce C. Delgado, Mayor

ATTEST:

_____
Anita Sharp, Deputy City Clerk

ATTACHMENT A to EXHIBIT B

RESOLUTION NO. 2016-94
RESOLUTION NO. 2016-02(MAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA/AIRPORT COMMISSION TO AMEND THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN INTERIM UPDATED HOUSING ELEMENT 2015-2023)
(CITY-WIDE)

Consistency Determination

CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 21, 2016	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	**(Interim) Housing Element of the General Plan**
Natural Resources	
(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.	The Interim Housing Element does not amend the General Plan land use map, rezone any parcels within Marina, or entitle any developments.
1. Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.	See above statement.
2. When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.	The Housing Element does not entitle any properties. There are no roads or other infrastructure proposed to be constructed as a result of the Housing Element.
(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.	There is one residential street and two housing units on another street that lie within the coastal zone. No housing rehabilitation or new housing construction is anticipated within the coastal zone during the Housing Element planning period.
(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.	The East Garrison area of Monterey County is outside of the Marina city limits. The Housing Element covers only those areas within the Marina city limits.

CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 21, 2016	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	**(Interim) Housing Element of the General Plan**
(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.	The Housing Element does not entitle any properties. There are no recreational facilities proposed to be constructed as a result of the Housing Element.
Historic Preservation	
(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.	The Housing Element is a housing policy document. It does not amend the General Plan text or land use map, or rezone any parcels within Marina. Through acknowledgement of existing entitled strategic land developments in the Former Fort Ord, the Housing Element encourages the reuse of Army property to meet the allocated Regional Housing Needs Assessment.
(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.	The Housing Element is a housing policy document. It does not amend the General Plan land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects which have independently addressed historic preservation as appropriate.
(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.	The East Garrison area of Monterey County is outside of the Marina city limits. The Housing Element covers only those areas within the Marina city limits.
Water, Sewer, Drainage & Waste	
(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.	The Housing Element does not entitle any properties. There are no sewage treatment facilities proposed to be constructed as a result of the Housing Element.
(i) Each land use agency shall adopt the following policies and programs: 1. A solid waste reduction and recycling program applicable to Fort Ord territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 et seq.	The Housing Element does not amend the General Plan land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 21, 2016	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	**(Interim) Housing Element of the General Plan**
2. (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department.	
3. A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.	
(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:	
1. Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
2. Commence working with appropriate agencies to determine the feasibility of developing additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina. Thus it does not increase the demand on water resources available to the City.
3. Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
4. Active participation in the support of the development of reclaimed or recycled water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
5. Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
6. Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development at territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
7. Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
8. Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	(Interim) Housing Element of the General Plan
	City of Marina.
9. Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including: dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:	
1. Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
2. Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.	
(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (DTSC) to control and restrict excavation or any soil movement on those parcels of the Fort Ord territory, which were contaminated with unexploded ordnance and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
Traffic & Circulation	

CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 21, 2016	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	**(Interim) Housing Element of the General Plan**
(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
1. Establishment and provision of a dedicated funding mechanism to pay for the fair share of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority.	
2. Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord territory.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
1. Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities.	
2. Design and construction of an efficient system of arterials in order to connect to the regional transportation system.	
3. Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.	
(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
Fire Protection	

CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 21, 2016	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	**(Interim) Housing Element of the General Plan**
(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord territory.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
Jobs/Housing Balance	
(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which would result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina. The Housing Element provides for a 20% inclusionary housing component in Former Fort Ord, and greater than 20% citywide for new or rehabilitated housing, consistent with the Marina Municipal Code.
Other Consistency Considerations	
Each land use agency shall ensure that its projects, programs, and policies are consistent with the Highway One Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
Each land use agency shall ensure that its projects, programs, and policies are consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina. As such, the Housing Element does not entitle any construction requiring prevailing wage.

EXHIBIT C

CITY OF MARINA HOUSING ELEMENT UPDATE 2015-2023
(June 2016)

and

CITY OF MARINA DRAFT INITIAL STUDY – NEGATIVE DECLARATION

The draft Housing Element (120 pages) and environmental document (42 pages) can be accessed at the following link: http://www.ci.marina.ca.us/DocumentCenter/View/5595.

Hard copy is also available for review at the Community Development Department counter at 209 Cypress Avenue during regular business hours.

EXHIBIT D

June 1, 2016 letter from the California Department of Housing and Community Development.

Review of the City of Marina's 5th Cycle (2015-2023) Draft Housing Element

EXHIBIT D

STATE OF CALIFORNIA -BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

June 1, 2016

Mr. Taven M. Kinison Brown, Acting Planning Services Manager
Community Development Department
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Dear Mr. Kinison Brown:

RE: Review of the City of Marina's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Marina's draft housing element received for review on May 16, 2016. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on May 26, 2016, with you and the City's consultant, Ms. Veronica Tam of Veronica Tam and Associates.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (GC, Article 10.6). The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must have adopted its housing element within 120 calendar days from the statutory due date of December 15, 2015 for AMBAG localities. Since the element will be adopted after this date, GC Section 65588(e)(4) requires the element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For information on housing element adoption requirements, visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html .

We are committed to assisting the City of Marina in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Jess Negrete, of our staff, at (916) 263-7437.

Sincerely,

Glen A. Campora
Assistant Deputy Director

Enclosure

APPENDIX
CITY OF MARINA

The following changes would bring Marina's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks),* available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

   The City has a regional housing need allocation (RHNA) of 1,308 housing units, of which 520 are for lower-income households. To address this need, the element relies on vacant and underutilized sites, including sites in Specific Plan Areas and nonresidential zoned sites. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses, as follows:

   4th Cycle Unaccommodated Need: If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). Program 1.1 was necessary to demonstrate compliance with the adequate sites requirement in the previous planning period, however it was not completed (page 61). The housing element indicates that 44 units affordable to very low-income households and 24 units affordable to low-income household were built in the 2008-2014 planning period, but provides no information documenting how affordability of the units was determined. To credit these units toward reducing the unaccommodated need, the housing element must describe the City's methodology for assigning these units to the various income groups based on actual sales price or rent level of the units and demonstrate their availability in the planning period. To demonstrate adequate sites were made available in the prior planning period, the housing element must include an analysis or programs demonstrating compliance with the statutory requirements. For additional information, see Department's AB 1233 Memorandum at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf and *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php.

Sites Inventory: The housing element relies upon Specific Plan areas to accommodate the City's regional housing need for lower-income households. While the housing element indicates the Specific Plans' residential capacity and estimates the number of units by income group, it does not provide any analysis demonstrating suitability of sites for development in the planning period or potential affordability. To utilize residential capacity in Specific Plans, the element must:

- Indicate whether suitable sites have approved or pending projects or are suitable for development in the planning period.
- If projects are approved or pending, describe the status of the project, including any necessary approvals or steps prior to development, development agreements, conditions or requirements such as phasing or timing requirements that impact development in the planning period, and the affordability of the project's units based on anticipated rents, sales prices or other mechanisms (e.g., financing, affordability restrictions) ensuring their affordability.
- For suitable sites without pending or approved projects, the element must list sites by parcel number or unique reference, size, general plan designation, zoning and include a calculation of the realistic capacity of each site.

For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_land.php.

Realistic Capacity: The housing element uses the minimum residential density of the C-1 and C-R zones to estimate the number of residential units that can be accommodated on each site in the inventory. The estimate of the number of residential units for each of these sites must also account for land use controls and development standards, such as those found in Municipal Code Sections 17.21.035, 17.21.060, 17.21.170, 17.22.100, 17.22.120, and could reflect recently built densities. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

Suitability of Non-Vacant Sites: The element generally describes underutilized sites stating "site coverage of buildings was estimated at 40% or less, land dedicated to parking appears in excess of the need, the current use is much less than the General Plan/zoning ordinance allows, building configuration for the use might be considered functionally obsolescent, and/or obvious opportunities for consolidation with adjacent vacant and/or underutilized sites" (page 63). However, the methodology of underutilized sites to accommodate the regional housing need for lower-income households must also describe the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites (Section 65583.2(g)). For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and

the condition of the structure or could describe any expressed interest in redevelopment. For information and sample analysis, see the *Building Blocks* at: http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvancant.

Nonresidential Zoned Sites: The element relies upon nonresidential zoned sites, e.g. commercial and mixed use sites, to accommodate nearly the entire RHNA for lower-income households. To support this estimate, the element must include analysis of residential development on nonresidential zoned sites. For example, the analysis could include the following:

- Discussion of development trends such as the typical number or proportion of residential projects built in nonresidential zones.
- Discussion of residential development trends (regionally or locally) in nonresidential zones.
- Description of any existing or planned policies, programs, or local guidance or efforts promoting residential development in nonresidential zones.
- Description of any existing, or planned, mix-use or overlay zoning, performance standards, or incentives for promoting residential development in onresidential zones.
- Demonstrate a surplus of nonresidentially zoned sites relative to the regional housing need.

For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

Small Sites: The element identifies several sites, less than one acre in size, to accommodate a portion of the RHNA for lower-income households. The element must describe whether these small parcels are expected to develop individually or be consolidated with the other small parcels. *For parcels anticipated to be consolidated*, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. *For parcels anticipated to develop individually*, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. This is important given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units. For additional information and sample analysis, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity.

Sites with Zoning for a Variety of Housing Types:

- Emergency Shelters: The element must demonstrate the R4 and CR zones have sufficient capacity to accommodate the identified housing need for emergency shelters (Section 65583(a)(4)). As nearly all of the R4 and CR zones are nonvacant, the element should describe the potential for capacity,

such as adaptive reuse on the identified sites. For additional information and a sample analysis, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_variety.php#Emergency.

- Transitional Housing and Supportive Housing: For your information, in 2014 GC Section 65582 was updated and the definitions of transitional housing and supportive housing were revised. The zoning ordinance definitions should be reviewed to ensure consistency with the statute. For more information, see the Building Blocks at http://www.hcd.ca.gov/housing-policy-development/senate-bill-745/sb745memo042414.pdf.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

   Land-Use Controls: Footnote 1 to Table 36 appears to limit the capacity of a zone (page 36). Footnote 4 to Table 37 appears to indicate that there are minimum unit sizes (page 37). If there are capacity limits and/or minimum unit sizes, the housing element should describe them, as well as any minimum lot size requirements for exclusive residential use, minimum commercial requirements, residential floor area limitations, or unit and bedroom limitations and include analysis that evaluates their cumulative impacts on the cost and supply of housing, including the ability to achieve maximum densities. Finally, programs must be included to address constraints on development.

   Fees and Exaction: While the element indicates that total fees for a development was $24,000 per unit (page 49), it does not indicate whether the fees were for a single family or multifamily development. The element must identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For information and a sample analysis and tables, see *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php.

   Local Processing and Permit Procedures: While the element generally describes the timeframe for each processing and permit procedure, it must describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family

developments, including type of permit, level of review, approval findings and any discretionary approval procedures. For additional information and sample analysis, see the *Building Blocks* at our Department's website: http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php

The element indicates multifamily development of more than 25 units per acre and multifamily development in the CR and C1 zones requires a Conditional Use Permit (CUP) (page 39). The element must analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement. For information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

Design Review: While the element mentions a design review process, it must describe and analyze the design review guidelines and process, including approval procedures, decision-making criteria, and processing time, for their impact as potential constraints on housing supply and affordability. For example, the analysis could discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate. For information and sample analysis, see *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

   To address the program requirements of GC Section 65583)(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

   Program 1.1 could describe any incentives provided to promote residential development on the identified underutilized sites.

   Program 1.2 should describe a timeline for the development of the site.

Program 1.3 should describe any existing incentives provided to encourage mixed use development and include a quantified objective.

Program 1.4 should describe any incentives provided to encourage lot consolidation and include a quantified objective.

Program 2.1 should clarify that what is meant by "Government Code Section 65915 as well as the City's inclusionary housing requirement shall be applied to the project in the aggregate." For example, the program could be revised to indicate that "a density bonus shall be granted in compliance with state density bonus law."

Program 2.2 should define "affordable housing" and describe the next steps and timelines after "considering" reduced, deferred, or waived fees and evaluate tools and incentives. For example, the program could be revised to indicate "biennial review of fees, tools, and incentives and revise, as appropriate." The program should also include a quantified objective.

Program 3.1 should describe the next steps and timelines after the zoning ordinance is reviewed. For example, the program could be revised to state "the zoning ordinance will be revised, as appropriate, once the review is completed."

Program 4.1 should define "affordable housing" and include a quantified objective.

Program 5.1 should include a quantified objective. For example, the quantified objective could be "20 inspections per year."

Program 6.1 could include a quantified objective.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

   As noted in Finding A1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 3.2 should be revised to ensure transitional housing and supportive housing are allowed in all zones allowing residential uses, including the MHR, K, C1, and C2 zones. Also, the program should clarify that employee housing of 12 units or 36 beds is treated as an agricultural use in all zones allowing agricultural uses.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

   As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

C. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(8)).

While the housing element summarizes the public comment received, it could also describe how they were considered and incorporated into the element. During the period between the date of this review letter and the adoption of the final housing element, the City should continue its diligent public participation efforts to include all economic segments of the community. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/GS_publicparticipation.php.

D. Consistency with General Plan

The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals (Section 65583(c)(7)).

The element must describe how consistency was achieved and how it will be maintained during the planning period. For example, the element could include a program to conduct an internal consistency review of the General Plan as part of the annual General Plan implementation report required by Section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/OR_costal.php

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of

influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

EXHIBIT E

Notes from the June 9, 2016, Planning Commission hearing recommending that the City Council adopt a Negative Declaration of no significant environmental impact and adopt the Interim Updated Housing Element 2015-2023.

EXHIBIT E

Public Hearing for the City of Marina Housing Element - June 9, 2016 - 6:30 pm

Planning Commission and Public Comments

All Commissioners present

In the Gallery: Paula Pelot, Denise Turley Karen Wolfe, Mark Abrahams, and Layne Long

Staff: Taven M. Kinison Brown. Consultant: Veronica Tam

- Piper:
  - Impact Fees in Table 41 on Page 49 need to be absolutely correct, including FORA Fees.
  - Affordable Rates and Rents, Builders need to know the income levels to target the low and moderate. VT> Reference Table 24 for rents according to median area income.
  - Emergency Shelters need to be accommodated in the City's Housing Element / General Plan
- Ledesma:
  - In 2006 Marina Heights got a pass on providing affordable housing.
- Margaret Davis:
  - Concerned about governmental constraints, starting at the state level. VT> Health and Safety Codes, Building Codes (not going to change these).
  - We need to strip down and re-examine housing.
- Biala:
  - Do we need specific projects to get HOME funds? VT> Says can use for programs as well. Cannot be used to purchase property, or site control. New Construction Program.
- Layne Long:
  - Senior Citizen Center. On the City Council's June 21 hearing date for the CDBG.

Open Public Discussion @ 7:48

- Paula Pelot:
  - Look to WHY some of the demographic shifts. Is our loss of young families with children because they can no longer afford to live here?
  - Marina has not served ALL of the income levels of the community very well.
  - Look at the median income level being lower that the County. What does this really mean?
- Denise Turley;
  - Asks for PowerPoint in the Packet
  - Requests e-mail contact and Document Center
  - What is a CUP?
  - What is overcrowding? VT> Responded that 1 person or more per room, including living rooms and other common rooms.
  - Trouble with rent burden and credit worthiness. Especially for those spending much more than 30% of income on housing.
- Karen Wolfe:

    - Comment on Addendum D (HCD Comments)
    - What about General Plan Conflicts later? TKB> Responded with internal consistency description.
    - "What is diligent effort? Summer meetings may be hard, due to school out and vacation travel. When will people be able to participate?
    - Big item. What are our governmental constraints? Seems that the increased fee and impact schedule under consideration by the City would play a part.
- Mark Abrahams:
    - Conflicts between General Plan and Zoning.

Back to the Dias @ 8:10

- Burnett – dates to be discussed in next Item #8.
- Biala:
    - How to serve Marina Residents first? VT> Spoke to leeway and constraints and case law history. Can be very tricky. LL> Spoke that we do have a program addressing BMR (Below Market Rate) to better serve Marina's teachers, Firefighters and Police Officers. TKB> pointed to the continuation of Housing Program 2.5 which addresses BMR efforts of the City.
    - Low ownership rate. What does that really mean? What is the cause and effect of housing / jobs balance?
    - Santa Cruz area is desolate. (TKB?) What about renter/owner relationships to a community. (TKB: Renter stigma) VT> should we encourage smaller ownership units? Urban trends for both youth and seniors moving to more urbanized areas and features. Trend line…
- Burnett:
    - Aging population. Home rich. Finance poor.
    - What kind of programs would serve these people?
        - VT> Second stories not so good for seniors. (TKB> Need condominiums with elevators, no yards)
        - VT> One innovative housing type follows the progressions of age from complete independence, to growing dependence on others, to full assisted living care in the same complex/facility.
        - VT> Senior SRO and Young Professional SRO. (Housing type will be renamed to remove the negative connotations of SROs)
        - VT> Trend to more compact development.

Piper made a motion on the Environmental Resolution (PC Res No. 2016-0_)

Second by Ledesma. Motion Carried 7-0.

Discussion Continued

- Bielsker:
    - C-1 and C-2 are listed as opportunity sites. Why are these commercial sites listed? VT> C-1 and C-2 both allow residential R-4 type densities with mixed use and CUPs. Parking areas may be converted to development.

- Davis:
    - House rich. Finance poor. More local funding would allow the city to better serve its own residents first, (unencumbered by state or federal regulations, competition with the greater market place)
    - VT> We can count granny units, but funding programs can become problematic when connected to deed restrictions. Example of Escondido "Amnesty program" for illegal units, if they accepted deed restrictions. (Not really working)
    - VT> Can incentivize housing by de-coupling such things as water meters and utility (for new addresses in existing neighborhoods).
- Burnett:
    - We need to know all types of remedies. Can you give us the Top 20? The public will hold us to finding "hot spots" and issues and problems.
        - VT> How to generate more local funding..?
        - VT> Not much vacant land (in Marina) for residential uses. Primarily have commercial areas. Would the City consider allowing residential, side by side with commercial?
        - TKB> The Planning Department is presently evaluating and processing several of such applications. (TKB> CHISPA approved, Ocean Point proposed – both on DeForest)
- Davis;
    - Let's be creative with what we have. Granny units and young families.
    - What do people want? Companionship, social atmosphere?
    - (Gov. Constraints) Second Units: why match the main unit? Some houses are ugly! (Laughter!)
- Piper:
    - How might we improve property that needs repair (aging housing stock)?
    - Impact fees are too extreme to facilitate affordable housing for lower incomes. Find the Exceptions.
    - Rehabilitate Cypress Knolls.

Reopen to Public

July 28th suggested as a workshop date for the housing element.

- Paula Pelot:
    - BMR (Below Market Rate) as adjusted to get it back to the housing element (*TKB? – will need to review tape here*)
    - What about tiny houses? What about manufactured housing as affordable housing?
- Karen Wolfe:
    - Density needs to increase. Be aware of creating economic zones (of separation)
    - We have a devastated downtown. Don't have the charm of older cities that actually "had" something downtown.
    - What can we do to facilitate lot consolidation?
    - What about including small corner neighborhood commercial stores?
    - Be aware of creating low-income zones in your C-1 districts (and elsewhere)
    - Look at existing housing. What needs to change (to improve matters)?

        - Parking regulations? Taller buildings? How to create a walkable community?
- Mark Abrahams:
    - Looking for guidance. Need to mitigate local governmental constraints. What is the timeline for (untangling) such things?
- Denise Turley:
    - What is the housing that we need vs the housing that we have?
    - Mentioned a kibbutz example. Shared cooking facilities among families, etc.

Close Public Hearing

Commissioner Biala made a motion to approve. Piper gave the Second.

- Urrutia: Commented on particular language in the Exhibit B Resolution for the Housing Element, and struck a few words that were not appropriate for the "Interim" nature of the Action and Recommendation to the City Council.

  "WHEREAS, the Planning Commission recommends that the City Council find that the Interim Housing Element 2015-2023 ~~fully and accurately~~ documents housing needs for all sectors and income groups within the City of Marina and presents ~~relevant~~ appropriate policies and programs to enable the City to address these needs."

- Urrutia: Pointed out that Table 23 on Page 19 and the Discussion of the Affordability Gap Analysis is critical to our understanding of the issues of the City and the efforts we need to engage in. (Taven has included it here below)

Table 23: Average Rent by Unit Size (2015)

	Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
Apartment	$765	$1,435	$1,578	$2,380	--
Single-Family Home	--	$1,195	$1,550	$2453	$2,838

Source: www.craigslist.org, accessed March 2016

E. Affordability Gap Analysis

The costs of homeownership and renting can be compared to a household's ability to pay for housing to determine affordability in a community. Housing affordability is defined as paying no more than 30 to 35 percent of the gross household income (depending on tenure and income level) on housing expenses. **Error! Reference source not found.** summarizes affordable rents and purchase prices by income category based on the 2015 HCD median income of $68,700 for Monterey County.[1] General cost assumptions for utilities, taxes, and property insurance are also shown. Affordable purchase price assumes a four-percent interest rate with a 30-year fixed rate mortgage loan and a 10-percent down payment. Given the high costs of homeownership, lower income households are usually confined to rental housing but the affordability problem also persists in the rental market. The situation is exacerbated for large households with lower and moderate incomes given the limited supply of large rental units, and for seniors with their fixed incomes.

- Makers of the motion agreed with the concerns of Commissioner Urrutia and the modifications to the Resolution. Motion passed 7-0. **Meeting Adjourned at 9:19 pm**

[1] State and federal income limits differ. For the Housing Element, State income limits are used, which are usually higher than the federal levels used in the City's Consolidated Plan and other related documents.

EXHIBIT F

Planning Commission Resolution No. 2016-05
Recommending Adoption of a Negative Declaration.

EXHIBIT F

RESOLUTION NO. 2016-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING THE CITY COUNCIL CONSIDER ADOPTING A NEGATIVE DECLARATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT FOR THE INTERIM UPDATED HOUSING ELEMENT 2015-2023 TO THE GENERAL PLAN

WHEREAS, for the purposes of compliance with the California Environmental Quality Act (CEQA), an Initial Study was prepared for the draft Housing Element Update 2015-2023 to determine if the project could have a significant impact on the environment, and;

WHEREAS, the Initial Study determined that a Negative Declaration (ND) of no significant environmental impact is appropriate (**EXHIBIT C** of the June 9, 2016 staff report), and;

WHEREAS, the Negative Declaration was circulated for public review from May 9, 2016 to May 31, 2016, and no comments were received, and;

WHEREAS, the California Environmental Quality Act (CEQA) Statutes and Guidelines provide that a Negative Declaration may be adopted for a project where the project will not have a significant effect on the environment and that mitigation measures are not required, and;

WHEREAS the Planning Commission of the City of Marina, following the posting of Notice of Intent to Adopt a Negative Declaration, conducted a duly noticed public hearing on the draft Negative Declaration for the proposed Housing Element Update at its meeting on June 9, 2016, considered the information in the staff report, any written comments received prior to or during the meeting, and oral testimony presented at the public hearing, and;

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends that the City Council consider adopting a Negative Declaration for the Housing Element Update 2015-2023 with the following required findings:

Negative Declaration Findings

1. That an Initial Study and Negative Declaration was prepared by the City of Marina as the Lead Agency and was properly circulated for public review and comment for a minimum of 20 days from May 9, 2016 to May 31, 2016.

2. That on the basis of the whole record before it, there is no substantial evidence that the Housing Element Update 2015-2023 will have a significant effect on the environment.

3. That the Initial Study and proposed Negative Declaration for the Housing Element Update 2015-2023 were independently reviewed and analyzed by the Planning Commission and reflect the independent judgment and analysis of the Planning Commission.

4. That such independent judgment is based on substantial evidence in the record.

5. That the Project complies with CEQA, and that the proposed ND is legally adequate.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 9th day of June 2016, by the following vote:

AYES, COMMISSIONERS: Biala, Bielsker, Burnett, Davis, Ledesma, Piper, Urrutia
NOES, COMMISSIONERS:
ABSENT, COMMISSIONERS:
ABSTAIN, COMMISSIONERS:

David Burnett, Chairperson

ATTEST:

Taven M. Kinison Brown,
Acting Planning Services Manager

EXHIBIT G

Planning Commission Resolution No. 2016-06
Recommending Adoption of Interim Updated Housing Element 2015-2023.

EXHIBIT G

RESOLUTION NO. 2016-06

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARINA RECOMMENDING THAT THE CITY COUNCIL
AMEND THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN
INTERIM HOUSING ELEMENT 2015-2023.
(CITY-WIDE)

WHEREAS, on May 12, 2016 the Planning Commission considered a draft Interim Housing Element Update 2015-2023 and authorized staff to submit the updated draft to the State Department of Housing and Community Development (HCD), and;

WHEREAS, the draft Housing Element was submitted to the California Department of Housing and Community Development on May 16, 2016 (**EXHIBIT C** to the June 9, 2016 staff report), and;

WHEREAS, on June 1, 2016, the Department of Housing and Community Development returned comments on the draft Housing Element document (**EXHIBIT D** to the June 9, 2016 staff report), and;

WHEREAS, the Planning Commission has considered the comments from HCD, and;

WHEREAS, on June 9, 2016, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to the City Council on the Interim Housing Element 2015-2023, and;

WHEREAS, the Planning Commission finds that the Interim Housing Element 2015-2023 would not have a significant effect on the environment and that no mitigation measures have been conditioned, and;

WHEREAS, the Planning Commission finds that the Interim Housing Element 2015-2023 is consistent with community values and needs as articulated by the Community Goals and Primary Policies of the General Plan, and;

WHEREAS, the Planning Commission recommends that the City Council consider adopting a Negative Declaration for the Housing Element Update 2015-2023 (PC Resolution No. 2016-05), and;

WHEREAS, the Planning Commission recommends that the City Council find that the Interim Housing Element 2015-2023 documents housing needs for all sectors and income groups within the City of Marina and presents relevant policies and programs to enable the City to address these needs.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marina that it hereby recommends that the City Council amend the City of Marina General Plan by adopting the Interim Housing Element 2015-2023.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 9th day of June 2016 by the following vote:

AYES, COMMISSIONERS: Biala, Bielsker, Burnett, Davis, Ledesma, Piper, Urrutia
NOES, COMMISSIONERS:
ABSENT, COMMISSIONERS:
ABSTAIN, COMMISSIONERS:

David Burnett, Chairperson

ATTEST:

Taven M. Kinison Brown
Acting Planning Services Manager

June 14, 2016 Item No: **9c**

Honorable Mayor and Members
of the Marina City Council and Airport Commission

City Council Meeting of
of June 21, 2016

REQUEST THAT THE CITY COUNCIL/AIRPORT COMMISSION OPEN A PUBLIC HEARING, TAKE PUBLIC TESTIMONY AND ADOPT RESOLUTIONS: (1) APPROVING A NEGATIVE DECLARATION OF NO ENVIRONMENTAL IMPACT; AND 2) AMENDING THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN INTERIM UPDATED HOUSING ELEMENT 2015-2023 AND FINDING THE INTERIM UPDATED HOUSING ELEMENT 2015-2023 CONSISTENT WITH THE FORT ORD BASE REUSE PLAN.

REQUEST:

It is requested that the City Council / Airport Commission consider:

1. Open a public hearing, receive testimony from the public, and;
2. Adopting Resolution No. 2016- , to adopt a Negative Declaration of no significant environmental impact for the Interim Updated Housing Element 2015-2023 to the General Plan, and;
3. Adopting Resolution No. 2016- , to amend the City of Marina General Plan by adopting an Interim Updated Housing Element 2015-2023, and finding the Interim Updated Housing Element 2015-2023 consistent with the Fort Ord Base Reuse Plan.

BACKGROUND:

The Housing Element is one of seven mandated elements of the City's General Plan and must be regularly updated per state law at specified intervals to maintain currency with regional and local economic trends affecting the housing market. The City's present Housing Element covered the 4th Cycle for the period 2008-2014. This 5th Cycle Housing Element Update (in progress) will cover the period 2015-2023, although the City will need to provide another update in 2019.

The purpose of a Housing Element is to:

- Provide a variety of housing types for all income levels.
- Assist in the development of lower and moderate income housing.
- Remove constraints to housing.
- Conserve and improve existing housing, and
- Promote fair housing.

The draft Interim Housing Element 2015-2023 includes the following section titles:

1. Introduction
2. Needs Assessment
3. Housing Constraints
4. Housing Resources
5. Goals, Policies and Programs

Appendix A: Public Participation

Appendix B: Review of the 2008-2014 Housing Element Accomplishments

Appendix C: Detailed Sites Inventory

In accordance with the California Environmental Quality Act (CEQA), an Initial Study - Negative Declaration (IS-ND) was prepared for the project (environmental review). A 20-day public review period for the IS-ND began on May 9, 2016 and concluded on May 31, 2016. A Notice of Intent to Adopt a Negative Declaration was posted with the Monterey County Clerk on May 9, 2016. No comments have been received by the time of this report's preparation.

The draft Housing Element and draft environmental review document can be accessed at the following link: http://www.ci.marina.ca.us/DocumentCenter/View/5595 **("EXHIBIT C")**. The document begins with the Initial Study – Negative Declaration (42 pages) and follows with the Draft Housing Element (120 pages). A hard copy is also available for review at the Community Development Department counter at 209 Cypress Avenue during regular business hours.

CDBG Funding Opportunity. The City of Marina Planning Commission has reviewed the draft Interim Housing Element on two occasions; May 12, 2016 and June 9, 2016. On May 12, 2016, the Planning Commission recommended that staff send the draft Housing Element to the State Department of Housing and Community Development (HCD) for the purposes of securing a Community Development Block Grant (CDBG) funding opportunity by late July.

On June 9, 2016, the Planning Commission received a staff report, consultant presentation, opened a public hearing, and addressed questions and concerns from the Commission, public and HCD. **("EXHIBIT E").** The Planning Commission recommended that the City Council consider adopting a Negative Declaration for the Housing Element Update 2015-2023, and that the City Council amend the City of Marina General Plan by adopting the Interim Housing Element 2015-2023 **("EXHIBITS F and G").**

SCHEDULE:

In order for the City to be eligible for the desired CDBG funding, an adopted Housing Element must be in place by July 27, 2016. To accomplish this task the City has approached the Housing Element update with a "two-round" approach. The following items remain in Round One:

- A June 21, 2016 City Council adoption of a Negative Declaration and Interim Housing Element.
- A July 8, 2016 Determination by the Fort Ord Reuse Authority (FORA) of Consistency with the Fort Ord Base Reuse Plan.

Should these actions occur on these dates, the City of Marina will be primed to qualify for the CDBG funding. The City's CDBG application must be submitted to the State of California no later than July 27, 2016.

Following the July application to the State for funding, the Housing Element (HE) will return for a second round of public discussions and meetings with the Planning Commission and City Council. City adoption of the Final Housing Element 2015-2023 is expected by November or December of this year.

Task	**Timeline**
Housing Element – 1st Round for CDBG Application	
Draft HE for Staff Review	May 2, 2016
Draft HE for Public Review	May 6, 2016
Circulate CEQA Initial Study / Negative Declaration	May 9 - May 31, 2016
Planning Commission Authorization to forward HE to HCD	May 12, 2016
Draft HE to HCD for Review	May 13, 2016
Planning Commission Adoption Hearing for an Interim HE	June 9, 2016
City Council / Marina Airport Commission Adoption Hearing for the Interim Housing Element	**June 21, 2016**

FORA Consistency Determination	**July 8, 2016**
** City Final Submittal to California for CDBG Funding**	**July 27, 2016**

Task	**Timeline**
Housing Element – 2nd Round for Refinement	
Additional Outreach / Public Meetings	July- August 2016
Revise Housing Element to Address HCD Comments	August 2016
Revised Housing Element for HCD Review	September-October 2016
Recirculate Initial Study / Negative Declaration	September–October 2016
Planning Commission Re-adoption Hearing	November 2016
City Council/Marina Airport Commission Re-adoption Hearing	November-December 2016
FORA Consistency Determination Confirmation	January 2017
California Coastal Commission – Final Local Action Notice (FLAN)	January 2017

City administration is confident that this two-round approach will help the City secure the CDBG funding discussed in the May 12, 2016 report to the Planning Commission and will appropriately address the housing needs of the community.

ANALYSIS:

Particular demographic changes in the City of Marina have occurred since the last Housing Element was prepared in 2009. Additionally, the State of California dissolved all redevelopment agencies in 2012, which greatly reduced the financial resources available to local agencies to provide housing assistance.

Marina's Demographic Shifts. These trends and changes are examined in the draft Housing Element and include:

- The City's population is steadily increasing now after the drop in population from the closure of Fort Ord.
- The City has an aging population with 16% of persons being 60 years or older.
- There are fewer young families with children. Once 83% of the population were young families with children. This has reduced to 68% of the population.
- The City's median income is 8% lower than the county-wide median income.
- The City has a low homeownership rate with only 43% of units being owner occupied.
- More than 60% of the City's housing stock is older than 30 years.

Dissolution of Redevelopment Agencies. One of the more substantial changes from the last Housing Element is the dissolution of redevelopment agencies in the State of California. With the dissolution of the Marina Redevelopment Agency in 2012, the City lost its most significant financial resource for affordable housing development. The City though, is still able to periodically apply for State CDBG and HOME Investment Partnerships Program (HOME) funds through a competitive process to support a variety of housing and community development activities. Most recently, the City utilized HOME funds to assist in the development of two affordable housing projects; the 108-unit University Villages and 21-unit Rockrose Gardens.

Housing Programs Removed, Modified or Continued. In light of the shifts in Marina's population and the major changes in public financing due to the loss of redevelopment funding, the programs of the draft 5th Cycle Housing Element have been updated from the programs of the 4th Cycle. Programs have been removed, modified or continued. Additional programs and refinements will be considered through the public review processes.

Program	Title	Comment on Program
Policy 1: Adequate Sites		
1.1	Provide Adequate Sites for RHNA	Modified – No rezoning proposed
1.2	Mixed Use/Increased Density – MST Site	To be continued
1.3	Mixed Use/Increased Density – Monitoring Housing Production	To be continued
Policy 2: Variety of Housing Options		
2.1	Density Bonus	Modified – update ordinance to be consistent with recent changes in State law
2.2	Affordable Housing Development	Modified by merging existing programs
2.3	Inclusionary Housing	To be continued
2.4	Rezone Additional Land for Mobile Home Park	To be continued
2.5	Preferential Housing for Marina Workers and Residents	To be continued
Policy 3: Improvement Standards		
3.1	Improvement Standards Review	To be continued
3.2	Zoning Ordinance Amendments	Modified
Policy 4: Funding Sources		
4.1	Affordable Housing Resources	Modified by merging existing programs
Policy 5: Conserve Existing Units		
5.1	Property Inspection/Code Enforcement	To be continued

5.2	Conservation of Existing Affordable Housing	Modified by updating inventory of affordable housing
Policy 6: Energy Conservation		
6.1	Energy Conservation	To be continued
Policy 7: Housing Discrimination		
7.1	Fair Housing Outreach	To be continued
Policy 8: Housing for Special Needs		
8.1	Special Needs Housing – Removal of Constraints	To be continued
Policy 9: Adequate Water Supply		
9.1	Collaboration with Water Resources Agencies	To be continued
Policy 10: Greenhouse Gas		
10.1	Greenhouse Gas Reduction	To be continued

Comments from HCD Considered. Following the May 12, 2016 Planning Commission authorization to staff to forward a draft Housing Element to the State Department of Housing and Community Development, the City has now received suggested points of clarification and refinement to the Housing Element (June 1, 2016) **(**See **"EXHIBIT D")**.

The majority of HCD's comments focus on providing additional analysis to demonstrate adequate sites for the 2015-2023 Regional Housing Needs Allocation (RHNA) and unaccommodated needs from the previous RHNA period. If the City cannot demonstrate adequate sites to HCD's satisfaction, a new program to pursue rezoning/upzoning of additional properties will be necessary.

Other HCD comments relate to the City's development standards and procedures and how they may constrain housing development. Additional discussions are needed to clarify capacity limits (such as the maximum number of residential units allowed in a commercial zone, minimum residential unit size, minimum commercial square footage requirement in a mixed-use development, etc.); total fees charged; conditions of approval for projects requiring Use Permits; the timeframes for processing development applications; and design review criteria. Lastly, HCD identified several programs where specific actions with timelines and quantified objectives should be provided.

Planning Commission and Public Concerns from the June 9, 2016 Planning Commission Hearing. While there were many ideas and concerns expressed for Round Two, the following broad themes emerged:

- Reduce local governmental constraints to the construction of affordable housing:
    - Relax development standards of the zoning code.
    - Waive or reduce impact fees for affordable housing.
    - Resolve the conflicts between the City's General Plan and Zoning Maps.
- Why have the demographics changed in the manner that they have, such as the loss of young families?
- What types of housing do people need or want that may not be represented in Marina, such as single room occupancy units (SROs) for seniors and young professionals? What do we know about Tiny Houses?
- How to serve Marina residents first with below market rate housing (BMR), yet acknowledge that Marina's median income is 8% lower than the County median.
- The Housing Element can be an instrument to help build our sense of community.
    - Should we consider allowing small neighborhood commercial uses into our existing neighborhoods? Such amenities reduce car travel and provide a place to meet neighbors and friends.
    - Should we strive to have more blended-income neighborhoods without economic separation or isolation?
    - What do people want in a community? Companionship, a social atmosphere? How do we help create that?
- Be creative with what we have.
    - Granny units can be added to existing properties allowing young families greater opportunities to stay in the community.
    - How to improve our aging housing stock?
    - Explore the reuse of Fort Ord units.
    - Opportunity Sites. Have we fleshed out the most appropriate or likely places for potential development of housing opportunities?

HCD comments and comments received during public hearings will be addressed in Round Two of the Housing Element update with additional opportunities to work with the Planning Commission and City Council to refine the programs and objectives in the Housing Element. (See the 2nd Round for Refinement schedule above).

Airport Land Use Consistency Review. The City Council, acting as the Marina Airport Commission, is responsible for determining that General Plan Amendments within areas subject to the Marina Municipal Airport Comprehensive Land Use Plan (CLUP) are consistent with the CLUP. Portions of Traffic Pattern Zone 6 of the CLUP, include some residential areas to the west of the airport and south of Armstrong Ranch.

The Safety Compatibility Policies for the Marina Municipal Airport (Table 4-2 of the CLUP) indicate that in Traffic Pattern Zone 6, the maximum allowable residential densities are *as permitted by local zoning*, and are not constrained by the proximity to the airport. The draft Interim Housing Element 2015-2023 proposes no land use changes or rezoning from the Final Housing Element 2008-2014 and no incompatibility or inconsistency has been found nor is anticipated with the CLUP. A finding to this effect has been incorporated into the City Council/Airport Commission resolution in "**EXHIBIT B"**.

FORA Consistency. Chapter 8 of the Fort Ord Reuse Authority (FORA) Master Resolution requires that all legislative land use decisions affecting property in the Former Fort Ord be submitted to FORA for a determination of consistency with the Fort Ord Reuse Plan and Master Resolution. The Draft Interim Housing Element 2015-2023 proposes no land use changes or rezoning from the Final Housing Element 2008-2014. Staff recommends that the City Council find the Draft Interim Housing Element 2015-2023 consistent with the Fort Ord Base Reuse Plan according to the FORA Master Resolution, Chapter 8, as evidenced by the Consistency Determination Review ("**ATTACHMENT A to EXHIBIT B"**).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The CEQA analysis focuses on the environmental effects of the proposed Housing Element policies and programs on a City-wide (program-level) basis. Policies in the present Round One draft Interim Housing Element do not propose to change land use or rezone any specific parcels for housing within Marina. The draft Negative Declaration was circulated for public review from May 9, 2016 to May 31, 2009. No comments have been received.

FISCAL IMPACT:

In years past, programs of the Housing Element have been funded through activities of the Redevelopment Agency. Without Redevelopment, this is no longer the case. Funding for consultant services to assist in the preparation of the Housing Element have been allotted by the City Council, and staff time to administer and implement the Housing Element, once adopted, will be borne by the Planning Division.

CONCLUSION:

Staff recommends that the City Council open the public hearing, receive testimony from the public, and consider adopting a Negative Declaration for the Interim updated Housing Element 2015-2023 **(EXHIBIT A)**, and amend the City of Marina General Plan by adopting the Interim Housing Element 2015-2023 and determine the Interim Housing Element 2015-2023 consistent with the provisions of the Fort Ort Base Reuse Plan **("EXHIBIT B")**.

Respectfully submitted,

_____

Taven M. Kinison Brown
Acting Planning Services Manager
City of Marina

REVIEWED/CONCUR:

_____

Layne P. Long
City Manager
City of Marina

EXHIBIT A – City Council/Airport Commission Resolution to Adopt a Negative Declaration.

EXHIBIT B – City Council /Airport Commission Resolution to Adopt the Interim Updated Housing Element 2015-2023 (Including **ATTACHMENT A** – FORA CONSISTENCY REVIEW).

EXHIBIT C - The draft Housing Element (120 pages) and environmental document (42 pages) can be accessed at the following link: http://www.ci.marina.ca.us/DocumentCenter/View/5595.

EXHIBIT D – June 1, 2016 letter from the California Department of Housing and Community Development. Review of the City of Marina's 5th Cycle (2015-2023) Draft Housing Element.

EXHIBIT E – Notes from the June 9, 2016, Planning Commission hearing recommending that the City Council adopt a Negative Declaration of no significant environmental impact and adopt the Interim Updated Housing Element 2015-2023.

EXHIBIT F – Planning Commission Resolution No. 2016-05 Recommending Adoption of a Negative Declaration.

EXHIBIT G – Planning Commission Resolution No. 2016-06 Recommending Adoption of Interim Updated Housing Element 2015-2023.