



## MINUTES

Thursday, May 30, 2019

6:00-9:00 P.M. Open Session

### SPECIAL JOINT MEETING OF CITY COUNCIL AND PLANNING COMMISSION

Council Chambers  
211 Hillcrest Avenue  
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency)  
  
MEMBERS PRESENT: Council Members: Lisa Berkley, Adam Urrutia, Frank O’Connell, Mayor Pro Tem/Vice Chair Gail Morton  
  
MEMBERS ABSENT: Mayor/Chair Bruce C. Delgado (Excused)  
  
MEMBERS PRESENT: Planning Commission Members: Thomas Mann, Jeffrey Weekley, Brian McCarthy, Victor Jacobsen, Katherine Biala, David Bielsker  
  
MEMBERS ABSENT: Chairperson David Burnett (Excused)
3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
4. OTHER ACTIONS:
  - a. City Council and Planning Commission to Receive Information Regarding a Midterm Review of the 2015-2023 Housing Element and a Draft Sites Inventory Strategy.

Veronica Tam provided summary of report

City of Marina Midterm Review of 2015-2023 Housing Element

Background: Fifth cycle update (2015-2023) - Statutory deadline December 15, 2015.

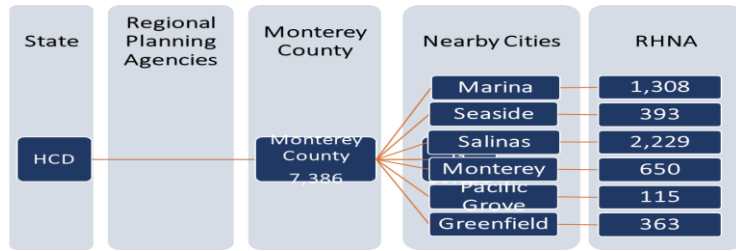
Marina Housing Element adopted on June 21, 2016 - As “Interim” Housing Element to be eligible for CDBG funding application - Subject to a four-year review and update for not meeting the December 2015 deadline - Did not achieve “certification” (compliance) status because the key issues (availability of sites) were not addressed due to time constraint.

**Consequence of Continued Non-Compliance:** Risk of Litigation (HCD monitoring non-compliant jurisdictions; City of Huntington Beach sued by AG for continued inaction) - Ineligibility for State grants (SB 2 grant – 1<sup>st</sup> round - \$125,000 block grant for planning; State HOME funds).

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**Housing Element Requirements:** Provide a variety of housing types of all income groups; Assist in the development of lower and moderate-income housing; Remove constraints to housing; Conserve and improve existing housing; Promote fair housing.

**Regional Housing Needs Allocation (RHNA) – 2015-2023**



**RHNA Requirements:** Jurisdictions must plan for the RHNA

Adequate sites with: Appropriate density and development standards (at least 20 du/ac for lower income RHNA); Vacant and underutilized sites with near-term development potential; Development process and fees do not constrain housing development.

**2019 Midterm review of Housing Element:** Comply with the 4-year review and update requirement; Address outstanding issues outlined in HCD letter dated June 1, 2016 (Unmet Regional Housing Needs Allocation (RHNA) from 4<sup>th</sup> cycle; RHNA for 5<sup>th</sup> cycle; Sites Inventory based on existing General Plan and zoning - Feasibility and capacity - Suitability of non-vacant sites - Residential uses in commercial zones - Development review and approval process.

**Overall RHNA obligations:** 4<sup>th</sup> cycle Housing Element RHNA; Committed to adopting a Downtown Specific Plan to rezone 27 acres for high density residential; Delayed DSP; Unmet RHNA rollover to 5<sup>th</sup> cycle. 5<sup>th</sup> cycle Housing Element RHNA; Overall obligations = RHNA (4<sup>th</sup> & 5<sup>th</sup>) – Units built/approved.

OVERALL RHNA OBLIGATIONS					
	Very Low	Low	Moderate	Above Moderate	Total
<b>4<sup>th</sup> Cycle RHNA</b>	<b>427</b>	<b>322</b>	<b>363</b>	<b>801</b>	<b>1,913</b>
Units Planned/Zoned in 4 <sup>th</sup> Cycle HE	-184	-200	-337	-2,137	-3,041
Units Constructed in 4 <sup>th</sup> Cycle	-44	-24	---	---	-68
Not Planned/Zoned	199	98	26	---	323
<b>5<sup>th</sup> Cycle RHNA</b>	<b>315</b>	<b>205</b>	<b>238</b>	<b>550</b>	<b>1,308</b>
Units Constructed (2015-2018)	-42	-6	-147	-405	-600
Entitled Projects	-83	-1	0	-84	-168
Not Planned/Zoned	190	198	91	61	540
<b>Overall RHNA Obligations</b> (Not Planned/Zoned 4 <sup>th</sup> & 5 <sup>th</sup> RHNA)	<b>389</b>	<b>296</b>	<b>117</b>	<b>61</b>	<b>863</b>

CURRENT PROJECTS									
Project Address	Type	Zoning	Site Size	Density	Density with Bonus	Existing Uses	Approved	Number of Units	Number of Affordable Units
Veterans Transition Center Housing 229-239 Hayes Circle	Apt	R-4	2.40	29.6	---	SF home	11/20/2018	71	71 Very Low
225 Cypress	Apt	C-R	0.28	35.0	42.0	SF home & mobile home	3/5/2018	12	1 Very Low
3108 Seacrest	Apt	R-4	0.24	35.0	41.2	Vacant	11/20/2018	11	1 Very Low
3125 De Forest	Apt	SP	1.43	35.0	40.6	Vacant	12/4/2018	58	10 Very Low
264 Carmel	Apt	R-4	0.25	35.0	39.6	SF home	8/21/2018	10	1 Low
353 Carmel	Apt	R-4	0.20	33.0	---	SF home	1/10/2019	6	---
<b>Average Density</b>			<b>4.80</b>	<b>35.0</b>				<b>168</b>	

**New State Laws:** New Housing Element law places significant requirements for qualifying sites: Default density is 20+ du/ac; Estimate of capacity based on minimum density or demonstrated trend; Non-vacant site requires demonstration of trends and feasibility; Reusing undeveloped sites identified in previous Housing Element subject to higher standards.

**New RHNA Requirements:** No Net Loss – when sites feasible for lower income housing (20+ du/ac) are developed with fewer than anticipated affordable units, reassess ability to meet remaining RHNA; Continued Ability to Meeting RHNA – not just at time of Housing Element adoption.

**Strategy for Meeting RHNA:** Must identify vacant and underutilized sites with adequate density and development standards to accommodate RHNA; HCD rejected City existing zoning for residential uses in commercial areas; Reliance on Downtown Vitalization Specific Plan area for lower/moderate income RHNA (Downtown Core (20-70 du/ac); Downtown Transition (20-50 du/ac); Multifamily Residential (20-37 du/ac); Assumption – average development density at 30 du/ac - Unbuilt capacity from adopted Specific Plans.

SUMMARY OF SITES INVENTORY					
	Very Low	Low	Moderate	Above Moderate	Total
Remaining RHNA Obligations	389	296	117	61	863
Available Sites					
Downtown Vitalization Specific Plan (average 30 du/ac)					
Core	91	91	0	0	182
Transition	194	195	0	0	389
R-4	189	189	0	0	378
Central Marina (Excluding Downtown) (average 30 du/ac)					
R-1	0	0	0	27	27
R-4	32	32	6	80	150
Monterey- Salinas Transit Station	12	3	2	48	65
Marina Station	82	95	95	1,088	1,360
Former Fort Ord					
Sea Haven (formerly Marina Heights)	0	0	51	761	812
The Dunes	0	53	87	747	887
Total Capacity	600	658	241	2,751	4,250
RHNA Surplus/(Shortfall)	211	362	124	2690	3,387

**Next Steps:** Revise 2015-2023 Housing Element to incorporate new sites strategy; Submit HE for 60-day HCD review – June 2019; Address HCD comments –September 2019; Housing Element adoption – November 2019; Concurrent efforts to pursue adoption of Downtown Vitalization Specific Plan and implementing Development Code – Spring 2020; Housing Element remains out of compliance until DVSP and Development Code are adopted.

**Planning Commission Questions:** What is the public process? Since 4<sup>th</sup> Cycle news laws were passed in 2017 but in this next submission we’re only going to address what was not acceptable when we did it in 2016. So, are there things in 2017 that we need to update before we do that? On the current projects chart – is Junsay Oaks included in that chart? Affordable Housing Unit Reporting - Is there any reporting for the University Village Apartments? Will this come back to the Planning Commission soon? AB1482 passed related to rental caps, has there been any discussion about aligning our affordable housing unrestricted deed units with this potentially new law? If not, do we need to have it or can we presume that if they comply with the law they’ll still be affordable? Do we need to consider this potential new law in our planning?

**Council Member Questions:** The two lawsuits that are pending, Huntington Beach and Marin the distinction is that they rezoned and now don’t have as adequate housing to meet their RHNA number but the difference in the law is that now everybody can immediately be referred to the Attorney General for action if in fact you don’t have a housing element but different premise for a lawsuit, correct? What is the deadline for the SB2 Grant? Why are the affordable houses from Sea Haven in Cycle 4 allowed in Cycle 5? So, if housing in one cycle are not built we can reallocate them and count them as new? Is there a particular size of a dwelling that will qualify for a RHNA number, to accommodate a number of bedrooms, number of people? Does the EIR need to be completed on the Downtown Specific Plan or can we just adopt the SP plan? How does this affect the application for the SB2 grant? Is there any way to speed up the environmental review process? Can you explain what the full process is for the environmental review? Our MMC provides for 40% affordable and in our interim HE it says we were going to bring that into conformity with what’s require in the Fort Ord Reuse Plan and what’s required in some of our general plan, have we done that or is that part of this 4-year cycle? Density Bonus Ordinance – if we’re going through this process at the 5-year cycle will the density bonus be corrected? Comprehensive review and certification by 2023, correct? When do we start this? Where does it go on the Council Project List? Where does it fit into our budget?

**Public Comments:**

- Grace Silva-Santella – Appreciates the questions and explanations on the mitigated market constraints because that was a new phrase. How does workforces housing fit into the summary of the site inventory chart? Sounds like the questions on ADU’s might have been answered there. My understanding that the downtown vitalization meeting where there were a number of properties in this area that there could be a quite a bit of pushback from owners and wondered if there was any chance our downtown vitalization plan was going to get slowed down because of private owner’s pushback or because of some kind of organized legal efforts. If so, is that going to make it hard to meet the deadlines that you are hoping meet?

Council Questions Continued: EIR Challenge – Are you saying a homeowner/landowner that has land within the specific plan would be able to challenge the plan before it's approved, before council approves it other than through CEQA? So, once we do an EIR there's a chance/opportunity for the public or any agreed person to challenge the CEQA process? Once that gets concluded and you have a certified EIR we're able to go forward, then approve a specific plan as the city which allows our housing element to be certified and at the point, yes, we might be able to get sued but it's not going to be slowing down the process for certification?

5. ADJOURNMENT: The meeting adjourned at 7:20 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Gail Morton, Mayor Pro-Tem