

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.cityofmarina.org

Thursday, October 23, 2025

6:30 PM Regular Session

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

Marina City Council Chambers
211 Hillcrest Avenue, Marina, CA
28, Tai Hwan Heights, Singapore 555360

Zoom Meeting URL: <https://us02web.zoom.us/j/84287578704>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 842 8757 8704

Participation

All meetings take place in the Council Chambers at 211 Hillcrest unless otherwise noticed. Additionally, members of the public may participate in the Planning Commission meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. This meeting is being broadcast “live” on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>. Instructions on how to access, view and participate in remote meetings are provided by visiting the City’s home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the “Raise Your Hand” feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to planning@cityofmarina.org with the subject line “Public Comment Item# ” (insert the item number relevant to your comment) or “Public Comment – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. The Planning Commission will have the option to modify their action on items based on comments received.

Persons Addressing the Legislative Body. Any person making impertinent, slanderous, or profane remarks, or who becomes boisterous while addressing the legislative body, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer be barred from further audience before the legislative during that meeting, unless permission to continue be granted by a majority of the body.

Members of the Audience. Any person in the audience who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the Presiding Officer, shall be guilty of an infraction, and upon instructions from the Presiding Officer, it shall be the duty of the Sergeant at Arms or Peace Officer to remove any such person from the room and to place him under arrest or otherwise cause him to be prosecuted under the law.

Agenda Materials

Agenda materials, staff reports, and background information related to regular agenda items are available on the City of Marina’s website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff’s ability to post the documents before the meeting.

Vision Statement

Marina will grow and mature from a small-town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The city will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 – May 2, 2006)**

Mission Statement

The Planning Commission as an appointed body of the City Council will provide the leadership in protecting Marina's natural setting while developing the City on a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 – May 2, 2006)**

Land Acknowledgement

The City recognizes that it was founded and is built upon the traditional homelands and villages first inhabited by the Indigenous Peoples of this region - the Esselen and Ohlone/Costanoan, their ancestors, and allies - and honors these members of the community, both past and present

1. **Call to Order**

2. **Roll Call & Establishment of Quorum**

Chair Glenn Woodson, Vice Chair Audra Walton, Surinder Rana, Victor Jacobsen, Galia Baron, Richard St. John, Paul Cheng

3. **Moment of Silence & Pledge of Allegiance**

4. **Special Announcements and Communications from the Floor**

Announcements of special events or meetings of interest as information to the Board and Public. At this time any person may comment on any item which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of Three (3) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.

5. **Ex Parte Communications for Quasi-Judicial Matters**

On quasi-judicial matters, Planning Commissioners shall verbally disclose off the record contacts relating to the item, after the item is called and before Commission consideration of the matter. Disclosure shall include the identity of an individual(s) with whom the Commissioner had contact, and the nature of the contact. Written ex parte communications must be forwarded to the Community Development so they can be provided to the entire Commission and to the public.

6. **Consent Agenda**

Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the Planning Commission may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.

A. Approval of Minutes

Planning Commission to approve September 25, 2025, Meeting Action Minutes. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.

7. Public Hearings

A. Conditional Use Permit – Holiday Inn Express & Suites: 189 Seaside Circle

The Planning Commission will hold a public hearing and consider adopting Resolution 2025-12 approving Conditional Use Permit (CUP) CU25-003 allowing the onsite sale and consumption of beer, wine, and distilled spirits at 189 Seaside Circle (APN: 033-111-032), the Holiday Inn Express & Suites Marina, subject to findings, conditions of approval, and a Class 1, Sec. 15301 CEQA Exemption for Existing Facilities. Project Planner: Brian Kim, Assistant Planner | 831-884-1237 | bkim@cityofmarina.org

B. Short-Term Rental Ordinance Amendment

The Planning Commission will hold a public hearing and make a recommendation that the City Council adopt changes to the Short-Term Rental ordinance amending the Zoning Code (18.42.170). The action is exempt from CEQA Guidelines Section 15061(b)(3).

Project Planner: Brian Kim, Assistant Planner | 831-884-1237 | bkim@cityofmarina.org

8. Informational Items

9. Announcements

10. Correspondence

11. Adjournment

CERTIFICATION:

I, Yolanda Maciel, Administrative Assistant II for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Del Monte Boulevard and Reservation Road; and Monterey County Free Library Marina Branch at 190 Seaside Circle on or before 5:00 p.m. Friday October 17, 2025.

Signature: _____

Date Posted: _____

PLANNING COMMISSION NOTES:

All meetings are open to the public. The City of Marina does not discriminate against persons with disabilities. Council Chambers are wheelchair accessible. Meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1220 or e-mail: planning@cityofmarina.org. Requests must be made at least **48 hours** in advance of the meeting.

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Thursday, September 25, 2025

6:30 PM Regular Session

DRAFT MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION

1. **Call to Order:** 6:31 PM
2. **Roll Call & Establishment of Quorum**
Present: Woodson, Walton, Rana, Jacobsen, Baron, St. John
Absent: Cheng
3. **Moment of Silence & Pledge of Allegiance**
4. **Special Announcements and Communications from the Floor**
5. **Ex Parte Communications for Quasi-Judicial Matters**
6. **Consent Agenda**
 - A. **Approval of Minutes**
The Planning Commission approved August 28, 2025, Meeting Action Minutes.
On a 6-0 vote the motion was approved (6-0-0-1)

Ayes (6): Woodson, Walton, Rana, Jacobsen, Baron, St. John
Noes (0): None
Recuse (0): None
Absent (1): Cheng
7. **Public Hearings**
 - A. **Design Review permit - Sanctuary Beach Resort, 3295 Dunes Drive**
Commissioner Jacobsen motioned, Walton 2nd to approve adopt Resolution 2025-11 approving a Design Review permit (File No. SAD25-0006) for signage and landscaping improvements within the Sanctuary Beach Resort complex located at 3295 Dunes Dr., subject to findings, conditions of approval and CEQA exemptions 15301(h), 15303(e), and 15311(a) pertaining to landscape maintenance, accessory structures, and on-site signs, respectively. *On a 6-0 vote the motion was approved (6-0-0-1)*

Ayes (6): Woodson, Walton, Rana, Jacobsen, Baron, St. John
Noes (0): None
Recuse (0): None
Absent (1): Cheng

8. **Informational Items**

9. **Announcements**

- A. The City of Marina announced the following events taking place in the City.
- Marina's 50th Anniversary on Saturday, October 18th at Vista del Camino Circle
 - Salute to Veteran's Jamboree on Tuesday, November 11th at Veterans Transition Center

10. **Correspondence**

11. **Adjournment:** 7:23 PM

September 23, 2025

Item No. 7A

Members of the
Planning Commission

Planning Commission Meeting
of October 23, 2025

**CONSIDER ADOPTING PLANNING COMMISSION RESOLUTION NO. 2025-12
APPROVING CONDITIONAL USE PERMIT CU25-003 ALLOWING THE
ONSITE SALE AND CONSUMPTION OF BEER, WINE, AND DISTILLED
SPIRITS AT THE HOLIDAY INN EXPRESS (SUITES MARINA) LOCATED AT
189 SEASIDE CIRCLE (APN: 033-111-032). PROJECT IS EXEMPT FROM
ENVIRONMENTAL REVIEW UNDER SECTION 15301 OF THE CEQA
GUIDELINES.**

RECOMMENDED MOTION:

“I move to adopt PC Resolution 2025-12 approving Conditional Use Permit (CUP) CU25-003 allowing the onsite sale and consumption of beer, wine, and distilled spirits at 189 Seaside Circle (APN: 033-111-032), the Holiday Inn Express & Suites Marina, subject to findings, conditions of approval, and a Class 1, Sec. 15301 CEQA Exemption for Existing Facilities.”

GENERAL SITE INFORMATION:

Site Name	Holiday Inn Express & Suites Marina
Location	189 Seaside Circle
Parcel No.	033-111-032
General Plan Designation	CI-VS Commercial / Visitor-Serving Retail and Services
Zoning District	PC or Planned Commercial District
Owner	Seaside HIEX, LLC
Applicant	Proper Pour Co. / Jemma Jorel Lester

PROJECT LOCATION



GOOGLE STREETVIEW



BACKGROUND

On July 1, 2025, Jemma Jorel Lester applied for Conditional Use Permit No. CU25-003 to allow onsite sale and consumption of beer, wine, and distilled spirits (Type 70 ABC License) at 189

Seaside Circle. The Use Permit and ABC license applications include a complimentary happy hour for guests and mini-bars in guest rooms.

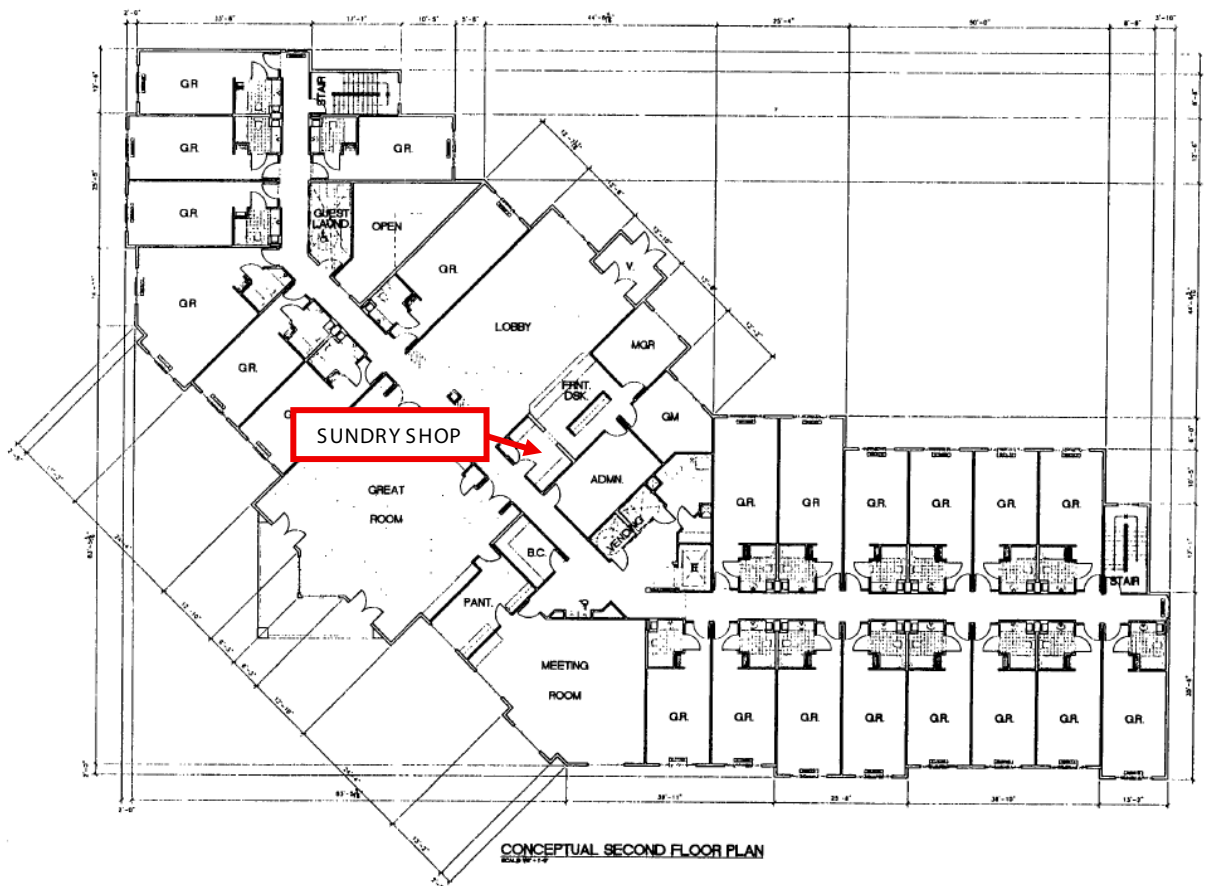
On August 7, 2025, Police Commander Richard Cox confirmed that there have not been any alcohol related calls in the vicinity of the proposed project. Further, the Police Department had no concerns with the proposed change to the premises with allowing onsite sale and consumption of beer, wine, and distilled spirits.

PROJECT ANALYSIS

The applicant proposes adding ABC license type 70 or 'On-Sale General Restrictive Service.' This license type authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight guests or their invitees.

The proposed sundry shop, located adjacent to the front desk within the hotel lobby, would offer beer, wine, food, and other travel necessities for sale between the hours of 6:00 AM and 2:00 AM. In addition, mini-bars located within individual guest rooms would be stocked with beer, wine, and distilled spirits for on-site consumption by registered guests.

Floor Plan



Zoning Analysis

Section 17.42.020 of the Marina Municipal Code (MMC) requires a use permit for the sale of alcohol on-premises or off-premises. The applicant proposes to add beer, wine, and distilled spirits for on-site consumption in the sundry shop, which offers food and travel necessities, and in guest room mini bars for overnight guests. The MMC exempts a finding of public convenience or necessity when the service or sale of alcoholic beverages for on- and/or off-sale consumption is incidental and in combination with food or groceries.

The property is located in the Coastal zone. Given the minor interior nature of the proposed project, the Use Permit is exempt from Coastal Development Permit (CDP) requirements per Public Resources Code (PRC) § 30610(b) which allows improvements to any structure other than a single-family residence or public works facility provided that the project does not: (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division.

General Plan Analysis

The proposed project is compliant with the City of Marina General Plan as detailed in Exhibit A, Findings.

CORRESPONDENCE

As of this writing, the City has not received correspondence for this project.

CONFLICT OF INTEREST

Commission members are subject to all aspects of the Political Reform Act. Commission members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest. Commissioner Galia Baron owns property within 1,000 feet of the project site.

EX PARTE COMMUNICATION DISCLOSURES

In the context of any public hearing or action items that come before the Planning Commission (PC), ex parte communications are those which occur outside the formal hearing process. If such contacts do occur, the substance of the communication must be disclosed to all interested parties in advance of any public hearing or testimony to allow rebuttal. Written ex parte communications must be forwarded to the Community Development Director so that they can be disclosed to the entire Commission and the public.

ENVIRONMENTAL DETERMINATION

The City of Marina Planning Division determined that this project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) under Class 1, Section 15301 for Existing Facilities

CONCLUSION

This request is submitted for Planning Commission action.

Respectfully submitted,

Brian Kim, Assistant Planner
Community Development Department
City of Marina

REVIEWED/CONCUR:

Guido Persicone, AICP
Community Development Director
City of Marina

DRAFT RESOLUTION NO. 2025-12

**RESOLUTION NO. 2025-12 OF THE PLANNING COMMISSION APPROVING
CONDITIONAL USE PERMIT CU25-003 ALLOWING THE ONSITE SALE AND
CONSUMPTION OF BEER, WINE, AND DISTILLED SPIRITS AT THE
HOLIDAY INN EXPRESS (SUITES MARINA) LOCATED T 189 SEASIDE
CIRCLE (APN: 033-111-032).**

WHEREAS on July 1, 2025, Jemma Jorel Lester applied for Conditional Use Permit No. CU25-003 to allow onsite sale and consumption of beer, wine, and distilled spirits (Type 70 ABC License) at 189 Seaside Circle;

WHEREAS, on August 7, 2025, Police Commander Richard Cox confirmed that there have not been any alcohol related calls in the vicinity of the proposed project. Further, the Police Department had no concerns with the proposed change to the premises with allowing onsite sale and consumption of beer, wine, and distilled spirits;

WHEREAS, the site is zoned PC (Planned Commercial District) with a General Plan designation of CI-VS (Commercial / Visitor-Serving Retail and Services);

WHEREAS, the Use Permit is exempt from Coastal Development Permit (CDP) requirements per Public Resources Code (PRC) § 30610(b);

WHEREAS, the hours for the lobby shop are proposed to be open daily from 6:00 AM to 2:00 AM;

WHEREAS, Section 17.42.020 of the Marina City Code requires a use permit for on-premise sale of alcoholic beverages and in areas of undue concentration;

WHEREAS, Section 17.42.020 B of the Marina City Code exempts a finding of public convenience or necessity when the service or sale of alcoholic beverages for on- and/or off-sale consumption is incidental and in combination with food or groceries;

WHEREAS, the Planning Commission at a properly noticed public hearing October 23, 2025, carefully considered all of the information presented to it, including the staff report and information submitted at the public hearing by interested persons;

WHEREAS, the City of Marina Planning Division determined that this project is categorically exempt from environmental review in accordance with Section 15301 of the California Environmental Quality Act (CEQA) applicable to the operation, repair, maintenance or minor alteration of existing structures of facilities.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina hereby approve Conditional Use Permit CU25-003 allowing the onsite sale and consumption of beer, wine, and distilled spirits at 189 Seaside Circle (APN: 033-111-032) as described herein and as shown on Exhibit A Findings, Exhibit B Conditions and Exhibit C Floor Plan attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 23rd of October 2025, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

Glenn Woodsen, Chair

ATTEST:

Guido Persicone, AICP
Community Development Director

Exhibits:

- A. Findings
- B. Conditions of Approval
- C. Floor Plan

EXHIBIT A FINDINGS

Consistency with the Zoning Code

General findings for consideration of a use permit (17.58.040):

- 1) *That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood.*

Evidence: The sale of alcohol for on-site consumption by hotel guests serves as a convenience to the public and an overall improvement to the overall lodging experience.

- 2) *That the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city*

Evidence: The sale of alcohol for consumption on the premises will not be detrimental or injurious to property because the use is within a fully enclosed building.

Finding of Public Convenience or Necessity

A finding of public convenience or necessity is not required for an establishment or business where alcoholic beverages are served or sold for on- and/or off-sale consumption when incidental and in combination with food or groceries. (17.42.020 (B))

General Plan Compliance

Consistency with the General Plan

- 1) General Plan Policy 2.50 Visitor-Serving Retail and Services states:

“The primary intent of the Visitor-Serving Retail and Services designation is to capture a significant share of the Monterey Peninsula’s tourist-generated economic growth, and in turn promote the General Plan goal of providing a sound fiscal base for the City. [...]”

Evidence: The proposed addition of alcohol to a hotel will primarily benefit Marina’s tourist industry and will contribute to the economic growth of the City.

- 2) General Plan Policy 2.74 states:

“Approximately 290 acres of land are reserved for industrial and commercial-services uses. Each of the designated areas has a distinctive role based on its respective locational characteristics. The intent is to accommodate a broad range of industrial and commercial-service activities within the City, thereby enhancing local opportunities for employment and economic development and providing for the service needs of other uses within the City.”

Evidence: The proposed project would incorporate the sale of alcohol into an existing hotel operation, providing an additional amenity and convenience for visitors while supporting the creation of new service-oriented jobs in Marina.

EXHIBIT B

CONDITIONS OF APPROVAL

1. Approved Use – The permittee shall execute, construct, and operate the project in accordance with the approved application materials and plans received July 1, 2025, as amended by the following conditions of approval. Any deviation from approvals must be reviewed and approved by staff and may require separate approval from the Planning Commission and/or further environmental review.
2. Effective Date, Expiration, and Extensions – This approval shall become effective immediately, except when an appeal period applies pursuant to Marina Municipal Code (MMC) Chapter 17.70 in which case actions shall become effective ten (10) days after the approval date provided that no appeal is filed. Approval shall expire **one-year** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Community Development Department, or the authorized activities have commenced in the case of a permit not involving construction. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Community Development Director or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval or its implementation, then the time period stated above for obtaining necessary permits for construction and/or commencement of authorized activities is automatically extended for the duration of the litigation.
3. Compliance with Other Requirements – The permittee shall comply with all other applicable federal, state, regional, and local laws, codes, requirements, regulations, and guidelines. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.
4. Modifications – Any modification to the approved project, site plan, conditions of approval, or use requires consistency review and approval by Planning Staff. Major revisions may require review and approval by the original approving body or a new independent permit.
5. Compliance with Conditions of Approval – The permittee shall be responsible for compliance with all Conditions of Approval. The City reserves the right at any time during construction to require certification by a licensed professional at the permittee's expense that the as-built project conforms to all applicable requirements. Violation of any term, project description, or Condition of Approval is unlawful and prohibited. In the case of noncompliance with the requirements of a Use Permit, Marina Municipal Code (MMC) Section 17.58.060 allows for the revocation of said permit. The City reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings where violations are present, consistent with MMC Chapters 1.08, 1.10 and 1.12.

6. Revocation – Where one or more project Conditions of Approval are not met, or where a project was approved on the basis of false material information given willfully, intentionally or negligently by the permittee, the appropriate authority may revoke or modify the approval for the project.
7. Indemnification – To the extent allowable by law, the permittee agrees to hold the City harmless from costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any state or federal court challenging the City's actions with respect to the project. The permittee understands and acknowledges that the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
8. Record Retention – The permittee shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the project, including but not limited to conditions of approval, approved plans, and resolutions. In the event the City cannot locate full and complete permits or other regulatory approvals in its official records, and the permittee fails to retain full and complete permits or other regulatory approvals, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permittee.
9. Violation of Code – Any person who does any work or uses, occupies, or maintains any building or structure, or causes the same to be done, or does any grading, contrary to or in violation of Title 15, Buildings and Construction, or of any of the uniform codes adopted by Title 15 is guilty of an infraction pursuant to Marina Municipal Code (MMC) Section 15.04.060.
10. Enforcement – In the event that the use results in increased service calls, other public nuisance or violation of any code of law, the City may bring this Use Permit before the Planning Commission for possible revocation.
11. Hours of Operation – The hotel lobby shop hours of operation shall be 6:00 AM and 2:00 AM daily. Any change to these hours later must be requested in writing from the Community Development Director who shall decide if the request must can be reviewed administratively or should go before the Planning Commission or City Council on appeal.
12. Signage – There shall be no alcohol related signs on the exterior of the building without prior approval from the Planning Division of the Community Development Department. All signs advertising an alcohol brand shall be prohibited on the exterior of the building.
13. Permit Authorization and Signature – The Use Permit is not valid, and construction shall not commence until the below affidavit is signed and the approved Conditions are returned to the Community Development Department.

- a. I attest to the truth and correctness of all the facts, exhibits, maps, and attachments presented with and made a part of the application for the [Insert Project Description].
- b. I understand and agree to implement all conditions throughout the duration of the project.
- c. I acknowledge that any changes to the conditions of approval would require modification of the conditional use permit by the approval authority.

Permittee's Name:

Permittee's Signature:

Date:

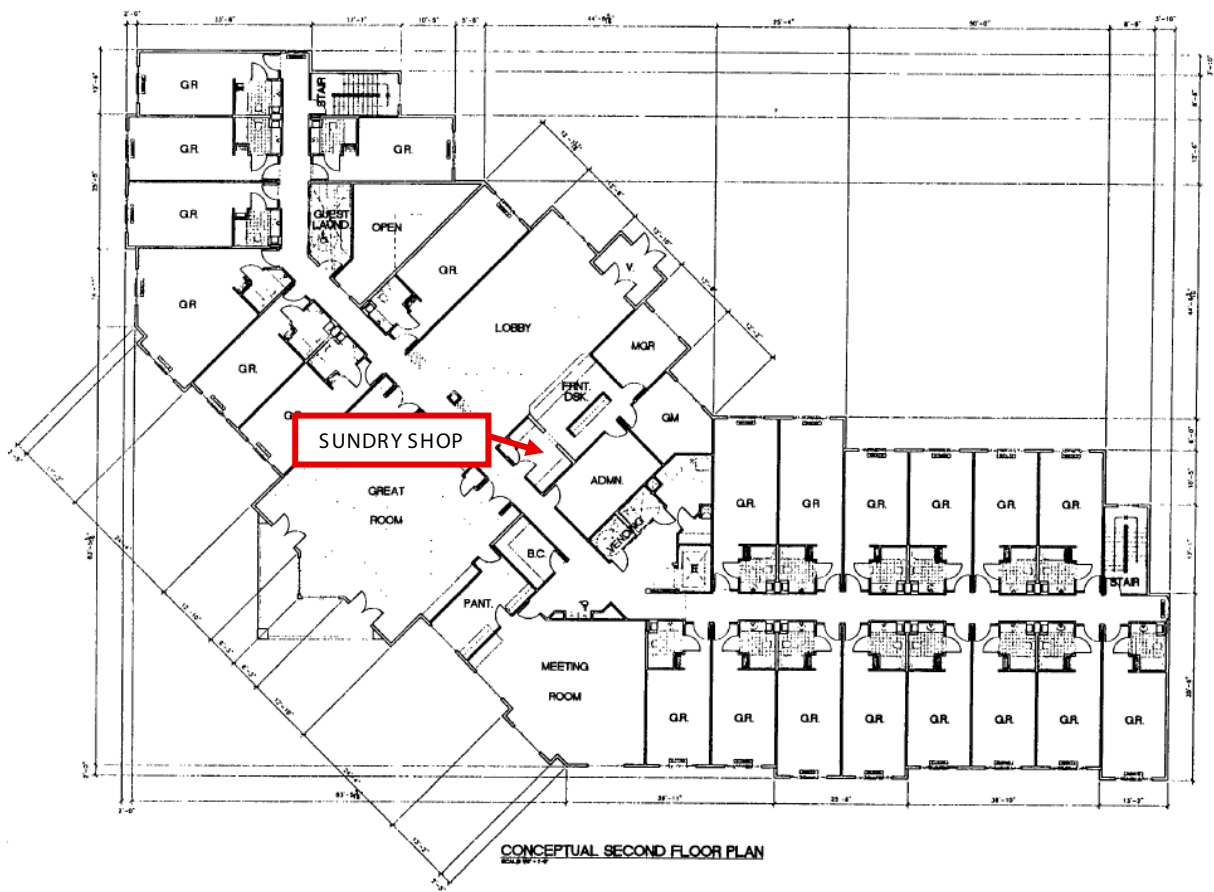
- d. I am the owner of the property involved in this project, and I authorize the person named above to act on my behalf throughout the duration of the project.

Property Owner's Name:

Property Owner's Signature:

Date:

EXHIBIT C: FLOOR PLAN



Members of the
Planning Commission

Planning Commission Meeting
of October 23, 2025

**OPEN A PUBLIC HEARING, TAKE PUBLIC TESTIMONY, AND
CONSIDER ADOPTING PLANNING COMMISSION RESO. NO. 2025-
14 RECOMMENDING THAT THE CITY COUNCIL ADOPT CHANGES
TO THE MARINA MUNICIPAL CODE (MMC), TITLE 17, ARTICLE 4,
BY AMENDING SECTION 17.42.170 SHORT-TERM RENTALS. THE
PROPOSED ORDINANCE IS EXEMPT FROM ENVIRONMENTAL
REVIEW PURSUANT TO SECTION 15061(b)(3) OF THE CEQA
GUIDELINES.**

RECOMMENDATION:

Staff recommends that the Planning Commission make the following motion to approve the project:

“I move to adopt PC Resolution 2025-14 recommending that the City Council adopt the proposed amendments to Title 17, Article 4, by amending Section 17.42.170 Short-term rentals. The proposed Ordinance is exempt from environmental review pursuant to Section and 15061(b)(3) of the CEQA Guidelines.”

BACKGROUND

On November 5, 2019, City Council adopted Ordinance 2019-02 amending to the Zoning Ordinance to include 17.42.170 entitled “Short-term rentals” which establishes a permitting process and appropriate standards for whole dwelling units or portions of the same for a period of 29 consecutive days or less, along with associated regulations to mitigate negative impacts.

On August 6, 2025, City Council initiated a discussion on strengthening the City’s Short-Term Rental Program to better protect neighborhood integrity. City Council directed staff to identify ordinance amendments that would improve the effectiveness of the program.

ANALYSIS

Through the examination of Title 17 of the Marina Municipal Code (MMC), Planning staff identified opportunities for zoning updates to strengthen the City’s Short-Term Rental (STR) Program and protect neighborhood integrity.

Staff amended the definition of “Primary residence” to clarify the acceptable forms of identification and require a minimum of residency six (6) months per year. In addition, staff added a definition for “Advertising” to include all forms of representation, such as signs, print media, digital communications, and mobile applications, establishes clear parameters for enforcement and reduces ambiguity regarding promotional activity for STRs.

The amendments further clarify STR operations by restricting advertising of unpermitted units, limiting STR use to 180 nights per year, establishing parking requirements consistent with property capacity, and prohibiting STR activity on properties with ADU/JADU units, in senior and below-market-rate housing, in apartment complexes and other multi-family buildings, and for commercial events or by unaccompanied minors. Only one STR permit may be held per property owner, and the permitted property must be the owner’s primary residence. Permit application

requirements include submission of a non-refundable fee, plot and floor plans, and rental agreements specifying guest and parking limits, with the permit number displayed on all listing platforms. Enforcement provisions hold owners, agents, and managers accountable, with daily infractions and escalating civil penalties.

Collectively, these amendments enhance regulatory clarity, strengthen enforcement, and help ensure that STR operations remain consistent with the City's broader policy goals and neighborhood protection standards.

CORRESPONDENCE

No correspondence has been received regarding these proposed amendments as of the preparation of this report on October 6, 2025.

CONFLICT OF INTEREST

Commission members are subject to all aspects of the Political Reform Act. Commission members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest. Because the proposed amendments would be effective through the City and could affect all zoning districts, the proposed action is not expected to result in any material effect on Commissioners' financial interest.

EX PARTE COMMUNICATION DISCLOSURES

In the context of any public hearing or action items that come before the Planning Commission (PC), ex parte communications are those which occur outside the formal hearing process. If such contacts do occur, the substance of the communication must be disclosed to all interested parties in advance of any public hearing or testimony to allow rebuttal. Written ex parte communications must be forwarded to the Community Development Director so that they can be disclosed to the entire Commission and the public.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines. Staff has determined that the exemption applies in this case because the proposed procedural changes would not result in a direct or a reasonably foreseeable indirect physical change in the environment and the proposed ordinance is covered by the general rule that CEQA applies only to projects which have potential for causing significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

CONCLUSION

This request is submitted for Planning Commission consideration and recommendation to the City Council.

Respectfully submitted,

Brian Kim
Assistant Planner
City of Marina

REVIEWED/CONCUR:

Guido Persicone, AICP
Community Development Director
City of Marina

DRAFT RESOLUTION NO. 2025-14

PLANNING COMMISSION RESOLUTION NO. NO. 2025-14 RECOMMENDING THAT THE CITY COUNCIL ADOPT CHANGES TO THE MARINA MUNICIPAL CODE (MMC), TITLE 17, ARTICLE 4, BY AMENDING SECTION 17.42.170 SHORT-TERM RENTALS. THE PROPOSED ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES.

WHEREAS, the Community Development Dept. (CDD) of the City of Marina (City), through its regular use and implementation of the Marina Municipal Code (MMC), regulates Short-Term Rentals (STRs) pursuant to Title 17 of the MMC to protect neighborhood integrity, preserve housing availability, and ensure compliance with local zoning and land use regulations; and

WHEREAS, the CDD recommends amendments to MMC Chapter 17, Article 4 Sections 17.42.170 Short-term rentals to clarify definitions, enhance enforcement, and strengthen regulatory consistency within the City's STR Program; and

WHEREAS, the CDD recommends amending the definition of "Primary Residence" to clarify acceptable forms of identification and establish a minimum residency requirement of six (6) months per year; and

WHEREAS, CDD recommends adding definitions for "Advertising" to define permissible promotional activities for STRs; and

WHEREAS, CDD recommends establishing standards and limitations for STR operations, including permit duration, maximum rental nights, on-site parking requirements, advertising restrictions, and prohibitions for certain housing types or property uses; and

WHEREAS, CDD recommends requiring STR permit application submittals, including non-refundable fees, plot and floor plans, and rental agreements, and ensuring the STR permit number is displayed on all platform listings to facilitate enforcement; and

WHEREAS, CDD recommends establishing enforcement provisions and accountability for owners, agents, property managers, and other responsible parties, to ensure compliance with the City's STR regulations; and

WHEREAS, CDD recommends adopting these amendments to provide clear standards, strengthen enforcement, and ensure that STR operations remain compatible with residential neighborhoods and the City's broader policy objectives; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission does hereby recommend that the City Council adopt changes to Chapter 17 of the Marina Municipal Code as described in the draft ordinance referenced herein as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 23th day of October 2025, by the following vote:

AYES, COMMISSIONERS:
NOES, COMMISSIONERS:
ABSENT, COMMISSIONERS:
ABSTAIN, COMMISSIONERS:

Glenn Woodson, Chair

ATTEST:

Guido Persicone, AICP
Community Development Director
City of Marina

1981101.1

ORDINANCE NO.

AN ORDINANCE AMENDING THE MARINA MUNICIPAL CODE (MMC), CHAPTER 17, ARTICLE 4, BY AMENDING SECTIONS 17.42.170 SHORT-TERM RENTALS. THE PROPOSED ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES.

-oOo-

THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS FOLLOWS:

1. The City Council of the City of Marina (City) acknowledges the importance of the Short-Term Rental Program in protecting Marina's neighborhood integrity. As a result, the City Council requested that the Community Development Dept. (CDD) propose amendments to the Marina Municipal Code (MMC) that would enhance regulatory clarity, strengthen enforcement, and help ensure that STR operations remain consistent with the City's broader policy goals and neighborhood protection standards.

2. On November 5, 2019, City Council adopted Ordinance 2019-02 amending the Zoning Ordinance to include 17.06.160 entitled "Short-term rentals" which establishes a permitting process and appropriate standards for whole dwelling units or portions of the same for a period of 29 consecutive days or less, along with associated regulations to mitigate negative impacts.

3. On August 6, 2025, City Council initiated a discussion on strengthening the City's Short-Term Rental Program to better protect neighborhood integrity. City Council directed staff to identify ordinance amendments that would improve the effectiveness of the program.

4. The proposed amendments to Chapter 17 of the MMC are consistent with Section 17.72 (Amendments).

5. Environmental. The proposed Ordinance amendments are not subject to environmental review pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Article 5, Section 15061(b)(3) because the proposed procedural changes would not result in a direct or a reasonably foreseeable indirect physical change in the environment and the proposed ordinance

is covered by the general rule that CEQA applies only to projects which have potential for causing significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

6. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

7. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

8. Posting of Ordinance. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, 2025, and was passed and adopted at a regular meeting duly held on _____, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST: _____

Anita Sharp, Deputy City Clerk

Exhibit A

(New text is indicated with underlining, and deleted text is indicated with strikethrough)

...

Chapter 17.42.170

SHORT-TERM RENTALS

Sections:

...

17.42.170 Short-term rentals.

...

17.42.170 Short-term rentals.

A. *Purpose.* The purpose of this section is to establish a permitting process and appropriate standards for the short-term rental of a whole dwelling unit, or portion of the same, for a period of twenty-nine consecutive days or less.

B. *Definitions.* For the purposes of this section, the following definitions shall apply:

1. "Hosting platform" means a marketplace in whatever form or format which facilitates home-sharing or vacation rental, through advertising or other means, using any medium of facilitation, and from which the operator of the housing platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.
2. "Primary residence" means an owner's permanent residence or usual place of return for housing as documented by evidence of a Monterey County Assessor's Homeowners Exemption and at least two forms of identification in the owner's name: motor vehicle registration, driver's license, state and federal tax returns, a bank account statement, voter registration, or a utility bill from within the past sixty (60) days. An owner may only have one (1) primary residence at any given time and must reside there for a minimum of six (6) months per year. An owner may have only one primary residence at any given time. A primary residence is a "one-family ~~may be a duplex or dwelling~~" as defined in Section 17.04.260, 17.04.265, 17.04.270, 17.04.280, ~~or 17.04.290.~~
3. "Registry" or "city registry" is the list of STR permits issued in a calendar year. The city shall bear responsibility for keeping the registry up to date with current permits.
4. "STR guest(s)" or "guest(s)" means any person or group of persons staying at an STR for no more than twenty-nine consecutive days.
5. "STR owner" or "owner" means the person, or persons, individually, jointly, in common, or a living trust whereby the trustor and trustee are the same person whereby such property is under single or unified control holding fee title which rents a dwelling operated and used as an STR.
6. "Short-term rental" or "STR" means a primary residence, or any portion thereof, rented for occupancy for lodging or sleeping purposes for a period of twenty-nine consecutive days or less.

7. “Transient occupancy tax” or “TOT” means local transient tax as set forth in Chapter [3.12](#). The tax is paid by the guest when paying for their rental. The collected TOT is then remitted to the city.

8. “Advertising” means signs, circulars, cards, telephone books, newspapers, magazines, posters, email, mobile applications, television, radio, or any other representation implying or stating the property is available for short-term rental use.

C. Short-Term Rental Requirements and Conditions.

1. *Compliance with Applicable Laws.* The owner must comply with all applicable laws, rules, and regulations pertaining to the use and occupancy of the STR.

2. *Short-Term Rental Permit Required.* A permit from the city (hereinafter referred to as an “STR permit”) is required for all STRs. ~~No person shall rent, offer to rent, or advertise for rent any STR for a term shorter than twenty-nine consecutive days, without a valid STR permit, which may be issued by the city in the manner provided for by this section.~~

3. *Validity Period.* An STR permit shall expire on June 30th of each calendar year and may be renewed upon reissuance of a business license and proof of timely payment of transient occupancy tax (TOT) during the time period of operation of the STR. An STR permit is only valid for up to one year, subject to renewal, and does not run with the land. Therefore, the issuance of an STR permit for a period of up to one year does not create a fundamentally vested right. As such, the city reserves the right to deny renewal of an STR permit for any reason, without the applicant having a right to hearing or other due process rights. During the application renewal submission, the owner must resubmit proof of “primary residence” as listed in section (B)(2) of this section.

4. *Change in Ownership.* The STR permit shall be invalidated by a change in owner of an STR, except when a spouse or domestic partner is added to the title of the property or the property is converted to a trust, which is principally under the same ownership. If the STR permit is invalidated by a change in ownership, the owner must complete the reapplication process within forty days or the right to the STR permit will be lost.

5. *Noise and Disturbances.* Guests are subject to the requirements of Chapter [9.24](#), Noise Regulations.

6. *Revocation of STR Permit.* An STR permit may be revoked by the city due to the failure to meet the requirements set forth in this code and state law, subject to the discretion of the city.

7. *Appeal Process.* Revocation of an STR permit may be appealed pursuant to Section [17.58.050](#). The appeal shall be accompanied by a filing fee, if any, as established by city council resolution.

8. *Good Neighbor Brochure.* A good neighbor brochure, the contents of which shall be set by resolution of the planning commission, shall be required on the premises of any STR.

9. *Occupancy Limitations.* The maximum number of guests permitted in an STR is two per bedroom, plus two additional guests per unit (as shown in the following table). No more than twelve guests shall be permitted to stay in an STR.

Number of Bedrooms	Number of Guests Allowed
0 (studio)	2
1	4
2	6
3	8
4	10
5+	12

10. *Transient Occupancy Tax.* Transient occupancy tax (TOT) shall be collected on all short-term rentals. STR owners are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the city on a monthly basis. If a hosting platform collects payment for short-term rentals, then it and the STR owner shall both have legal responsibility for the collection and remittance of TOT.

11. Advertising STR without STR license.

No owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise shall post, publish, circulate, broadcast or maintain any advertisement of an STR property if that property does not operate pursuant to a valid STR permit.

12. Parking. Each designated on-site parking space at a transient use site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guests of the site. Each private contract or tenancy shall specify what the maximum number of tenant vehicles to be parked at or in proximity to a transient use site (whether on street or off street), which shall not exceed the number of bedrooms included in the contract or tenancy.

13. Duration. The number of nights that the property can be used for short-term rental purposes shall be limited to one hundred eighty (180) nights per calendar year. During the submission of a new application, the owner must submit a proposed rental calendar not to exceed one hundred eighty (180) nights and upon a renewal application, the owner must submit proof they have not exceeded the one hundred eighty (180) nights.

14. Specific prohibitions.

The owner is responsible for ensuring the property does not become a nuisance due to any short-term rental occupant activities. The activities prohibited for short-term rentals are examples that include, but are not limited to, the following:

(1) Parcels that have an ADU or JADU are prohibited from obtaining a short-term rental permit.

(2) Senior housing units and below market price units may not be used for short-term rental purposes.

(3) An owner may not have a short-term rental permit on more than one (1) parcel for short-term rental use in the City's jurisdiction. In addition, the parcel listed on the permit must be the owner's primary residence.

(4) More than one (1) short-term rental booking may not occur concurrently per parcel.

(5) Commercial or assembly uses, such as weddings, corporate events, and parties, are prohibited in short-term rentals.

(6) Short-term rental to unaccompanied minors is prohibited.

D. *Permit Application Procedures.* An application for an STR permit shall be filed with the community development department upon forms, the content of which shall be set by resolution of the planning commission and shall, at a minimum, request:

1. The name, address, assessor's parcel number (APN) for the STR owner's property, and telephone number of the owner of the STR for which the STR permit is to be issued.

2. A statement of the anticipated daily rental charge for the STR and written acknowledgment of the responsibility to pay TOT associated with the rental of the STR.

3. A valid business license issued by the city for the STR, with the stipulation that the actual business license number must be included in any solicitation for an STR.

4. An STR permit application non-refundable fee. The fee will cover the estimated costs of reviewing the application.

5. Plans, which do not need to be drawn up by a professional, drawn to scale including the following:

(A) Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces.

(B) Floor plan showing all rooms with each room labeled as to room type.

6. Form of a rental/lease agreement to be used, or house rules/requirements, which shall include, but not necessarily be limited to, the following:

(A) Number of guests allowed, which shall not exceed two per legal bedroom plus two additional guests.

(B) Number of vehicles a guest is allowed to park on site and off site per MMC 17.42.170(C)(12).

5. Once the STR permit is issued, the STR permit number must be listed on all platform listing headlines and the platform weblinks provided to the City.

E. *Hosting Platform Requirements.*

1. Hosting platforms together with STR owners shall be responsible for collecting all applicable TOTs and remitting the same to the city. The hosting platform shall be considered an agent of the owner for purposes of TOT collections and remittance responsibilities as set forth in Chapter [3.12](#).

2. Subject to applicable laws, hosting platforms shall disclose to the city on a regular basis each home-sharing and vacation rental listing located in the city, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay. Hosting platforms that fail to comply will be subject to fines and penalties pursuant to MMC 1.12.080.

3. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the city's registry at the time the hosting platform receives a fee for the booking transaction.

4. A hosting platform operating exclusively on the internet, which operates in compliance with subsections (E)(1), (2), and (3) of this section, shall be presumed to be in compliance with this section, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this code.

5. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal laws and will not apply if determined by the city to be in violation of, or preempted by, any such laws. (Ord. 2019-02 § 1 (Exh. A), 2019)

6. Pursuant to the City's adoption of SB 346 (Durazo, 2025), short-term rental facilitators shall report the physical address, including the 9-digit ZIP Code, of each short-term rental located within the City every three months. Failure to submit the required report may result in administrative fines, penalties, or an audit initiated by the City. Facilitators shall provide additional information requested by the City, as authorized by SB 346, if the City deems such information necessary to identify a specific short-term rental. Short-term rental facilitators shall include in each listing any applicable local business license number and transient occupancy tax certification issued by the City.

F. Liability and Enforcement.

(1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each violation, and for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(2) Violations of this chapter may be prosecuted pursuant to MMC 1.12.080 and issued a civil penalty not exceeding the amounts set forth in California Government Code Section 36900(d).