



AGENDA

Tuesday, June 2, 2020

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE FORMER
MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. 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/>

PARTICIPATION

You may participate in the City Council meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. 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 marina@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. Council will have the option to modify their action on items based on comments received.

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

1. CALL TO ORDER



2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

Lisa Berkley, Adam Urrutia, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado

3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*

- a. Conference with Legal Counsel, two cases of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: City of Marina and Marina Groundwater Sustainability Agency v. County of Monterey, Monterey County Board of Supervisors, County of Monterey Groundwaters Sustainability Agency, California Department of Water Resources (DWR), and Director Karla Nemeth in her official capacity; Monterey County Superior Court Case No. 19CV005270; (2) City of Marina v. RMC Lonestar, RMC Pacific Materials, LLC, California American Water Company; Marina Coast Water District and Monterey County Water Resources Agency real parties in interest; Monterey County Superior Court Case No. 20CV001387.
- b. b. Conference with Legal Counsel, anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956..9: three potential cases.
- c. Real Property Negotiations
 - i. Property: Imjin Parkway/Landfill Site, APNs 031-101-039, 031-101-040, 031 101-041 and 031-101-042
Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey
Property Negotiator: City Manager
Terms: Price and Terms

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
5. **SPECIAL PRESENTATIONS:**
 - a **Samuel (Sam) Minorini Retirement Proclamation**
 - b **Recreation Announcements**
6. **SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:** *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name 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 a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*
7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency 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 City Council 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 for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*
8. **CONSENT AGENDA:** *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency 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 City Council 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. **ACCOUNTS PAYABLE:**
 - (1) Accounts Payable Check Numbers 95090-95171, totaling \$1,523,763.49
Accounts Payable Successor Agency Check Number 47-48, totaling \$11,937.50
Wire Transfers from Checking & Payroll for April 2020 totaling: \$578,596.11
 - b. **MINUTES:**
 - (1) May 19, 2020, Regular City Council Meeting
 - c. **CLAIMS AGAINST THE CITY:** None
 - d. **AWARD OF BID:** None
 - e. **CALL FOR BIDS:** None
 - f. **ADOPTION OF RESOLUTIONS:**

- (1) City Council consider adopting Resolution No. 2020-, approving estimated cost for service for calendar year 2020, Fourth of July activities and; setting cost recovery surcharge at six and three quarters (6.75%) percent for calendar year 2020 pursuant to Marina Municipal Code Section 15.32.580.
- (2) City Council consider adopting Resolution No. 2020-, authorizing the Mayor to sign a letter of support on behalf of the City Council supporting SB1 State Route 156 Grant Submission by Transportation Agency for Monterey County (TAMC).
- (3) City Council consider adopting Resolution No. 2020-, waiving the competitive bid process for fencing installation at the Arts Village Building; and finding that the bidding process performed by the Transportation Agency for Monterey County (TAMC) justifies waiving competitive bidding requirements; and accordingly, adopt finding that further competitive bidding would be unavailing, would not produce an advantage, and would not be in the public interest in view of the process followed by TAMC; and accordingly designating A1 Fence, Inc. of San Jose, CA as the City's fencing contractor for the Arts Village Fencing Project.
- (4) City Council consider adopting Resolution No. 2020-, authorizing application for, and receipt of, Local Government Planning Support Grant Program Funds to support the Environmental Impact Report for the Downtown Vitalization Specific Plan with any remaining funds to be used toward General Plan Phase One updates or the adoption of an ordinance regulating accessory dwelling units.

g. APPROVAL OF AGREEMENTS: None

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

- (1) City Council to waive read by title only and waive reading in full and to consider second reading and approval of Ordinance 2020- amending Section 10.60.010 "Speed Limits Established" of Chapter 10.60 "Speed Limits" of Title 10 "Vehicles and Traffic" to adopt *prima facie* speed limits pursuant to an engineering and traffic survey and the California Vehicle Code (CVC).

m. APPROVE APPOINTMENTS: None

9. PUBLIC HEARINGS:

- a. City Council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020-, confirming diagram, assessment and ordering levy of \$180.78 for FY 2020-21 assessment for Cypress Cove II Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2020.

- b. City Council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020-, confirming diagram, assessment and ordering levy of \$182.42 for FY 2020-21 assessment for Seabreeze Landscape Maintenance Assessment District, and; authorizing city clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2020.
 - c. City council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020-, confirming diagram, assessment and ordering levy of \$77.14 for FY 2020-21 Assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorizing city clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 1, 2020.
 - d. City Council of the City of Marina Open a Public Hearing, Take Public Testimony, and Consider Planning Commission Recommendation Applications for Conditional Use Permits to Operate Combined Adult-Use and Medical Commercial Cannabis Dispensaries at 3016, 3100, 3112-3114, and 3170 Del Monte Blvd. and 234-242 Reservation Road (Exempt from CEQA per Section 15301).
10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting Resolution No. 2020-, confirming the City Manager/Director of Emergency Services' issuance of a Second Supplement to the Proclamation of a Local Emergency temporarily suspending until July 31, 2020, the authority of any landlord to commence evictions on any residential (including mobile homes and mobile home lots) or commercial property within the City due to the tenant's nonpayment of rent or a foreclosure arising out of a documented substantial decrease in household or business income caused by the COVID-19 pandemic or the governmental response thereto.
- b. COVID-19 Update and Direction from Council
 - i. Adopting Resolution No. 2020-, revising the loan program for residents and businesses of the city in response to the Covid-19 pandemic, vesting discretion in the City Manager, City Finance Director and City Attorney to make required changes to the program guidelines necessary to implement and administer the program, authorizing the City Manager to execute any agreements and promissory notes necessary to implement the program, and authorizing the Finance Director to make necessary accounting and budgetary entries.

- ii. City Council consider adopting Resolution No. 2020-, authorizing an abatement of Business License penalties until October 2020 and offering to waive past penalties for unregistered businesses which register and pay their past due taxes by October 31, 2020.
- iii. County & State Guidelines
- iv. Outdoor Dining Standards
- v. Other Impacts

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.
- c. Proclamation of Local Emergency Update

13. ADJOURNMENT:

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 6:30 p.m., Friday, May 29, 2020.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.cityofmarina.org), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review at the City Clerk's Office during regular office hours and in a 'Supplemental Binder' at the meeting.

Members of the public may receive the City Council, Airport Commission and Successor Agency of the Former Redevelopment Agency Agenda at a cost of \$55 per year or by providing a self-addressed, stamped envelope to the City Clerk. The Agenda is also available at no cost via email by notifying the City Clerk at marina@cityofmarina.org

*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) 884-1278 or e-mail: marina@cityofmarina.org. requests must be made at least **48 hours** in advance of the meeting.*

Upcoming 2020 Meetings of the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Community Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency and Marina Groundwater Sustainability Agency
Regular Meetings: 5:00 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, June 16, 2020

Tuesday, July 7, 2020

Tuesday, July 21, 2020

**** Wednesday, August 5, 2020**

Tuesday, August 18, 2020

Tuesday, September 1, 2020

Tuesday, September 15, 2020

Tuesday, October 6, 2020

Tuesday, October 20, 2020

***** Wednesday, November 4, 2020**

Tuesday, November 17, 2020

Tuesday, December 1, 2020

Tuesday, December 15, 2020

* Regular Meeting rescheduled due to Monday Holiday

**Regular Meeting rescheduled due to National Night Out Event (Cancelled)

*** Regular Meeting rescheduled due to General Election Day

NOTE: Regular Meeting dates may be rescheduled by City Council only.

C I T Y H A L L 2 0 2 0 H O L I D A Y S
(City Hall Closed)

Independence Day (City Offices Closed) -----Friday, July 3, 2020
Labor Day -----Monday, September 7, 2020
Veterans Day -----Wednesday, November 11, 2020
Thanksgiving Day -----Thursday, November 26, 2020
Thanksgiving Break -----Friday, November 27, 2020
Winter Break -----Thursday, December 24, 2020-Thursday, December 31, 2020

2020 COMMISSION DATES

Upcoming 2020 Meetings of Design Review Board
3rd Wednesday of every month. Meetings are held at the Council Chambers at 6:30 P.M.
 ** = Change in location due to conflict with Council meeting

June 17, 2020
 July 15, 2020

August 19, 2020
 September 16, 2020
 October 21, 2020

November 18, 2020
 December 16, 2020

Upcoming 2020 Meetings of Economic Development Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 4:00 P.M.

June 18, 2020 (Cancelled)
 July 16, 2020 (Cancelled)

August 20, 2020 (Cancelled)
 September 17, 2020 (Cancelled)
 October 15, 2020 (Cancelled)

November 19, 2020 (Cancelled)
 December 17, 2020 (Cancelled)

Upcoming 2020 Meetings of Planning Commission
2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

June 11, 2020
 June 25, 2020
 July 9, 2020
 July 23, 2020

August 13, 2020
 August 27, 2020
 September 10, 2020
 September 24, 2020

October 8, 2020
 October 22, 2020
 November 12, 2020
 December 10, 2020

Upcoming 2020 Meetings of Public Works Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

June 18, 2020
 July 16, 2020

August 20, 2020
 September 17, 2020

October 15, 2020
 November 19, 2020
 December 17, 2020 (Cancelled)

Upcoming 2020 Meetings of Recreation & Cultural Services Commission
1st Wednesday of every quarter month. Meetings are held at the Council Chambers at 6:30 P.M.

June 3, 2020

September 2, 2020

December 2, 2020

Upcoming 2020 Meetings of Marina Tree Committee
2nd Wednesday of every quarter month as needed. Meetings are held at the Council Chambers at 6:30 P.M.

April 8, 2020

July 8, 2020

October 14, 2020

Marina, CA

AP Check Register 05-22-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/22/2020

Agenda Item: 8a

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 905 - Chase - Checking						
Check	05/22/2020	95091	Accounts Payable	Ace Hardware		71.26
	Invoice		Date	Description		Amount
	074482		05/11/2020	Tube heat shrink, knife and fasteners		71.26
Check	05/22/2020	95092	Accounts Payable	Ace Hardware		187.61
	Invoice		Date	Description		Amount
	074511		05/13/2020	Penetrating Oil		4.36
	074520		05/13/2020	Bearing 3/4"		6.54
	074486		05/12/2020	Tape & dispenser		7.64
	074528		05/14/2020	Marker sharpie		3.27
	074498		05/12/2020	Tee pvc, elbow & couple 3/4"		15.54
	074483		05/12/2020	Pliers, Cm ratchet & socket		77.51
	074515		05/13/2020	Cement rain , coupling & bushing pvc		66.22
	074538		05/15/2020	Spray bottles - Annex		6.53
Check	05/22/2020	95093	Accounts Payable	American Supply Co.		302.08
	Invoice		Date	Description		Amount
	2891369		04/28/2020	Cleaning supplies - COVID 19 Response		302.08
Check	05/22/2020	95094	Accounts Payable	Aramark Uniform Service		246.51
	Invoice		Date	Description		Amount
	760783244		04/29/2020	Uniform Service - Public Works Crew		55.88
	760783245		04/29/2020	Uniform Service - Public Works Crew		68.77
	760783246		04/29/2020	Uniform Service - Public Works Crew		41.32
	760783247		04/29/2020	Uniform Service - Public Works Crew		80.54
Check	05/22/2020	95095	Accounts Payable	AT & T		228.26
	Invoice		Date	Description		Amount
	05-01-20		05/01/2020	AT&T Billing/Airport 5/1 thru 5/31/20		18.54
	05-13-20		05/13/2020	AT&T 831-582-9957		209.72
Check	05/22/2020	95096	Accounts Payable	AT & T		640.57
	Invoice		Date	Description		Amount
	000014751531		05/13/2020	AT&T Billing/Radio Repeater 4/13 thru 5/12/20		164.69
	000014760640		05/15/2020	CALNET3-9391023435 (237-267-6922)		181.54

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Marina, CA

AP Check Register 05-22-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	000014751494	05/13/2020		CALNET3-9391023436 (239-461-6578)		69.53
	000014760606	05/15/2020		CALNET3-9391023479 (883-0919)		20.89
	000014760609	05/15/2020		CALNET3-9391023482 (884-0985)		20.89
	000014760610	05/15/2020		CALNET3-9391023483 (884-0986)		20.89
	000014760611	05/15/2020		CALNET3-9391023485 (884-2573)		20.89
	000014760612	05/15/2020		CALNET3-9391023486 (884-9153)		20.89
	000014760616	05/15/2020		CALNET3-9391023490 (884-9568)		38.47
	000014760617	05/15/2020		CALNET3-9391023491 (884-9654)		81.89
	05/22/2020	95097	Accounts Payable	Bay Area Hygiene Services - Enviro Master		3,492.88
	Invoice		Date	Description		Amount
Check	M630930V	04/02/2020		Sani Guard spraying at Fire station 2, plus engine and truck		105.00
	M630511	04/07/2020		Sani Guard spraying at Fire station 2, plus engine and truck		100.10
	M630931V	04/15/2020		Sani Guard spraying at Public Safety Bldg, PD cars & engines		473.50
	M630528V	04/28/2020		Sani Guard spraying at Fire station 2, plus engine and truck		103.00
	M630527V	04/29/2020		Sani Guard spraying at Public Safety Bldg, PD cars & engines		511.00
	M630526V	04/30/2020		Sani Guard spraying at City of Marina Bldgs.		1,405.14
	M630944V	05/06/2020		Sani Guard spraying at City of Marina Bldgs.		795.14
	05/22/2020	95098	Accounts Payable	Bound Tree Medical		758.00
	Invoice		Date	Description		Amount
	83615282	05/05/2020		Extra Gloves		669.93
Check	83615283	05/05/2020		Surface Disinfectant		88.07
	05/22/2020	95099	Accounts Payable	Burton's Fire, Inc.		1,993.36
	Invoice		Date	Description		Amount
Check	W 78747	05/15/2020		Fabricated boxes for new engine		1,993.36
	05/22/2020	95100	Accounts Payable	California Department of Justice		64.00
	Invoice		Date	Description		Amount
Check	448391	05/05/2020		Live Scan Results April 2020		64.00
	05/22/2020	95101	Accounts Payable	California Police Chiefs Association		145.00
	Invoice		Date	Description		Amount
Check	15326	05/01/2020		Membership Renewal		145.00
	05/22/2020	95102	Accounts Payable	Coffman Associates		2,831.00

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Marina, CA

AP Check Register 05-22-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	Invoice			Description		Amount
	19GS04-4		04/30/2020	Pen & Ink ALP Update for Joby Bldgs.		2,831.00
	05/22/2020	95103	Accounts Payable	Commercial Truck Company		121.30
Check	Invoice			Description		Amount
	SAL-1043825		05/12/2020	Tensioner, belt - Unit 599		121.30
	05/22/2020	95104	Accounts Payable	Consolidated Electrical Distributors, Inc.		68.53
Check	Invoice			Description		Amount
	4914-580585		01/16/2020	B526_Replacement Light Bulbs		68.53
	05/22/2020	95105	Accounts Payable	Covanta Stanislaus		337.80
Check	Invoice			Description		Amount
	288259STANI		04/15/2020	Evidence Destruction 4/15/20		337.80
	05/22/2020	95106	Accounts Payable	Dave's Repair Service		85.00
Check	Invoice			Description		Amount
	31549		05/07/2020	Monthly Site Inspections		85.00
	05/22/2020	95107	Accounts Payable	Dooley Enterprises, Inc.		6,611.00
Check	Invoice			Description		Amount
	58042		05/12/2020	Duty and Training Ammunition		6,611.00
	05/22/2020	95108	Accounts Payable	FedEx		116.40
Check	Invoice			Description		Amount
	7-012-27080		05/15/2020	Postage/Shipping-Evidence 5/15/20		116.40
	05/22/2020	95109	Accounts Payable	First Alarm		213.35
Check	Invoice			Description		Amount
	544266		05/15/2020	Monitoring Service-Police/Fire 6/1 thru 8/31/20		178.35
	544396		05/12/2020	Service Call/Police 5/12/20		35.00
Check	Invoice			Description		Amount
	05/22/2020	95110	Accounts Payable	Gavilan Pest Control		162.00
	0130770		05/06/2020	Pest Control at Station 2		85.00
Check	Invoice			Description		Amount
	0130769		05/06/2020	Gavilan Pest Control - Comm Ctr		77.00
	05/22/2020	95111	Accounts Payable	Graniterock/Pavex Construction		1,245,776.08

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Marina, CA

AP Check Register 05-22-20

Bank Account: 905 - Chase - Checking

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Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	Invoice			Description		Amount
	05-01-20			Extend Taxiway B Construction_Contractor Progress Pmt. No. 4		1,243,624.49
	1236039			Granite patch 50		1,315.83
Check	1236928			Granite Patch 50		835.76
	05/22/2020	95112	Accounts Payable	Home Depot Credit Service		205.39
	Invoice			Description		Amount
Check	05-11-20			Cadet dual flush - Community Center		205.39
	05/22/2020	95113	Accounts Payable	Johnson Associates		49.71
	Invoice			Description		Amount
Check	439813			Dropleg asy - Unit 216		49.71
	05/22/2020	95114	Accounts Payable	Kimley-Horn & Associates		4,983.00
	Invoice			Description		Amount
Check	15221912			CCIP R78 - TIA Dunes Update (10/01/19 - 10/31/19)		1,512.00
	14979610			CCIP R78 - TIA Dunes Update (09/01/19 - 09/30/19)		3,471.00
	05/22/2020	95115	Accounts Payable	L.N. Curtis & Sons		1,676.57
Check	Invoice			Description		Amount
	INV387736			Low profile cart F/Advantage Resp		148.16
	INV388084			Task force tips for water supply at Joby Tent for field hospital		1,528.41
Check	05/22/2020	95116	Accounts Payable	Marina Coast Water District		1,884.79
	Invoice			Description		Amount
	000056049	043020		000056 049 - Imjin Road Uni (31 accts) (04/01/20 - 04/30/20)		158.41
Check	000056041	043020		000056 041 - 3260 Imjin Rd, Fire Station 2 (04/01/20 - 04/30/20)		261.25
	000057000	043020		000057 000 - 3220 Imjin Road (04/01/20 - 04/30/20)		140.28
	000056037	043020		000056 037 - 2nd Avenue Irrigation (04/01/20 - 04/30/20)		158.41
Check	000056036	043020		000056 036 - Center Median 2nd Ave (04/01/20 - 04/30/20)		158.41
	000056095	043020		000056 095 - 2nd Ave Median (04/01/20 - 04/30/20)		236.15
	000056030	050820		000056 030 - Ctr Med. Reser- Ramada Inn (04/11/20 - 05/08/20)		33.99
Check	000056032	050820		000056 032 - Cres Ave & Costa Mont Bay Est (04/11/20 - 05/08/20)		55.95
	000056085	050820		000056 085 - Ctr Median 3192 Crescent Ave. (04/11/20 - 05/08/20)		25.21
	000056011	050820		000056 011 - Tate Park 3254 Del Monte (04/11/20 - 05/08/20)		98.47
Check	000056015	050820		000056 015 - Cypress Cove II (04/11/20 - 05/08/20)		55.95

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AP Check Register 05-22-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	000056014	050820	05/08/2020	000056 014 - VD Park 3200 Del Monte Blvd (04/11/20 - 05/08/20)		111.81
	000056035	050820	05/08/2020	000056 035 - Cardoza/Reserv Rd - Tate Park (04/11/20 - 05/08/20)		82.30
	000056087	050820	05/08/2020	000056 087 - Ctr Median 3218 Crescent (04/11/20 - 05/08/20)		25.21
	000056084	050820	05/08/2020	000056 084 - Ctr Median 3172 Cresc/Shuler (04/11/20 - 05/08/20)		25.21
	000056008	050820	05/08/2020	000056 008 - Reservation Rd & Del Monte (04/11/20 - 05/08/20)		25.21
	000056034	050820	05/08/2020	000056 034 - 3240 DeForest - Windy Hill Pk (04/11/20 - 05/08/20)		62.71
	000056086	050820	05/08/2020	000056 086 - Center Median 3208 Crescent (04/11/20 - 05/08/20)		25.21
	000056091	043020	04/30/2020	Water Billing/Training Center 4/1 thru 4/30/20		144.65
	05/22/2020	95117	Accounts Payable	Maynard Group Inc.		512.46
	Invoice		Date	Description		Amount
Check	1001406		05/14/2020	Phone/headset & software set up in Captain dorm at Station 2		512.46
	05/22/2020	95118	Accounts Payable	Monterey Auto Supply		179.43
	Invoice		Date	Description		Amount
	721689		05/01/2020	Veh - Maint Parts & Supply - Unit 582		15.21
Check	723549		05/11/2020	Veh - Maint Parts & Supply - Unit 5000		57.58
	723564		05/11/2020	Veh - Maint Parts & Supply - Unit 878		29.05
	723686		05/11/2020	Veh - Maint Parts & Supply - Unit 612		13.49
	723547		05/11/2020	Veh - Maint Parts & Supply - Unit 612		17.55
	723715		05/11/2020	Veh - Maint Parts & Supply - Unit 612		46.55
	05/22/2020	95119	Accounts Payable	Monterey County Petroleum-Sturdy Oil Co.		220.07
Check	Invoice		Date	Description		Amount
	0336401-IN		04/24/2020	Diesel Fuel (122 gal)		220.07
	05/22/2020	95120	Accounts Payable	Monterey One Water		15.90
	Invoice		Date	Description		Amount
Check	13-000152_070119		07/31/2019	Sewer Service_B527		15.90
	05/22/2020	95121	Accounts Payable	Monterey Tire Service		644.19
	Invoice		Date	Description		Amount
	1-94575		05/11/2020	Goodyear eagle - Unit 897		161.05
Check	1-94572		05/11/2020	Goodyear eagle - Unit 812		161.05
	1-94508		05/11/2020	Goodyear eagle - Unit 612		322.09
	05/22/2020	95122	Accounts Payable	Office Depot		6.69
	Invoice		Date	Description		Amount

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AP Check Register 05-22-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description		Amount
Check	2401930432		04/30/2020	Office supplies -wall unit for mail and receipts at Station 2		6.69
	05/22/2020	95123	Accounts Payable	Office Depot		176.49
	Invoice		Date	Description		Amount
	485526197001		04/30/2020	Toners, reels & holders		176.49
Check	05/22/2020	95124	Accounts Payable	Pacific Gas & Electric		7,550.58
	Invoice		Date	Description		Amount
	943-2.MAY20		05/11/2020	PG&E - 6150212943-2		67.70
	582-7.MAY20		05/11/2020	PG&E - 8161432582-7		135.20
	148-6.MAY20		05/11/2020	PG&E - 5593414148-6		160.54
	353-7.MAY20		05/11/2020	PG&E - 9930567353-7		54.11
	085-2.MAY20		05/12/2020	PG&E - 5434906085-2		86.91
	103-6.MAY20		05/12/2020	8030427103-6 Airp		4,357.82
	210-0.MAY20		05/13/2020	PG&E - 3242976210-0		105.44
	202-3.MAY20		05/12/2020	PG&E - 6594070202-3		84.26
	311-8.MAY20		05/12/2020	PG&E - 6513132311-8		9.52
	562-0.MAY20		05/12/2020	PG&E - 4758891562-0		957.01
	608-2.MAY20		05/12/2020	PG&E - 7383993608-2		813.18
	720-0.MAY20		05/12/2020	PG&E - 0167505720-0		718.89
	05/22/2020	95125	Accounts Payable	Peninsula Welding & Medical Supply		58.44
	Invoice		Date	Description		Amount
Check	199577		05/01/2020	nozzle 1/2" & .030 tips miller		58.44
	05/22/2020	95126	Accounts Payable	Ryan Ranch Printers		424.92
Check	Invoice		Date	Description		Amount
	21765		05/11/2020	Warning-Parking Labels/Patrol 5/11/20		424.92
	05/22/2020	95127	Accounts Payable	Salinas Valley Ford		295.77
	Invoice		Date	Description		Amount
Check	12841		05/11/2020	Veh - Maint Parts & Supply - Unit 878		295.77
	05/22/2020	95128	Accounts Payable	Sierra Springs & Alhambra		81.81
	Invoice		Date	Description		Amount

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AP Check Register 05-22-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	9696351	050920		Corp Yard - Sierra Spring - Water Svc		81.81
	05/22/2020	95129	Accounts Payable	Tartaglia Engineering		68,444.00
	Invoice		Date	Description		Amount
Check	05ETBCONST	05/06/2020		Extend Taxiway B Construction - FAA Grant Project		68,444.00
	05/22/2020	95130	Accounts Payable	Telemetrix		1,045.00
	Invoice		Date	Description		Amount
Check	3879	05/05/2020		B514_Repair Auto Access Gate Controller		775.00
	3880	05/05/2020		B514_Auto Access Gate Repair_Antenna Replacement		270.00
	05/22/2020	95131	Accounts Payable	Toshiba Financial Services		770.41
Check	Invoice		Date	Description		Amount
	413551037	05/01/2020		Copier Maintenance/Records 4/29 thru 5/29/20		770.41
	05/22/2020	95132	Accounts Payable	Valley Fabrication		44.36
Check	Invoice		Date	Description		Amount
	282906	05/07/2020		Steel counter - Unit 003		44.36
	05/22/2020	95133	Accounts Payable	William A. Thayer Construction, Inc		8,233.07
Check	Invoice		Date	Description		Amount
	170119-0427	04/27/2020		Marina Exterior Improvements Airport Restaurant (#470)		8,233.07
	05/22/2020	95134	Accounts Payable	Z.A.P. Manufacturing		697.73
Check	Invoice		Date	Description		Amount
	3505	04/02/2020		Style 809 2" round pole cap & flat crosspiece		697.73
	05/22/2020	95135	Accounts Payable	Zoom Imaging Solutions		98.97
Check	Invoice		Date	Description		Amount
	2212064	04/29/2020		MeterRead Maintenance 4/29/20		98.97
	05/22/2020	95136	Accounts Payable	Marina Employees Association		160.00
Check	Invoice		Date	Description		Amount
	05-15-20	05/15/2020		24 - MEA Dues		160.00
	05/22/2020	95137	Accounts Payable	Marina Professional Fire Fighters Association		300.00
Check	Invoice		Date	Description		Amount

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AP Check Register 05-22-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
	05-15-20		05/15/2020	35 - MPFFA Dues		300.00
EFT	05/22/2020	820	Accounts Payable	Marina Police Association-MPOA	322271627 / 901587928	240.00
	Invoice		Date	Description		Amount
	05-15-20		05/15/2020	23 - MPOA Dues		240.00
EFT	05/22/2020	821	Accounts Payable	Police Officers Association - POA	322271627 / 901589106	1,296.00
	Invoice		Date	Description		Amount
	05-15-20		05/15/2020	25 - POA Dues		1,296.00
905 Chase - Checking Totals:						\$1,364,747.74
Transactions: 49						
Checks:		47	\$1,363,211.74			
EFTs:		2	\$1,536.00			

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AP Check Register 05-29-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 905 - Chase - Checking						
Check	05/29/2020	95138	Accounts Payable	Ace Hardware		10.83
	Invoice		Date	Description		Amount
	074468		05/11/2020	B533_Misc. Hardware		22.93
	074502		05/12/2020	B533_Misc. Hardware Credit Return		(29.49)
	074567		05/18/2020	B554_Key Copies		17.39
Check	05/29/2020	95139	Accounts Payable	Applied Best Practices		500.00
	Invoice		Date	Description		Amount
	25198		04/08/2020	AB18165a TAB Report		500.00
Check	05/29/2020	95140	Accounts Payable	AT & T		61.02
	Invoice		Date	Description		Amount
	000014760613		05/15/2020	CALNET3-9391023487 (884-9497)		20.89
	000014760605		05/15/2020	AT&T Billing/Southfield Office 4/15 thru 5/14/20		40.13
Check	05/29/2020	95141	Accounts Payable	Avaya, Inc.		352.85
	Invoice		Date	Description		Amount
	2734311661		05/04/2020	CW - Phone System		352.85
Check	05/29/2020	95142	Accounts Payable	Bear Electrical Solutions, Inc.		6,328.75
	Invoice		Date	Description		Amount
	10430		04/29/2020	Reserv/MBEST & Reserv/Imjin Rd - Traffic Signal Maint		498.75
	10229		03/29/2020	Traffic Signal Maintenance - response		5,580.00
	10192		03/31/2020	Traffic Signal Maintenance - routine		250.00
Check	05/29/2020	95143	Accounts Payable	Cintas Corporation		50.94
	Invoice		Date	Description		Amount
	4044695150		03/06/2020	Mat Service City Hall		50.94
Check	05/29/2020	95144	Accounts Payable	Code Publishing Inc.		627.00
	Invoice		Date	Description		Amount
	66780		05/12/2020	MMC - Conversion of online code to Word		75.00
	66729		05/04/2020	MMC Updates Supplement 18		552.00
Check	05/29/2020	95145	Accounts Payable	Consolidated Electrical Distributors, Inc.		112.56

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AP Check Register 05-29-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description		Amount
	4914-583683		05/13/2020	B533_Electrical Outlet Replacement		112.56
Check	05/29/2020	95146	Accounts Payable	Enterprise FM Trust		1,069.34
	Invoice		Date	Description		Amount
	FBN3949787		05/05/2020	Monthly Lease Charges		1,069.34
Check	05/29/2020	95147	Accounts Payable	First Alarm		276.36
	Invoice		Date	Description		Amount
	544263		05/15/2020	Alarm Monitoring - 3200 Del Monte Blvd - VDP		183.69
	541723		05/15/2020	Alarm Monitoring - City Hall		92.67
Check	05/29/2020	95148	Accounts Payable	Formation Environmental, LLC		26,214.97
	Invoice		Date	Description		Amount
	5693		04/26/2020	Formation Enviro: Groundwater Sustain Plan (12/29/19 - 01/30/20)		26,214.97
Check	05/29/2020	95149	Accounts Payable	Fort Ord Reuse Authority		2,183.72
	Invoice		Date	Description		Amount
	May 2020		05/21/2020	Las Animas 50% Shared Rent		2,183.72
Check	05/29/2020	95150	Accounts Payable	Juli L. Hofman		718.30
	Invoice		Date	Description		Amount
	05-15-20		05/15/2020	Citywide COVID-19 Mailer		718.30
Check	05/29/2020	95151	Accounts Payable	Language Line, LLC		17.73
	Invoice		Date	Description		Amount
	4798146		04/30/2020	Translation Service/Patrol 4/30/20		17.73
Check	05/29/2020	95152	Accounts Payable	Law Enforcement Targets		1,330.52
	Invoice		Date	Description		Amount
	0457484-IN		05/12/2020	Fire Arms Training Equipment		1,330.52
Check	05/29/2020	95153	Accounts Payable	Lexipol		9,144.00
	Invoice		Date	Description		Amount
	INV970		05/01/2020	Annual Law Enforcement Policy Manual/Bulletins 6/1/20-5/31/21		9,144.00
Check	05/29/2020	95154	Accounts Payable	Liebert Cassidy Whitmore		275.00

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AP Check Register 05-29-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	Invoice		Date	Description		Amount
	05-20-20		05/20/2020	ADA During Pandemic (4/15/20)		75.00
	05-20-20/2		05/20/2020	RTW Toolkit (5/20/20)		200.00
	05/29/2020	95155	Accounts Payable	Marina Coast Water District		2,255.22
	Invoice		Date	Description		Amount
	000056044.043020		04/30/2020	Water Service_B520		140.28
	000056043.043020		04/30/2020	Water Service_B524		144.65
Check	000056051.043020		04/30/2020	Water Service_B533		166.50
	000056092.043020		04/30/2020	Water Service_B527		1,005.42
	000056093.043020		04/30/2020	Water Service_B529		205.05
	000056096.043020		04/30/2020	Water Service_B554		100.50
	000056097.043020		04/30/2020	Water Service_B507		492.82
	05/29/2020	95156	Accounts Payable	Monterey County Office of Emergency Services		15,335.86
	Invoice		Date	Description		Amount
Check	04-23-20		04/23/2020	FY 2019/2020 Q4 NGEN O&M 4/23/20		15,335.86
	05/29/2020	95157	Accounts Payable	Monterey County Sheriff's Department		22,460.53
Check	Invoice		Date	Description		Amount
	1758		03/31/2020	CJIS Billing 1/1 thru 3/31/20		22,460.53
	05/29/2020	95158	Accounts Payable	New Image Landscape Co.		2,140.00
Check	Invoice		Date	Description		Amount
	118516		04/30/2020	Landscaping		2,140.00
	05/29/2020	95159	Accounts Payable	O'Reilly Auto Parts		39.45
Check	Invoice		Date	Description		Amount
	2631-108086		05/18/2020	Wheel brg set		30.72
	2631-108087		05/18/2020	Bearing pack		8.73
	05/29/2020	95160	Accounts Payable	Office Depot		80.12
Check	Invoice		Date	Description		Amount
	487724671001		05/05/2020	Office Supplies-Finance		63.74
	466254232001		05/05/2020	Office Supplies-Finance		16.38

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AP Check Register 05-29-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	05/29/2020	95161	Accounts Payable	Pacific Gas & Electric		16,470.59
	Invoice		Date	Description		Amount
	098-7.MAY20		05/11/2020	Utilities_B524		1,208.97
	288-5.MAY20		05/12/2020	Utilities_B520 & B529		824.99
	347-0.MAY20		05/11/2020	Utilities_B519		269.54
	415-6.MAY20		05/11/2020	Utilities_B504		44.54
	451-7.MAY20		05/11/2020	Utilities_B554		165.80
	694-1.MAY20		05/12/2020	Utilities_B533		788.45
	851-0.MAY20		05/15/2020	PG&E - 3440977851-0		162.88
	535-3.MAY20		05/14/2020	PG&E - 6161832535-3		169.41
	827-8.MAY20		05/14/2020	PG&E - 0423929827-8		93.52
	272-1.MAY20		05/19/2020	PG&E - 2862559272-1		36.23
	533-8.MAY20		05/19/2020	PG&E - 2253666533-8		79.23
	683-2.MAY20		05/19/2020	PG&E 6217294683-2		1,040.95
	767-2.MAY20		05/12/2020	PG&E Billing/Training Center 4/11 thru 5/11/20		63.59
	172-2.MAY20		05/20/2020	PG&E - 5618207172-2		500.13
	362-9.MAY20		05/20/2020	PG&E - 5996678362-9		90.33
	483-6.MAY20		05/15/2020	PG&E - 3982644483-6		10,932.03
Check	05/29/2020	95162	Accounts Payable	Proforce		6,582.32
	Invoice		Date	Description		Amount
	410165		05/11/2020	Taser Replacement, Batteries, and Holsters		6,582.32
Check	05/29/2020	95163	Accounts Payable	PVP Communications, Inc.		1,297.00
	Invoice		Date	Description		Amount
	127507		05/11/2020	Motorcycle Helmet Replacement		1,297.00
Check	05/29/2020	95164	Accounts Payable	Robert R. Wellington		16,592.00
	Invoice		Date	Description		Amount
	25293		05/15/2020	Retainer - June 2020		1,800.00
	25291		05/15/2020	Election Matters - April 2020		189.00
	25289		05/15/2020	Cannabis Matters - April 2020		380.00
	25288		05/15/2020	Cal Am Matters - April 2020		18.00
	25286		05/15/2020	Abrams B - April 2020		369.00
	25294		05/15/2020	Groundwater Sustainability Agency - April 2020		45.00

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AP Check Register 05-29-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	25295		05/15/2020	Joby Aero Inc - April 2020		108.00
	25298		05/15/2020	Misc Litigation Matters - April 2020		36.00
	25302		05/15/2020	Urban Growth Boundary Extension Matters - April 2020		387.00
	25303		05/15/2020	Voting Rights Act - April 2020		297.00
	25301		05/15/2020	The Dunes - April 2020		2,232.00
	25300		05/15/2020	Public Records Act Requests - April 2020		891.00
	25297		05/15/2020	Abrams Park-Marina Height-Sea Haven - April 2020		550.00
	25296		05/15/2020	Land Use & Operations - April 2020		2,091.00
	25292		05/15/2020	Fort Ord Reuse Matters - April 2020		1,616.00
	25290		05/15/2020	COVID-19 Issues - April 2020		5,583.00
Check	05/29/2020	95165	Accounts Payable	Safe Restraints, Inc.		6,340.93
	Invoice		Date	Description		Amount
Check	CH10202019MPD-B		01/21/2020	Police Equipment - Restraint System		2,964.74
	CH05052020MPD		05/06/2020	The Wrap Safe Restraint System		1,482.37
	CH052220MPD		05/22/2020	Police Restraint System and Protective Head Gear		1,893.82
	05/29/2020	95166	Accounts Payable	Safety-Kleen Corp.		180.00
	Invoice		Date	Description		Amount
Check	83011614		05/08/2020	Oil service/stop fee		180.00
	05/29/2020	95167	Accounts Payable	Shred-it USA		168.34
	Invoice		Date	Description		Amount
Check	8129761788		05/15/2020	Shredding Service/Records 5/15/20		168.34
	05/29/2020	95168	Accounts Payable	TechRx Technology Services		1,774.82
	Invoice		Date	Description		Amount
Check	8553		05/21/2020	Briefing Room TV - Replacing Projector		1,387.46
	8589		05/22/2020	Computer Monitor Replacement		387.36
Check	05/29/2020	95169	Accounts Payable	Trudoor, LLC		13,573.09
	Invoice		Date	Description		Amount
Check	103911		05/15/2020	B510_Replace 4 Exterior Doors		7,868.67
	103906		05/15/2020	B521_Replace 3 Exterior Doors		5,704.42
	05/29/2020	95170	Accounts Payable	Verizon Wireless		876.59
	Invoice		Date	Description		Amount

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AP Check Register 05-29-20

Bank Account: 905 - Chase - Checking

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	9854288130		05/10/2020	Monthly Verizon Bill-308174766		654.59
	9854903072		05/18/2020	Cell Phone Service/Patrol 4/19 thru 5/18/20		145.98
	9854833240		05/18/2020	Cell Phone Service/Anderson 4/19 thru 5/18/20		38.01
	9854892775		05/18/2020	Cell Phone Service/Nieto 4/19 thru 5/18/20		38.01
Check	05/29/2020	95171	Accounts Payable	Zustan K-9 Services		250.00
	Invoice		Date	Description		Amount
EFT	332366		05/21/2020	K-9 Training & Development Training May 2020		250.00
	05/29/2020	829	Accounts Payable	Richard B. Standridge	121042882 / 8312012522	3,325.00
	Invoice		Date	Description		Amount
905 Chase - Checking Totals:	20-11		05/22/2020	Services 05-11/05-21-20		3,325.00
	Transactions: 35					\$159,015.75

Checks: 34 \$155,690.75
EFTs: 1 \$3,325.00

User: Monika Collier

Pages: 6 of 6

5/28/2020 9:33:19 AM

Marina, CA

SA Check Register 05-22-20

Bank Account: 921 - Chase - Successor Agency

Batch Date: 05/22/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 921 - Chase - Successor Agency						
Check	05/22/2020	47	Accounts Payable	Keyser Marston Associates		10,417.50
	Invoice			Description		Amount
	0034584		05/06/2020	Successor Agency Fiscal Services_April 2020		10,417.50
921 Chase - Successor Agency Totals:						\$10,417.50
Checks: 1						

Marina, CA

SA Check Register 05-29-20

Bank Account: 921 - Chase - Successor Agency

Batch Date: 05/29/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 921 - Chase - Successor Agency						
Check	05/29/2020	48	Accounts Payable	Applied Best Practices		1,425.00
	Invoice		Date	Description		Amount
	25197		04/08/2020	AB15139a GO Report		1,425.00
EFT	05/29/2020	39	Accounts Payable	Richard B. Standridge	121042882 / 8312012522	95.00
	Invoice		Date	Description		Amount
	20-11 SA		05/22/2020	Services 05-11/05-21-20		95.00
921 Chase - Successor Agency Totals:						\$1,520.00
				Transactions: 2		
Checks:		1		\$1,425.00		
EFTs:		1		\$95.00		

Monthly EFT/Wire Report-Checking Acct.

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
905 - Chase - Checking									
<u>EFT</u>									
720	04/03/2020	Open			Accounts Payable	Richard B. Standridge	\$3,443.75		
721	04/03/2020	Open			Accounts Payable	Marina Police Association-MPOA	\$240.00		
722	04/03/2020	Open			Accounts Payable	Police Officers Association - POA	\$1,296.00		
724	04/01/2020	Open			Accounts Payable	California State Controller's Office	\$53.00		
725	04/01/2020	Open			Accounts Payable	California Dept. of Tax & Fee Administration	\$283.00		
726	04/01/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$955.80		
727	04/01/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$29.60		
728	04/02/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$263.19		
729	04/02/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$118.60		
730	04/02/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$320.70		
731	04/02/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$489.61		
732	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$947.67		
733	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$554.83		
734	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$1,476.06		
735	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$2,088.36		
736	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$119.47		
737	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$1,247.25		
738	04/07/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$52.43		
739	04/03/2020	Open			Accounts Payable	AFLAC - Attn.:Remittance Process	\$4,021.51		
740	04/03/2020	Open			Accounts Payable	Discovery Benefits, Inc.	\$1,451.52		
741	04/01/2020	Open			Accounts Payable	Standard Insurance Company	\$1,044.22		
742	04/01/2020	Open			Accounts Payable	Standard Insurance Company	\$748.65		
743	04/01/2020	Open			Accounts Payable	Standard Insurance Company	\$254.33		
744	04/01/2020	Open			Accounts Payable	Standard Insurance Company	\$85.25		
745	04/01/2020	Open			Accounts Payable	PERS Health Services Division	\$79,605.50		
746	04/01/2020	Open			Accounts Payable	PERS Health Services Division	\$10,105.41		
747	04/03/2020	Open			Accounts Payable	Standard Insurance Company	\$2,180.89		
748	04/03/2020	Open			Accounts Payable	Standard Insurance Company	\$51.68		
749	04/10/2020	Open			Accounts Payable	Marina Police Association-MPOA	\$240.00		
750	04/10/2020	Open			Accounts Payable	Police Officers Association - POA	\$1,296.00		
751	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$137.32		
752	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$2,314.41		
753	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$2,531.74		
754	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$393.17		
755	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$1,292.82		
756	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$887.27		
757	04/03/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$199.92		
758	04/06/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$641.98		
759	04/10/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$1,123.39		
760	04/13/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$1,273.75		
761	04/17/2020	Open			Accounts Payable	Richard B. Standridge	\$3,443.75		
762	04/01/2020	Open			Accounts Payable	Discovery Benefits, Inc.	\$126.50		
763	04/01/2020	Open			Accounts Payable	Premier Access Insurance - Dept. 34114	\$273.00		
764	04/15/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$1,114.94		
765	04/16/2020	Open			Accounts Payable	JP Morgan Chase Commercial Card	\$43.68		
766	04/17/2020	Open			Accounts Payable	AFLAC - Attn.:Remittance Process	\$4,021.51		

Monthly EFT/Wire Report-Checking Acct.

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
767	04/17/2020	Open			Accounts Payable	Discovery Benefits, Inc.	\$1,451.52		
768	04/07/2020	Open			Accounts Payable	Invoice Cloud, Inc.	\$90.00		
769	04/24/2020	Open			Accounts Payable	Marina Police Association-MPOA	\$240.00		
770	04/24/2020	Open			Accounts Payable	Police Officers Association - POA	\$1,296.00		
776	04/22/2020	Open			Accounts Payable	California Dept. of Tax & Fee Administration	\$39.00		
782	04/17/2020	Open			Accounts Payable	Division of the State Architect	\$14.90		
783	04/17/2020	Open			Accounts Payable	Hinderliter, de Llamas & Associates	\$724.90		
784	04/03/2020	Open			Accounts Payable	CalPERS	\$82,303.03		
785	04/03/2020	Open			Accounts Payable	CalPERS	(\$401.19)		
786	04/29/2020	Open			Accounts Payable	Berkadia	\$97,575.73		
787	04/27/2020	Open			Accounts Payable	California State Controller's Office	\$7.00		
797	04/17/2020	Open			Accounts Payable	CalPERS	\$83,500.37		
798	04/17/2020	Open			Accounts Payable	CalPERS	(\$657.72)		
Type EFT Totals:							\$401,066.97		

905 - Chase - Checking Totals

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	59	\$401,066.97	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	59	\$401,066.97	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	59	\$401,066.97	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	59	\$401,066.97	\$0.00

Grand Totals:

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	59	\$401,066.97	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	59	\$401,066.97	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	59	\$401,066.97	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	59	\$401,066.97	\$0.00

Monthly EFT/Wire Report - Payroll Account

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
913 - Chase - Payroll ZBA									
<u>EFT</u>									
7085	04/03/2020	Open			Accounts Payable	California State Disbursement Unit	\$1,624.83		
7086	04/03/2020	Open			Accounts Payable	EFTPS Electronic Federal Tax Payment System	\$58,868.98		
7087	04/03/2020	Open			Accounts Payable	Employment Development Department	\$17,739.83		
7088	04/03/2020	Open			Accounts Payable	ICMA Retirement Trust	\$8,180.01		
7089	04/03/2020	Open			Accounts Payable	Nationwide Retirement	\$2,860.94		
7090	04/03/2020	Open			Accounts Payable	Rebecca Minuth	\$527.52		
7233	04/17/2020	Open			Accounts Payable	California State Disbursement Unit	\$1,624.83		
7234	04/17/2020	Open			Accounts Payable	EFTPS Electronic Federal Tax Payment System	\$57,067.49		
7235	04/17/2020	Open			Accounts Payable	Employment Development Department	\$17,233.55		
7236	04/17/2020	Open			Accounts Payable	ICMA Retirement Trust	\$8,388.12		
7237	04/17/2020	Open			Accounts Payable	Nationwide Retirement	\$2,885.52		
7238	04/17/2020	Open			Accounts Payable	Rebecca Minuth	\$527.52		
Type EFT Totals:							\$177,529.14		
913 - Chase - Payroll ZBA Totals									

EFTs		Status	Count	Transaction Amount	Reconciled Amount
		Open	12	\$177,529.14	\$0.00
		Reconciled	0	\$0.00	\$0.00
		Voided	0	\$0.00	\$0.00
		Total	12	\$177,529.14	\$0.00
All					
		Status	Count	Transaction Amount	Reconciled Amount
		Open	12	\$177,529.14	\$0.00
		Reconciled	0	\$0.00	\$0.00
		Voided	0	\$0.00	\$0.00
		Stopped	0	\$0.00	\$0.00
		Total	12	\$177,529.14	\$0.00

Grand Totals:

EFTs		Status	Count	Transaction Amount	Reconciled Amount
		Open	12	\$177,529.14	\$0.00
		Reconciled	0	\$0.00	\$0.00
		Voided	0	\$0.00	\$0.00
		Total	12	\$177,529.14	\$0.00
All					
		Status	Count	Transaction Amount	Reconciled Amount
		Open	12	\$177,529.14	\$0.00
		Reconciled	0	\$0.00	\$0.00
		Voided	0	\$0.00	\$0.00
		Stopped	0	\$0.00	\$0.00
		Total	12	\$177,529.14	\$0.00



DRAFT

Agenda Item: **8b(1)**
City Council Meeting of
June 2, 2020

MINUTES

Tuesday, May 19, 2020

5:00 P.M. Closed Session
6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE FORMER
MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. 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/>

PARTICIPATION

You may participate in the City Council meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. 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 marina@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. Council will have the option to modify their action on items based on comments received.

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 Council 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

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

MEMBERS PRESENT: Lisa Berkley(arrived 6:20pm), Adam Urrutia, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel, anticipated litigation - initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – three potential cases.
 - b. b. Conference with Legal Counsel, anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956..9: one potential case.
 - c. Real Property Negotiations
 - i. Property: Imjin Parkway/Landfill Site, APNs 031-101-039, 031-101-040, 031-101-041 and 031-101-042
Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey
Property Negotiator: City Manager
Terms: Price and Terms

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie, Assistant City Attorney reported out Closed Session: Council met at 5:00pm as indicated with regard to the matters listed. For all three matters, Council received information, gave direction and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a Police Officer of the Year 2019 Video, Christopher Johnson
 - b Recreation Announcements
6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name 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 a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes.*

Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.

- Elizabeth Billingsley – Thanked the City for striping the streets, they look marvelous. Asked when the city will allow the beauty shops to open back up?
- Mike Owen – Appreciated the enthusiastic support by the City Manager at the last meeting to my request when tree removal permits were going to go directly to the Planning Commission that the packets could also be sent to the tree committee. I was able to receive the packet a week before last Thursday's Planning Commission meeting on tree removal for the Dunes Project. I had time to send in information to Christy which allowed her time to check with the developer, redo her staff report, correct some omissions that she had, she wasn't counting California live oaks as actually trees but when they were removed they had to be replaced. Received an email from Christy thanking him for his input, making the project better because she was able to add about 80 replacement trees. Appreciated looking at the section for the future Dunes recreation area, which is one-half the project site between 1st and 2nd Avenue and hopeful that if I and the Tree Committee are still around there'll be a chance when there's a tree permit that we might be able to avoid 100% clear cutting and maybe save a couple of the trees by 2nd Avenue which are similar to the landmark tree on the corner of 9th and 2nd Avenue.
- Doug Yount – Announced the number of donations made by MCP and Shea Homes in recognition of the COVID crisis and the challenge it presents to the community of Marina residents, businesses. MCP and Shea Homes is very proud to be able to assist and have done that in a number of ways. First with a \$1,000 donation to the City of Marina's COVID-19 Relief Fund. Secondly with a \$1,000 donation to the Community Foundation for Food Bank Distribution. Third, \$500 to Marina Youth Arts for online education and \$500 to United Way for COVID-19 Relief Fund for the 2-1-1 Program.
- Brian McCarthy – Thinks Chief Nieto's video deserves a kudos from the public for incorporating technology especially this time when it's needed most. It says a lot that someone can incorporate that on top of their existing challenging duties. Commented about the city website and the need to improve some areas such as being able to search for key words in the agendas and agenda packets. There is a need for future improvements in this area. Notice that the city has done a lot to put certain city services on the website, specifically permits as I recently saw the new Hampton Inn doing work. It was really helpful, great job.
- Paul Bruno – Impressed with how the community has come together during this COVID-19 crisis. The Marina Foundation in particular has done a lot of coordination for food deliveries and things of that nature. Our company has done several challenge grants/matching grants up to \$5,000 and wanted to announce another one right now. Anybody who donates now to the Marina Foundation we will match dollar for dollar up to a total of \$5,000 for their food programs. I'll contact Steve Emerson and make sure the money is there.

7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency 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 City Council 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 for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

8. **CONSENT AGENDA:** *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency 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 City Council 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. **ACCOUNTS PAYABLE:**

- (1) Accounts Payable Check Numbers 94996-95090 & EFT, totaling \$504,486.36
Accounts Payable Successor Agency EFT's totaling \$285.00
Wire transfers from Checking and Payroll for March 2020, totaling \$798,041.32

b. **MINUTES:**

- (1) May 5, 2020, Regular City Council Meeting
- (2) May 12, 2020, Special City Council Meeting

c. **CLAIMS AGAINST THE CITY:** None

d. **AWARD OF BID:** None

e. **CALL FOR BIDS:** None

f. **ADOPTION OF RESOLUTIONS:** None

g. **APPROVAL OF AGREEMENTS**

- (1) City Council consider adopting **Resolution No. 2020-51**, approving the Revised FORTAG Master Agreement between and among the Transportation Agency for Monterey County (TAMC), the county of Monterey, the cities of Seaside, Marina, Monterey, Del Rey Oaks, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula Regional Park District, and; authorize the City Manager to execute the Revised Master Agreement on behalf of the City of Marina subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2020-52**, approving an agreement between the City of Marina and the Transportation Agency of Monterey County (TAMC) for the 2020 Regional Surface Transportation Program (RSTP) allocation of funding, and; approving the RSTP competitive funding grant application for the Del Monte Boulevard Extension Project, and; authorizing the Finance Director to make the necessary accounting and budgetary entries, and; authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

h. **ACCEPTANCE OF PUBLIC IMPROVEMENTS:** None

i. **MAPS:** None

j. **REPORTS: (RECEIVE AND FILE):** None

k. **FUNDING & BUDGET MATTERS:** None

l. **APPROVE ORDINANCES (WAIVE SECOND READING):** None

m. **APPROVE APPOINTMENTS:** None

URRUTIA/O'CONNELL: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes by Roll Call Vote9. PUBLIC HEARINGS:

- a. City Council open public hearing taking testimony from public and consider Adopting **Resolution No. 2020-53**, approving Amendment to University Village Phase 2 Tentative Map (now The Dunes on Monterey Bay) (EIR SCH No.2004091167).

Council Questions: Did the Planning Commission hear all of the 10 concerns from Peter Le and were they discussed at the Planning Commission meeting? Is the 2005 Traffic Analysis outdated or not? Is the Phase 1 water usage and the remaining water available sufficient for this Phase 2 and Phase 3 or is the not even a subject to be discussed here tonight? Are we doing everything we can to integrate our FORTAG Trail from the 8th street bridge to accommodate 14 bicycles/pedestrians and also then that we worked hard on 9th Street in making sure that all types of uses would occur and that design and infrastructure would continue all the way to the Equestrian Center? Will all paths be able to accommodate equestrians?

Public Comments:

- Don Hofer – It's been quite a journey that started back in 2005 but really the approvals that we had in December after nearly a year of negotiations, which allowed Phase 2 to move forward it's what sort of gets us here today in many ways. Introduce the Dune's Team joining the meeting. We're excited to begin the next phase of the Dunes and this approval tonight really is the key component to that. There's been so much that we've done since 2005. The Dunes Shopping Center, 108 affordable apartments, Cinemark Movie Theatre, Montage Wellness Center, the VA-DoD Clinic, the shops at the Dunes to Springhill Suites all part of the Dunes Master Plan but not quite finished. That December agreement got us to where we are today, and this is just one component of where we're at and what's moving forward at the Dunes. Demo is now going on and we've taken down 38 buildings of 70 in the C-DAC hill area so that is advancing quickly. Once the buildings are taken down, we are planning to quickly progress to Phase 2 land takedown, which means close escrow on the land and take ownership. Another aspect of the project is the new hotel site. We are in negotiations with our hotel developer and hope to have our final agreement signed very soon. We are also in negotiations, we signed an LOI for a new office park to the west of the movie theatre. We have plans for the Promenade that are being finalized and will be bringing to you. As part of the Phase 2 of this project there is an affordable housing component and we are currently out with an RFP to develop those 140 apartment units. This tentative map approval tonight is just one aspect of that. It's a simple amendment as pointed out by staff, straight forward, fully compliant with the Specific Plan and the city's General Plan and also is demonstrative of impacts lesser than what was originally planned. We hope that you find it to your liking this evening and it warrants your support.
- PK Diffenbaugh – Spoke in favor of this project and vesting the map. In many ways the future of MPUSD is linked to smart development within the Monterey Peninsula and this is one such project that will add not just market housing but also affordable housing which will make a huge impact both in the number of students that we will receive as a result of these developments but also in the amount of affordable housing that's available for our teachers. We are currently loose between 80-100 teachers a year which is about 20% of our workforce. These types of projects that add affordable housing to our region have a direct impact on the stability of our schools and the future growth of our schools. Therefore, I truly believe that this project among others that you are stewarding will have a tremendous impact on MPUSD and our future. So, I'm here tonight as an individual because I haven't brought this to our board but I can say confidentially that the future of the district is dependent on projects like these and I urge you to consider this carefully and vest this map and let this project go forward.

- Daniel Ripkey – The role that a university and the surrounding communities can play to benefit each other are multiple in this case. Two communities become culturally and economically entwined. The benefits to both the university in terms of having a strong community linked by both walking trails, parks are huge not to mention the fact that the benefits of the internships that are provided by the close proximity of the campus to the downtown. One example is Chico we did a number of surveys of the internships and the ability of the local business to be able to attract interns to local positions and what we discovered is that interns were only attracted to the jobs and positions that were in walking or biking distance of the university so having the connections that were discussed are vital. Spoke with students who are going to school at CSUMB and multiple students who have said they would like to be more inclined with the City of Marina but right now they currently feel economically detached and having some kind of connections would be vital to the future of the town and the relationship between the City of Marina and CSUMB.
- Paul Bruno – This is a big day for the community to see this project moving forward when so many things aren't. The economy took a severe hit and to see this moving forward and the opportunities for the City of Marina especially when you look at Fort Ord and the blight and how long it's been we deserve better. We deserve the project to move forward. We deserve to see the community built out. Thinks it's exciting for the community to have the growth take place where it's been intended and do the infill out there and reuse that land that doesn't look good. It doesn't look good for our community to have that old abandoned base the way its been. Happy to see that the city has worked with the developer on this. It's been a collaborative process and that should be rewarded with moving forward. Happy to see everybody coming together and hopes to see this pass by the council.
- Fred Watson – Cofounder of the FORATG Project. Thanked the development team, staff and consultants for welcoming us into the discussions that brought some of the important details of this amended tentative map. We're looking forward to what will come of it. Thinks there are some good elements in there. Highlighted the view from Hilltop Park. FORTAG is about highlighting some of our best open-space experiences, even the ones that are right there in our dense communities. Hilltop Park is one of those experiences where you can stand up there and look at the ocean even though you are in the middle of a highly developed area. For a while there we were concerned as to whether or not that year would be preserved given the vertical offset between the field and the houses but through the discussions we've had we've been assured that we will still have that enhanced view. Other details in the map that are really important are the cross sections that specifically identify that we've got pedestrian, bikes and horses that we have moving through those corridors and the relative locations them and those corridors. Look forward to moving forward with the more detailed plans.

DELGADO/BERKLEY: TO ADOPT RESOLUTION NO. 2020-53, APPROVING AMENDMENT TO UNIVERSITY VILLAGE PHASE 2 TENTATIVE MAP (NOW THE DUNES ON MONTEREY BAY) (EIR SCH NO.2004091167). 5-0-0-0 Motion Passes by Roll Call Vote

10. **OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
 - a. City Council of the City of Marina acting as the Successor Agency to the Marina Redevelopment Agency consider adopting **Resolution No. 2020-02 (SA-MRA)**, taking the final actions required to issue tax increment bonds for the Dunes on Monterey Bay project, including approving the form and authorizing distribution of two preliminary official statements in connection with the offering and sale of two series of tax allocation bonds by the Successor Agency to make payments on an enforceable obligation, and approving related documents and actions. ***Continued from May 5, 2020***

Council Questions: None

MORTON/BERKLEY: TO APPROVE RESOLUTION NO. 2020-02 (SA-MRA), TAKING THE FINAL ACTIONS REQUIRED TO ISSUE TAX INCREMENT BONDS FOR THE DUNES ON MONTEREY BAY PROJECT, INCLUDING APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF TWO PRELIMINARY OFFICIAL STATEMENTS IN CONNECTION WITH THE OFFERING AND SALE OF TWO SERIES OF TAX ALLOCATION BONDS BY THE SUCCESSOR AGENCY TO MAKE PAYMENTS ON AN ENFORCEABLE OBLIGATION, AND APPROVING RELATED DOCUMENTS AND ACTIONS. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Elizabeth Billingsley – Glad we’re doing this project because we need the housing and low-income housing. Hate to see the old barracks go but new is always good.

11. **OTHER ACTION ITEMS:** *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting **Resolution No. 2020-54**, approving the 2020 Engineering and Traffic Survey with proposed speed limit revisions, and; authorize a budget appropriation of \$45,000 of Gas Tax/Street Fund for signs and supplies, and; authorize the Finance Director to make necessary accounting and budgetary entries, and; consider introducing Ordinance No. 2020-, for first reading by title only and waive further reading, amending Section 10.60.010 “Speed Limits Established” of Chapter 10.60 “Speed Limits” of Title 10 “Vehicles and Traffic” to adopt *prima facie* speed limits pursuant to an engineering and traffic survey and the California Vehicle Code (CVC).

Council Questions: Are Segments 21, 22 and 40 revisions or just Segment 22? Do you think that having California Avenue change speeds three times as problematic for the Police Department to enforce? Can you review Reservation Road and Del Monte Road as far as the different mile per hour zones so everyone can understand what we will be negotiating as far as our speed when we drive these roads?

BERKLEY/MORTON: TO ADOPT RESOLUTION NO. 2020-54, APPROVING THE 2020 ENGINEERING AND TRAFFIC SURVEY WITH PROPOSED SPEED LIMIT REVISIONS, AND; AUTHORIZE A BUDGET APPROPRIATION OF \$45,000 OF GAS TAX/STREET FUND FOR SIGNS AND SUPPLIES, AND; AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND; CONSIDER INTRODUCING ORDINANCE NO. 2020-, FOR FIRST READING BY TITLE ONLY AND WAIVE FURTHER READING, AMENDING SECTION 10.60.010 “SPEED LIMITS ESTABLISHED” OF CHAPTER 10.60 “SPEED LIMITS” OF TITLE 10 “VEHICLES AND TRAFFIC” TO ADOPT PRIMA FACIE SPEED LIMITS PURSUANT TO AN ENGINEERING AND TRAFFIC SURVEY AND THE CALIFORNIA VEHICLE CODE (CVC); WITH CORRECTIONS TO SECTION F OF THE ORDINANCE TO REFLECT CORRECT SPEEDS FOR CRESCENT AVENUE. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Liesbeth Visscher – It's great that involvement from residents has resulted in fewer speed limit increases and it is unfortunate that due to the current state law several unwanted increases will need to be accepted only to allow the police to enforce with electronic devices. In an email I submitted for this item I included a graph showing the number of vehicle code violations in Marina since 2007. Since 2015 the numbers have sharply gone down, unfortunately speed limits have not been actively enforced. As a concerned citizen I request active speed limit enforcement from our police department as soon as it is allowed with electronic devices. This is about safety not just for car drivers but also pedestrians, bicyclists and people in wheelchairs. Noted that there are not enough speed limit signs on roads like Abrams Drive and Marina Heights Drive. Asked City Council to look into this. In other streets the 25mph speed limit signs will be removed so please use those at Sea Haven and at other places where additional signs can improve safety. Please consider waiting with implementing higher speed limits on Imjin Parkway until the intersections at 3rd Avenue and Abrams Drive have been protected with traffic lights. Who came up with the number of 900 homes that need to be built before a traffic light at Abrams and Imjin could be installed? Aren't the lives of those first 899 homes worth being protected? Please look into anything else that can be done to improve safety for the pedestrians and bicyclists anywhere in the city by adding signs and crosswalks.
- Steve Zmak – Apologized to the Council for the latest letter they received on this subject as it was an over-reaction to a typo in the resolution where it looked like Crescent Avenue was going to be increased to 30mph. Relieved to hear that it was just a typo. Thank you for maintaining this 25mph speed limit and look forward to Marina's police department enforcement of the 25mph speed limit and hopefully this will be the last piece of the solution for traffic calming and for the original vision for making Crescent a safer street. So, thank you Council and city staff.
- Kathy Biala – Thanked Council for redirecting the engineering and traffic surveyors to reconsider their report findings based on public comments. Although Patton Parkway leading to the Marina high School was increased from 25mph to 40mph however, there were exceptions created to maintain 25mph during school hours and to maintain 25mph on the feeder street, on Crescent Street. Wanted to confirm with staff if all of Patton Parkway during school hours is reduced to 25mph? Incidentally we just had a stop sign installed this past month at the intersection of Crescent Street and Patton Parkway and then a car promptly crashed into it and the stop sign sat on a pole that was 3-feet above the ground until yesterday. Noted that her neighbor has a blind driveway that is blind to the cars making a right-hand turn from Patton Parkway. This neighbor is requesting a caution sign that indicates a blind turn. Please consider this additional safety measure. Also pointed out that on .6 mile of Patton Parkway there is only one sign for speed limits and no parking sign, so if you could look at that we would really appreciate that.
- Brian McCarthy – Thanked the Council for bringing this item back for more discussion. Thanked city staff for taking comments from the public on the different Segments. Learned a lot about this topic since this was at the first city council meeting in 2018. Segment 7 - Grateful the speed was reconsidered and revised back down. The speed is 35mph today. The initial report suggested a 30mph was appropriate. At that time, I advocated for consideration of 25mph rounding down due to hazards not readily apparent to the driver. For reasons still unknown to me the next iteration of the report put the speed backup to 35mph so staff mentioned that in this segment the engineer was able to develop findings to get it down to 30mph. Suggested the City consider adding an agency traffic committee meeting through the City Notify Me function on the website for future traffic related issues. Reached out to Assembly member Stone regarding the report that I shared with you at the last council meeting and did receive a response from Stone's office. Stated he sent an email

to the city asking if they would consider sending the Assembly a letter of support for any new legislation on speed limit setting policy and I thank you for your consideration.

b. COVID-19 Update

City Manager Long –

- Speaking with the County CAO on the Eviction Moratorium and currently expires May 31st. The CAO is expecting to bring this to the Board of Supervisors (BOS) to consider extending that moratorium. We are in a “wait and see” mode on what the County does
- The County sent to Mayor Delgado a letter stating the County is considering a variance that allows for reopening businesses more quickly than the State’s roadmap. That variance depends on the County Health Officer certifying that they meet certain standards. They have requested a letter or resolution from cities stating our support to them seeking this variance to open businesses quicker if they meet criteria established by the County Health Officer or say that we’re neutral or in opposition. Would like to issue a letter and would appreciate some feedback with Council on that topic.

Finance Director Frost – Loan Programs Update

- We have awarded two residential loans and three more in process for review
- We have awarded six business loans for \$54,000 and two more in process for review
- We’ve done a lot of outreach and connected with a lot of business through our outreach worker and found out that our outreach worker is actually referring people more to the new unemployment programs that are now available to small businesses.
- We’ve made outreach multiple ways to all our smaller businesses here in Marina and fully suspect we will not expend all our money and we’ll be back on the agenda to discuss what you would like to do on June 2nd.

Council Questions: Can we look at the County’s Eviction Moratorium to make sure it includes all city (Marina, Seaside, etc.)? Who is making this request for a letter or resolution? What are our options in order to give direction after having enough information to give it? Is it your understanding that the County is going to seek the variance regardless of what the cities say or is he seeking a majority of the cities support on their idea that the criteria has been met? If the County applies for or secures a variance what triggers a reversal of the variance or that the factors change significantly that there’s an immediate imposition of some corrective measure sooner rather than later? How many residential and small business loans has the City given? Do we need to extend the deadline for our loan programs? Do you think raising the income level to 120%-150% of the County Median Income, do you think that we would get more applications from truly needy businesses of the small type that we especially want to help that may not be qualifying right now because they exceed the current income limit?

Public Comments:

- Kathy Biala – Thanked Council for doing extraordinary things and quickly developing loans for both individuals and businesses and doing outreach to the community about applying for these loans. Knows the city loans were set up to ensure that owners who are well-to-do in their household incomes would not then be eligible for the city business loan. Understands the logic and the fairness of this however, the household income criteria for the loan was set up for 90% of County Median based on last year’s tax reports, which is quite low. In the high-risk restaurant business and especially in the COVID-19 crisis wouldn’t we like our owners have more of a cushion to sustain their families? Can we reconsider this percentage of the County Median

household income? Many restaurant owners work long hours and don't have a normal 9-5 job. There are those who were reluctant to apply or applied and were not considered because of these criteria; and in addition, it appears that financial pundice are predicting that economic recovery will not occur this year or even next year. Could we not extend the repayment of the loan to two-years with zero interest for the period? Voiced concerns that with the possible resurgence of the COVID-19 in September and after that the very slow economic recovery that may include business closure or long-term debt or insufficient incomes or revenues for quite some time. That our city keep our eye on the longer-term consequences of this pandemic; this will include inevitable impact such as sustained joblessness and what will come as a result of this; business closures and what are the tax implications to Marina; reopen strategies and how we will plan for ensured compliance in safety; when the eviction moratorium ends what will happen to those who cannot pay the back rent; increased homelessness and can we involve a citizen taskforce; increase crime over the long and slow economic recovery and how do we help our police force be ready? Since reopening entails a matter of potential loss of life please go with the most conservative medical advice foremost. A decision should be made based upon the most accurate medical direction, so I wholly agree with council member Urrutia.

- Paula Pelot – a couple of things Frank touch on, the two new testing sites. I emailed them specifically about the antibody testing because I don't really want people to show up thinking that that's what it's going to show them. It's for a current infection whether or not you symptomatic or asymptomatic. So, it is the nasal swab test. It is not the antibody testing and the reason they have not implemented it is because they do not feel that they have adequate information on the immunity status with a positive antibody results, so they are not doing those yet. With regard to the notice going to the Abrams and Preston communities, the City Manager referenced two-months and that was not my understanding, that was two weeks and two-weeks have passed and when it was not circulated and it was not told to me that it was not going to be circulated to the residents out here it was just not circulated and I had to questioned it several times and when I did the response I got was not at all what the City Attorney stated tonight. It was for other reasons it was not circulated. Understands the concerns of the City Attorney but wants the council to know that for well over a decade now we have had bulletin boards up that both the Tenants Association and Alliance management approves notices going in there, we moved more to electronics because that does seam reasonable this year and time and so, we have regularly been circulating on behalf of the Tenants Association many city programs. This wouldn't be the only one and during the COVID-19 crisis we had asked specifically for food programs and other sorts of things and so it's not unusual for that to be asked by the Tenants Association for programs, events, and specifically programs that benefit, that are run by the city or financed by the city. we've done it for well over a decade and in fact the Tenants Association, which is an official nonprofit association was formed at the behest of the city council. I don't want to wait two months for this. I think there's something kind of hinky going on there and I want it addressed. I'm very concerned and have heard from individual people who contact me and one of them I know has applied, don't know if they are still in process or not but there are quite a few people out here who are hurting between the 546 households and I don't know if they are aware of this program. This is a very normal type of notice that I would be sending out from the Tenants Association that gets circulated by Alliance. And the reason why they do this is because we had initially asked that they provide us email address or query the residents so that we could send our own notices and the compromise was that they would send these notices on our behalf.

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Mayor Delgado – we meet twice a month during COVID-19 and basically, we meet with Dr. Moreno and County staff to make sure we are updated with what's going on with other cities and we are all very in sync pretty much doing the same thing about how we're implementing; we're just copying the County. Some distress among some Mayors that we don't get enough communication and so now we are meeting with Dr. Moreno once a week.

b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

Council Member Berkley – Asked to take a moment of silence for Baby Marina who was the baby found out at the Monterey Regional Waste Management District.

City Manager Long – (1) Memorial Day flags will not be displayed due to COVID-19 social distancing and funding; (2) We sent out a notice to Council that we want to schedule study meeting on the budget for June 9th and if you haven't already responded to that request please respond; (3) we talked about an urban growth boundary and it will be on an agenda in June and as Bob has been working diligently on this he has come up with some glitches that may modify how we approach this.

Assistant City Attorney Rathie – Spoke with Mark Wolfe and we're working on what you described as a glitch that has to do with the Local Coastal Program Policies that were implemented back in 2000 and we're doing some research on that. We are hoping to bring that to the Planning Commission for the extension before it comes to the council and will have to be public hearings for both locations and we're hoping to do that in June. The ballot measure has to go to the elections department by August 7th.

The second measure, which I know council wanted would be a council sponsored measure without going to the ballot and we would be working with that in conjunction as well. An issue has come up with that and it's not instrumental but the Urban Growth Boundary in 2000 actually modified the 1982 General Plan and now we're operating under the 2000 General Plan, which was actually adopted on October 31, 2000 before the Urban growth Boundary was approved in that year.

c. Proclamation of Local Emergency Update

13. ADJOURNMENT: The Council meeting adjourned at 10:01 pm

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

May 26, 2020

Item No. **8f(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-, APPROVING ESTIMATED COST FOR SERVICES FOR CALENDAR YEAR 2020, FOURTH OF JULY ACTIVITIES AND SETTING COST RECOVERY SURCHARGE AT SIX AND THREE QUARTERS (6.75%) PERCENT FOR CALENDAR YEAR 2020 PURSUANT TO MARINA MUNICIPAL CODE SECTION 15.32.580

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution No. 2020-, approving estimated cost for service for calendar year 2020, Fourth of July activities and;
2. Setting cost recovery surcharge at six and three quarters (6.75%) percent for calendar year 2020 pursuant to Marina Municipal Code Section 15.32.580.

BACKGROUND:

The Marina Police Department, Fire Department, Public Works Division and Recreation are all impacted by the use and sale of fireworks in the City of Marina. Each department expends resources for processing and issuing permits, inspection of stands; public education and awareness; enforcing the provisions of the Marina Municipal Code and the California Health and Safety Code, including extra personnel time, and cleanup of the City parking lots and firework trash and debris left behind each year.

At the regular meeting of the Marina City Council held on November 19, 2019, the Marina City Council approved Ordinance No. 2019-03 amending Chapter 15.32 to add Section 15.32.580 to the Marina Municipal Code to provide for a Firework Cost Recovery Surcharge.

ANALYSIS:

Pursuant to the Ordinance, the exact amount of the assessment shall be determined each year by Resolution on or about the second regular City Council meeting in May of that year and a notice sent to each of the permittees.

The total City expenditure for police, fire, public works and recreation is estimated to be \$9,221.45 dollars for calendar year 2020. Staff is requesting for consideration, approving estimated cost for service for calendar year 2020 (“**EXHIBIT A**”), Fourth of July activities and setting the cost recovery surcharge for calendar year 2020 at six and three quarters (6.75%) percent pursuant to Marina Municipal Code Section 15.32.580.

FISCAL IMPACT:

Based on the 2019 gross sales of \$140,362.00 , the cost recovery surcharge should bring an approximate fee revenue of \$9,474.43 The revenue collected is expected to cover approximately 100 percent of the cost for services in 2020 that would otherwise not be collected absent a cost recovery surcharge.

CONCLUSION:

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

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Tina Nieto
Chief of Police
City of Marina

Terry Siegrist
Recreation & Cultural Services Director
City of Marina

Brian McMinn
Public Works Director
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING ESTIMATED COST FOR SERVICES FOR CALENDAR YEAR 2020,
FOURTH OF JULY ACTIVITIES AND SETTING COST RECOVERY SURCHARGE
AT SIX AND THREE QUARTERS (6.75%) PERCENT PURSUANT TO MARINA
MUNICIPAL CODE SECTION 15.32.580

WHEREAS, the Marina Police Department, Fire Department, Public Works Division and Recreation are all impacted by the use and sale of fireworks in the City of Marina, and;

WHEREAS, each department expends resources for processing and issuing permits, inspection of stands; public education and awareness; enforcing the provisions of the Marina Municipal Code and the California Health and Safety Code, including extra personnel time, and cleanup of the City parking lots and firework trash and debris left behind each, and;

WHEREAS, at the regular meeting of the Marina City Council held on November 19, 2019, the Marina City Council approved Ordinance No. 2019-03 amending Chapter 15.32 to add Section 15.32.580 to the Marina Municipal Code to provide for a Firework Cost Recovery Surcharge, and;

WHEREAS, the exact amount of the assessment shall be determined each year by Resolution on or about the second regular City Council meeting in May of that year and a notice sent to each of the permittees. and;

WHEREAS, the total City expenditure for police, fire, public works and recreation is estimated to be \$9,221.46 dollars for calendar year 2020, and;

WHEREAS, staff is requesting for consideration approving estimated cost for service (“**Exhibit A**”) for calendar year 2020, Fourth of July activities, and;

WHEREAS, setting the cost recovery surcharge at six and three quarters (6.75%) percent for calendar year 20120 pursuant to Marina Municipal Code Section 15.32.580, and;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby

1. Approve estimated cost for service for calendar year 2020, Fourth of July activities, and;
2. Setting the cost recovery surcharge at six and three quarters (6.75%) percent for calendar year 2020 pursuant to Marina Municipal Code Section 15.32.580.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, City Clerk

“Exhibit A” City Firework Expenditures 2020

Public Works:

Miscellaneous cleanup as needed:

Maintenance Worker III	\$74.48	No OT	3-hours =	\$223.44
			TOTAL:	\$424.50

Recreation & Cultural Services:

City Park site visit/post & remove signage, lighting @ Los Arbolos Sport Complex

Recreation Director	\$152.02	FLSA Exempt	4-hours =	\$608.08
			TOTAL:	\$608.08

Police Department Operations:

CSO	\$76.79	OT Rate + \$20.27 = \$97.06	8-hours =	\$776.48
Police Officer x 3	\$101.45	OT Rate + \$20.27 = \$121.72	8-hours =	\$973.76
Police Sgt	\$127.06	OT Rate + \$20.27 = \$147.33	8-hours =	\$1,178.64
			TOTAL:	\$2,928.88

Fire Department Operations:

Booth walk through & site visits for initial setup.	\$1,440.00
Booth walk through and site visits during sale period	\$ 900.00
No overtime (on-duty Captain, Engineer & Firefighter)	
Third Person to staff 2 nd Engine Company 24 OT @ \$51.68	\$1,240.00
Fire Department Administrative Permit Processing (Includes Pre Meeting, Safety Bulletins, Staff Report etc.)	\$1,680.00
	TOTAL: \$5,260.00
TOTAL EXPENDITURES:	\$9,221.46

May 27, 2020

Item No: **8f(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2020-,
AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT ON BEHALF
OF THE CITY COUNCIL SUPPORTING SB1 STATE ROUTE 156
GRANT SUBMISSION BY TRANSPORTATION AGENCY FOR MONTEREY
COUNTY(TAMC)**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2020-, authorizing the Mayor to sign a letter of support on behalf of the City Council supporting SB1 State Route 156 Grant Submission by Transportation Agency for Monterey County (TAMC).

BACKGROUND:

With the passage of California Senate Bill 1 (Beall), several new transportation funding programs were created which help TAMC leverage Measure X funds to help fund transportation projects in Monterey County. The Senate Bill 1 grant programs that TAMC Agency staff are pursuing include the following: Local Partnership Program, Solutions for Congested Corridors Program and the Trade Corridor Enhancements Program. Through these three grant programs, TAMC is seeking a total of \$20 million to bridge the funding gap for the construction of the State Route 156 Castroville Boulevard Interchange project. TAMC is pursuing all three programs to give the California Transportation Commission the most flexibility in supporting this critical safety project.

The primary objective of the Local Partnership Program is to provide funding to jurisdictions where voters have approved fees or taxes solely dedicated to transportation improvements. The program aims to help local and regional agencies address aging infrastructure, improve road conditions, support active transportation, transit and rail, and provide health and safety benefits. Forty percent (40%) of Local Partnership Program funds are distributed through this competitive basis. Grant applications are due for this program by June 22, 2020.

ANALYSIS

On May 27, 2020 the Transportation Agency for Monterey County Board of Director's approved submitting SB1 Grant Applications to the following programs to fund construction of the State Route 156 Castroville Boulevard Interchange Project: Local Partnership Program; Solutions for Congested Corridor Program; and Trade Corridor Enhancements Program.

TAMC is requesting local agencies to submit a letter of support for SB1-State Route 156 to be included in the grant application package ("**EXHIBIT A**").

CONCLUSION:

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

Respectfully submitted,

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT ON BEHALF OF
THE CITY COUNCIL SUPPORTING SB1 STATE ROUTE 156
GRANT SUBMISSION BY TRANSPORTATION AGENCY FOR MONTEREY
COUNTY(TAMC)

WHEREAS, With the passage of California Senate Bill 1 (Beall), several new transportation funding programs were created which help TAMC leverage Measure X funds to help fund transportation projects in Monterey County. The Senate Bill 1 grant programs that TAMC Agency staff are pursuing include the following: Local Partnership Program, Solutions for Congested Corridors Program and the Trade Corridor Enhancements Program. Through these three grant programs, TAMC is seeking a total of \$20 million to bridge the funding gap for the construction of the State Route 156 Castroville Boulevard Interchange project. TAMC is pursuing all three programs to give the California Transportation Commission the most flexibility in supporting this critical safety project; and

WHEREAS, the primary objective of the Local Partnership Program is to provide funding to jurisdictions where voters have approved fees or taxes solely dedicated to transportation improvements. The program aims to help local and regional agencies address aging infrastructure, improve road conditions, support active transportation, transit and rail, and provide health and safety benefits. Forty percent (40%) of Local Partnership Program funds are distributed through this competitive basis. Grant applications are due for this program by June 22, 2020; and

WHEREAS, On May 27, 2020 the Transportation Agency for Monterey County Board of Director's approved submitting SB1 Grant Applications to the following programs to fund construction of the State Route 156 Castroville Boulevard Interchange Project: Local Partnership Program; Solutions for Congested Corridor Program; and Trade Corridor Enhancements Program; and

WHEREAS, TAMC is requesting local agencies to submit a letter of support for SB1-State Route 156 to be included in the grant application package.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina does hereby:

1. Authorizing the Mayor to sign a letter of support on behalf of the city council supporting SB1 State Route 156 grant submission by Transportation Agency for Monterey County. (Exhibit A)

PASSED AND ADOPTED by the City Council of the City of Marina at a special meeting duly held on this 2nd day of June 2020 by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
831-884-1278; FAX 831-384-9148
www.ci.marina.ca.us

June 3, 2020

Mitch Weiss
Executive Director
California Transportation Commission
1120 N Street, MS-52
P.O. Box 942873
Sacramento, CA 95814

Subject: SUPPORT for the State Route 156 Castroville Boulevard Interchange Project for Senate Bill 1 Funding

Dear Mr. Weiss:

On behalf of the City of Marina, I write to express our support for Caltrans and the Transportation Agency for Monterey County pursuing Senate Bill 1 funding for the State Route 156 Castroville Boulevard Interchange Project.

State Route 156 is the primary access route for visitors to reach world-class destinations on the Monterey Peninsula. Route 156 provides access to jobs in the hospitality economy and helps the area maintain economic competitiveness as a key visitor draw.

The State Route 156 project will provide a range of safety, economic, and quality of life benefits for the region by:

- Relieving traffic congestion for 39,000 vehicles every weekday (and even more on event weekends);
- Diverting truck traffic away from Merritt Street (State Route 183) in the rural community of Castroville; and
- Improving bicycle and pedestrian access and supporting active transportation to the nearby high school.

We strongly support the State Route 156 Castroville Boulevard Interchange Project. Thank you for your consideration.

Sincerely,

Bruce Delgado
Mayor

cc: Debra L. Hale, Transportation Agency for Monterey County

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
WAIVING THE COMPETITIVE BID PROCESS FOR FENCING
INSTALLATION AT THE ARTS VILLAGE BUILDING, FINDING THAT
THE BIDDING PROCESS PERFORMED BY THE TRANSPORTATION
AGENCY FOR MONTEREY COUNTY (TAMC) JUSTIFIES WAIVING
COMPETITIVE BIDDING REQUIREMENTS AND ACCORDINGLY
FURTHER FINDING THAT COMPETITIVE BIDDING WOULD BE
UNAVAILABLE, WOULD NOT PRODUCE AN ADVANTAGE, AND
WOULD NOT BE IN THE PUBLIC INTEREST, AND ACCORDINGLY
DESIGNATING A1 FENCE, INC. OF SAN JOSE, CA AS THE CITY'S
FENCING CONTRATOR FOR THE ARTS VILLAGE FENCING
PROJECT.**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2020-, waiving the competitive bid process for fencing installation at the Arts Village Building; and
2. Finding that the bidding process performed by the Transportation Agency for Monterey County (TAMC) justifies waiving competitive bidding requirements; and
3. Accordingly, adopt finding that further competitive bidding would be unavailable, would not produce an advantage, and would not be in the public interest in view of the process followed by TAMC; and
4. Accordingly designating A1 Fence, Inc. of San Jose, CA as the City's fencing contractor for the Arts Village Fencing Project.

BACKGROUND:

The Arts Village Building owned by the City of Marina west of 1st Avenue and the adjacent building owned by TAMC are unoccupied and are subject to vandalism and illegal dumping. TAMC contacted staff to coordinate the installation of fencing around the buildings. In an effort to streamline the installation, TAMC included 210 feet of fencing on the City property (shown as Area E on "EXHIBIT A" to the staff report) as a separate line item in their bid solicitation so that the City would not have to obtain bids with the possible result being work performed by different contractors.

ANALYSIS:

California Public Contract Code §20162 requires competitive bidding after notice for public projects exceeding \$5,000. California law excuses cities from the conduct of formal competitive bidding and advertising of public works where the nature of the contract or project is such that competitive proposals would be unavailable or would not produce an advantage, thereby rendering any formal advertisement for competitive bidding under the Public Contract Code undesirable, impractical or impossible (Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 631, 164 Cal. Rptr. 56).

TAMC solicited bids from six licensed fencing contractors and received a low bid from A1 Fence, Inc. (A1) (doing business in California as Delaware A Fence, Inc.) on March 13, 2020. The bid from A1 included a line item in the amount of \$6,500 to construct fencing along Area E which is on City property.

If City Council makes the findings and waives the bidding requirement, staff will finalize a contract directly with A1. Contracts under \$25,000 do not require award by the City Council and can be entered into by the City Manager subject to review and approval of the form of agreement by the City Attorney.

FISCAL IMPACT:

Should the City Council approve this request, funding is available in the FY 2019-20 Budget for maintenance of buildings and grounds.

CONCLUSION:

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

Respectfully submitted,

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA WAIVING THE COMPETITIVE BID PROCESS FOR FENCING INSTALLATION AT THE ARTS VILLAGE BUILDING, FINDING THAT THE BIDDING PROCESS PERFORMED BY THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC) JUSTIFIES WAIVING COMPETITIVE BIDDING REQUIREMENTS AND FURTHER FINDING THAT COMPETITIVE BIDDING WOULD BE UNAVAILING, WOULD NOT PRODUCE AN ADVANTAGE, AND WOULD NOT BE IN THE PUBLIC INTEREST, AND ACCORDINGLY DESIGNATING A 1 FENCE, INC. OF SAN JOSE, CA AS THE CITY'S FENCING CONTRATOR FOR THE ARTS VILLAGE FENCING PROJECT.

WHEREAS, The Arts Village Building owned by the City of Marina west of 1st Avenue and the adjacent building owned by the Transportation Agency for Monterey County (TAMC) are unoccupied and are subject to vandalism and illegal dumping.; and

WHEREAS, California Public Contract Code §20162 requires competitive bidding after notice for public projects exceeding \$5,000; and.

WHEREAS, California law excuses cities from the conduct of formal competitive bidding and advertising of public works where the nature of the contract or project is such that competitive proposals would be unavailing or would not produce an advantage, thereby rendering any formal advertisement for competitive bidding under the Public Contract Code undesirable, impractical or impossible (Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 631, 164 Cal. Rptr. 56); and.

WHEREAS, TAMC solicited bids from six licensed fencing contractors and received a low bid from A1 Fence, Inc. (A1) (doing business in California as Delaware A1 Fence, Inc.) on March 13, 2020; and

WHEREAS, TAMC included 210 feet of fencing on the City property (shown as Area E on "Exhibit A") as a separate line item in their bid solicitation so that the City would not have to obtain bids with the possible result being work performed by different contractors; and

WHEREAS, the bid from A1 included a line item in the amount of \$6,500 to construct fencing along Area E which is on City property; and

WHEREAS, If City Council makes the findings and waives the bidding requirement, staff will finalize a contract directly with A1. Contracts under \$25,000 do not require award by the City Council and can be entered into by the City Manager subject to review and approval of the form of agreement by the City Attorney.

NOW, THEREFORE, the City Council of the City of Marina hereby finds that based on the full record before it, which may include by is not limited to such things as the staff report, testimony by staff and the public and other materials and evidence submitted or provided to it:

1. TAMC's solicitation of bids from six licensed fencing contractors thereby securing market pricing information and sparking market competition to the extent practicable such that the authorization to execute a contract would not constitute any sign of favoritism, improvidence, extravagance, fraud or corruption.

2. That the delay and increased costs that would occur as a result of engaging in competitive bidding process would be unavailing, would not produce an advantage and would, therefore, not be in the public interest.

3. That the designation of A1 Fence, Inc of San Jose, CA as the City's fencing contractor for the Arts Village Fencing Project is necessary due to the time and expense required for the City to competitively bid a portion of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Waive the formal process for competitive bidding for the fencing installation at the Arts Village Building; and
2. Find that the bidding process performed by the Transportation Agency for Monterey County (TAMC) justifies waiving competitive bidding requirements; and
3. Find that competitive bidding would be unavailing, would not produce an advantage, and would not be in the public interest.
4. Designate A 1 Fence, Inc. of San Jose, CA as the City's fencing contractor for the Arts Village Fencing Project.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

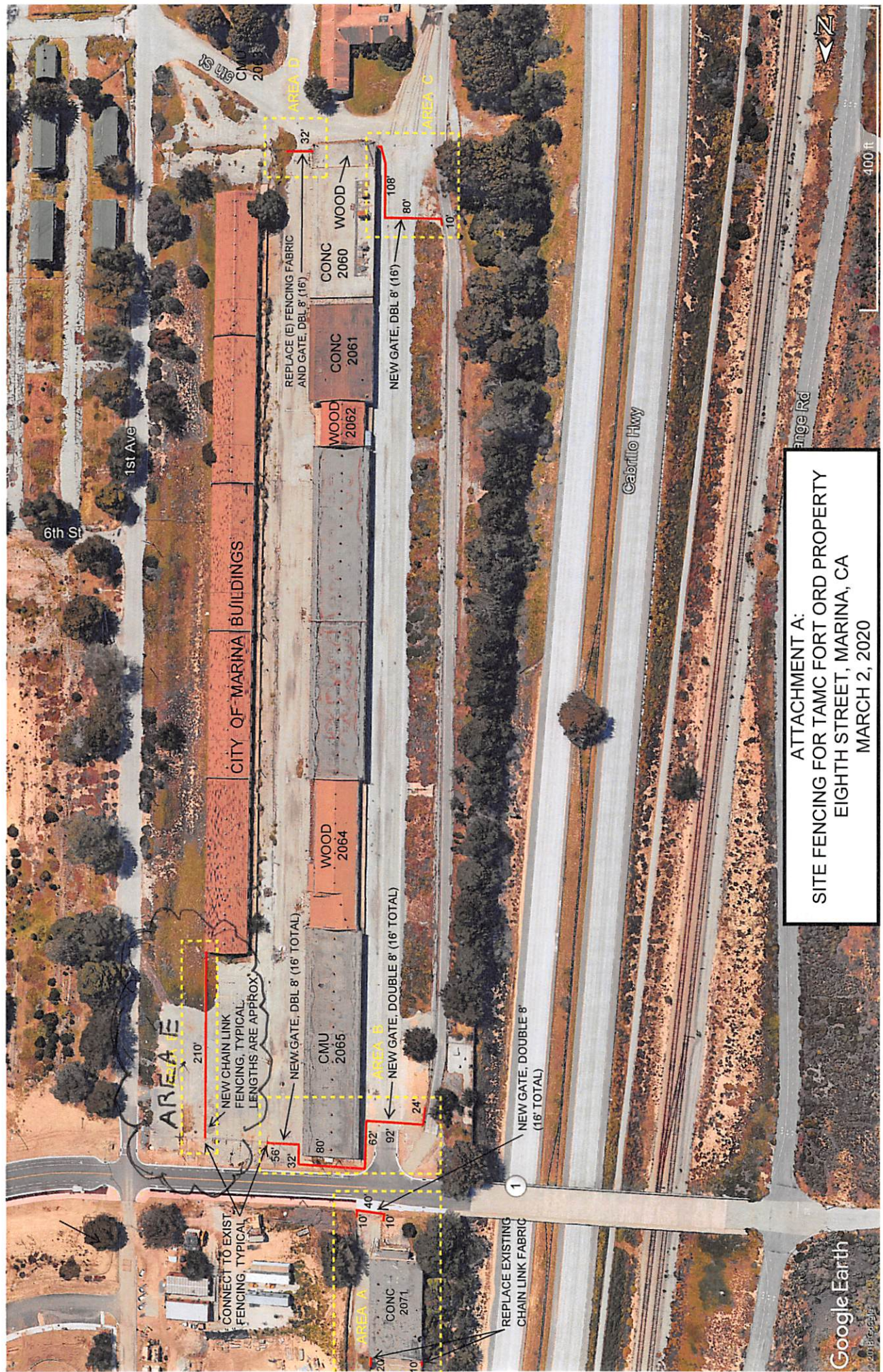
ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



ATTACHMENT A:
SITE FENCING FOR TMC FORT ORD PROPERTY
EIGHTH STREET, MARINA, CA
MARCH 2, 2020

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
June 2, 2020

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2020-,
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL
GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS TO
SUPPORT THE ENVIRONMENTAL IMPACT REPORT FOR THE
DOWNTOWN VITALIZATION SPECIFIC PLAN WITH ANY
REMAINING FUNDS TO BE USED TOWARD GENERAL PLAN PHASE
ONE UPDATES OR THE ADOPTION OF AN ORDINANCE
REGULATING ACCESSORY DWELLING UNITS.**

REQUEST:

It is recommended that the City Council direct staff to submit an application to the State of California Local Early Action Program (LEAP) Planning Grant Program to contribute funding towards the City's Downtown Vitalization Specific Plan.

BACKGROUND:

The Local Early Action Planning Grants Program (LEAP or Program) is part of the broader program known as the Local Government Planning Support Grants Program, which was established as part of the State of California 2019-20 Budget Act. The 2019-20 Budget Act provides a spectrum of support, incentives, resources, and accountability to meet California's housing goals. Some specific elements include:

- Planning support (local and regional planning grants)
- Incentives (pro-housing preference and infill incentive grants)
- Funding resources
- Accountability (penalties for noncompliant housing plans)
- Reform (collaborative processes to reform regional housing needs)

The Local Government Planning Support Grants Program provides one-time grant funding to regions and jurisdictions for technical assistance, preparation, and adoption of planning documents and process improvements. The overarching goals of the program are to (1) accelerate housing production and (2) facilitate implementation of the sixth cycle of the Regional Housing Needs Assessment (RHNA).

Local jurisdictions are eligible for this funding, with the funding amount based on the population of the jurisdiction. This is a non-competitive grant and upon submittal of a complete application, the City of Marina will be eligible for a \$150,000 reimbursable grant. No matching funds are required for this grant program.

ANALYSIS:

A variety of planning activities are eligible for funding under the LEAP grant, including planning document updates and the creation of new documents. The grant activities must demonstrate an increase in housing-related planning actions and facilitate accelerated housing production. The grant application lists one such supported activity as "Rezoning and encouraging development by updating planning documents and zoning ordinances such as general plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs."

The Downtown Vitalization Specific Plan (DVSP) will rezone approximately 320 acres of land in central Marina, allowing for greater residential densities in the proposed core, transition, and multifamily residential zoning districts. The number of housing units anticipated in a rezoned downtown would be about double the number of units there now. In response to CA SB 743, the California Natural Resources Agency in 2019 finalized updates to CEQA Guidelines requiring lead agencies to analyze the impacts of a project on regional vehicle miles traveled (VMT) instead of level of service (LOS). Beginning September 15, 2020, all lead agencies statewide will be required to abide by the new CEQA Guidelines. LEAP funding would be used to cover the costs of conducting a VMT analysis for the DVSP.

Since the VMT analysis is expected to cost less than the \$150,000 funding provided by the LEAP grant, staff will include two additional potential projects in the grant application to the State. This ensures that the City will use all of its grant funding and provides flexibility for project implementation. Additional projects include phase one updates to the General Plan and the development of an ordinance regulating accessory dwelling units. Each of these projects would be appropriate for LEAP funding in that they promote the development of affordable housing and facilitate accelerating housing production.

FISCAL IMPACT:

Based on staff's experience with projects similar in scale and scope, the preliminary estimated costs for the VMT analysis is approximately \$40,000. This estimate assumes outsourcing work to a qualified consultant, with contract management and oversight undertaken by the City's Planning Division staff. Final costs will be dependent on responses to a project request for proposals issued by the Community Development Department.

Phase one updates to the General Plan are expected to cost more than the remainder of the funding available through the LEAP grant. The City would be solely responsible for covering any project costs above and beyond available grant funding.

Of note, the City would be responsible for outlaying funds for the entire project up front, receiving reimbursement from HCD on a quarterly basis up to the maximum grant amount of \$150,000. This may result in a request for a mid-year budget adjustment from the Community Development Department, depending on the amount of consultant funds available in the Department's budget at the time of grant award. Grant funds must be completely expended by December 31, 2023.

CEQA IMPACT:

A grant application is not considered a project under CEQA and is therefore exempt from CEQA review. Future modifications to policy documents would have separate CEQA analyses.

CONCLUSION:

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

REVIEWED/CONCUR:

J. Fred Aegerter
Community Development Director
City of Marina

Layne P. Long
City Manager

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL
GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS TO
SUPPORT THE ENVIRONMENTAL IMPACT REPORT FOR THE
DOWNTOWN VITALIZATION SPECIFIC PLAN WITH ANY REMAINING
FUNDS TO BE USED TOWARD GENERAL PLAN PHASE ONE UPDATES
OR THE ADOPTION OF AN ORDINANCE REGULATING ACCESSORY
DWELLING UNITS.

WHEREAS, pursuant to Health and Safety Code 50515 et. Seq, the Department of Housing and Community Development (HCD) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP); and

WHEREAS, the City Council of the City of Marina desires to submit a LEAP grant application package (“Application”), on the forms provided by HCD, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, HCD has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina (“the Applicant”) as follows:

SECTION 1. The City Manager or his designee is hereby authorized and directed to apply for and submit to HCD the Application package;

SECTION 2. In connection with the LEAP grant, if the Application is approved by the HCD, the City Manager of the City of Marina or his designee is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$150,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant’s obligations related thereto, and all amendments thereto; and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by HCD after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on this 2nd day of June 2020 by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2020-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$180.78 FOR FY 2020-21 ASSESSMENT FOR THE CYPRESS
COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT,
AND; AUTHORIZING THE CITY CLERK TO FILE A CERTIFIED
COPY OF THE DIAGRAM AND ASSESSMENT WITH THE
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO
THURSDAY, AUGUST 3, 2020**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2020-, confirming diagram, assessment and ordering levy of \$180.78 for FY 2020-21 assessment for Cypress Cove II Landscape Maintenance Assessment District, and;
3. Authorize City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to Thursday, August 3, 2020.

BACKGROUND:

At the regular meeting of June 16, 1987, the City Council adopted Resolution No. 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared, which includes the costs to maintain the improvements of the Cypress Cove II Landscape Maintenance Assessment District and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of April 21, 2020, the City Council adopted Resolution No. 2020-34, preliminarily approving the FY 2020-21 Engineer's Report for Cypress Cove II Landscape Maintenance Assessment District and calling a public hearing on proposed intention to levy and collect assessments for the Cypress Cove II Landscape Maintenance Assessment District. The hearing date was extended from its original May 5 date to June 2.

ANALYSIS:

Based on the Engineer's Report (**EXHIBIT A**), the assessment has been set in the amount of \$180.78. This is the same amount as last year's assessment and is the upper limit set by the assessment district at its formation in 1987.

By resident request, the City has created a specific City website for the District. The website has been reporting on ongoing maintenance projects during FY 19/20 such as major tree trimming throughout the District and a large tree removal at Coral Way. Irrigation improvements and additional major tree improvements including replacements for fallen trees will occur in Fiscal Year 20/21 with updates on maintenance scheduling through the District webpage. Regular maintenance of the existing District will continue.

The largest costs associated with the District are the maintenance of the mature Cypress Trees. The annual evaluation of the health and safety of these trees have seen an increase in the conservation and preservation of the Cypress trees. The City will be assessing during FY 20/21 whether the 33-year-old assessment will require an increase to meet current District needs.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2020-21 assessment levy is \$19,885.80 for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

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

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR
FY 2020-21 ASSESSMENT FOR THE CYPRESS COVE II LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT AND AUTHORIZING THE CITY CLERK
TO FILE A CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH THE
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO THURSDAY, AUGUST
3, 2020

WHEREAS, on June 16, 1987, the City ordered the formation of the Cypress Cove II Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2020-2021, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on April 21, 2020, the City preliminarily approved said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on June 2, 2020, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$180.78, for FY 2020-21 assessment for Cypress Cove II Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Cypress Cove II Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Cypress Cove II Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 3, 2020.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA

CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ENGINEER'S REPORT

FY 2020-2021

Council Members:

B. DELGADO, MAYOR

F. O'CONNELL
L. BERKLEY

G. MORTON
A. URRUTIA

LAYNE LONG
ANITA SHEPHERD-SHARP
ROBERT WELLINGTON
BRIAN MCMINN

City Manager
Deputy City Clerk
City Attorney
Public Works Director/City Engineer

Prepared By
City of Marina
Public Works Department

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2020-2021

This report concerns the Cypress Cove II Landscape Maintenance Assessment District.

The Assessment District consists of the Cypress Cove II Subdivision located in the westerly portion of the City of Marina just east of the Highway I and Reservation Road interchange. The subdivision is bounded on three sides by Abdy Way, Cardoza Avenue, and Beach Road, contains 110 lots, a percolation pond parcel (Parcel B), and an emergency access road (Parcel C).

The subdivision consists of 110 single family homes complete with underground utilities, water and wastewater facilities, street and drainage improvements, and landscaping. The Assessment District has been formed for the purpose of maintaining the exterior boundary landscaping and retaining walls, installed and paid for by the developer.

This report has been prepared pursuant to Sections 22565 through 22574 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The existing improvements to be maintained which are the subject of this report, are briefly described as follows:

All exterior landscaping elements located adjacent to the subdivision boundaries along Abdy Way, Cardoza Avenue, and Beach Road and outside the chain link fence on Parcel B are considered as the improvements included in the Assessment District. Landscaping elements consist of hydroseeded areas, groundcover, shrubs, trees, irrigation pipelines, controllers, valves, sprinklers, masonry retaining walls, and electrical service. Plans and specifications showing these existing improvements which are to be maintained are on file in the City of Marina Public Works Division.

This report includes the following attached exhibits:

EXHIBIT A - An assessment diagram and boundary map showing all of the parcels of the real property within the Assessment District. The diagram is keyed to Exhibit C by the separate "Assessment Number".

EXHIBIT B - Spreadsheet showing estimated costs for FY 2019-2020 and estimated costs for FY 2020-2021 and FY 2021-2022.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessor's Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to that parcels lot number.

Page Two
Engineer's Report
Cypress Cove II Landscape Maintenance Assessment District

EXHIBIT D - Method of determination of assessment spread.

Respectfully Submitted,

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer

April 2020

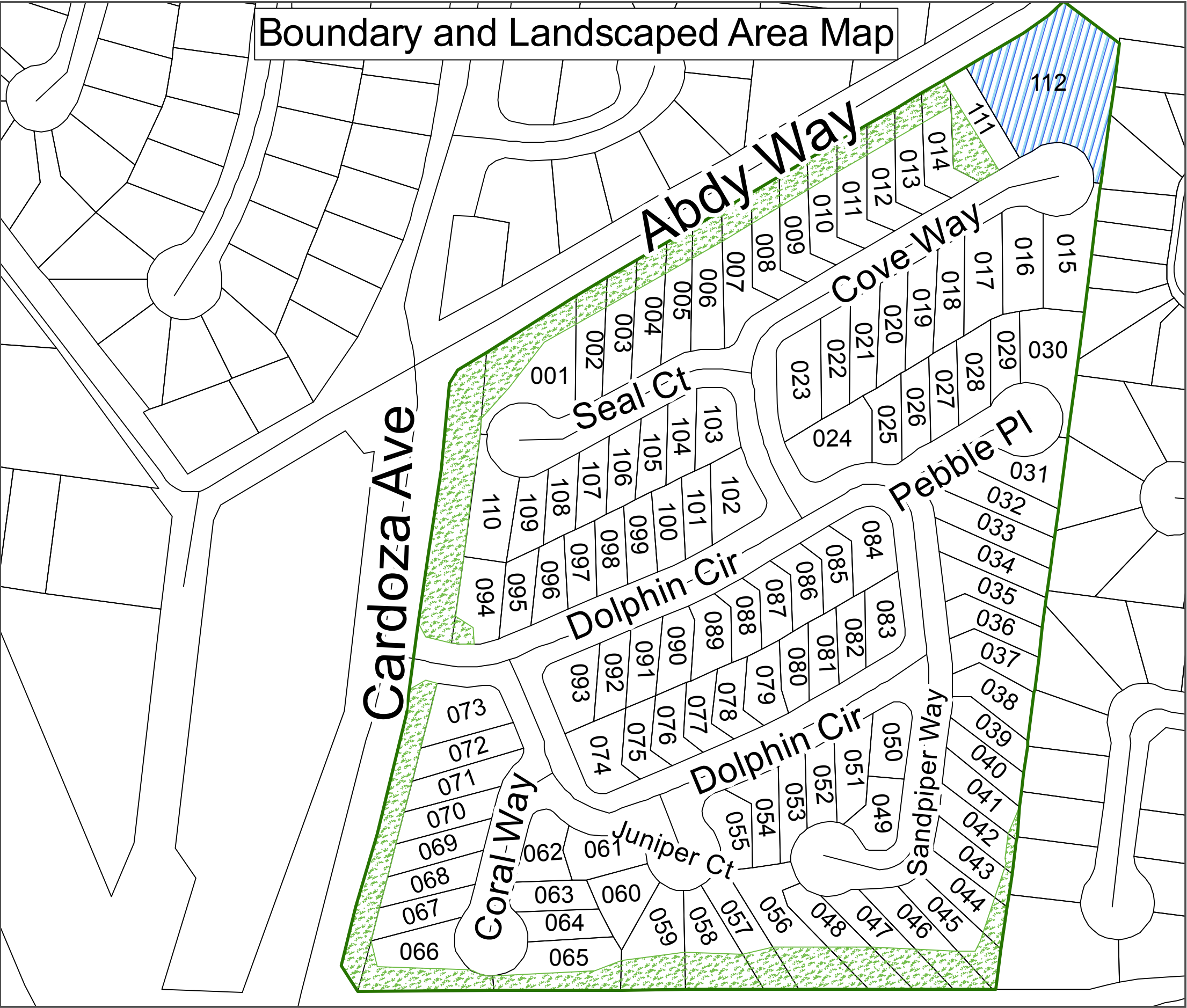
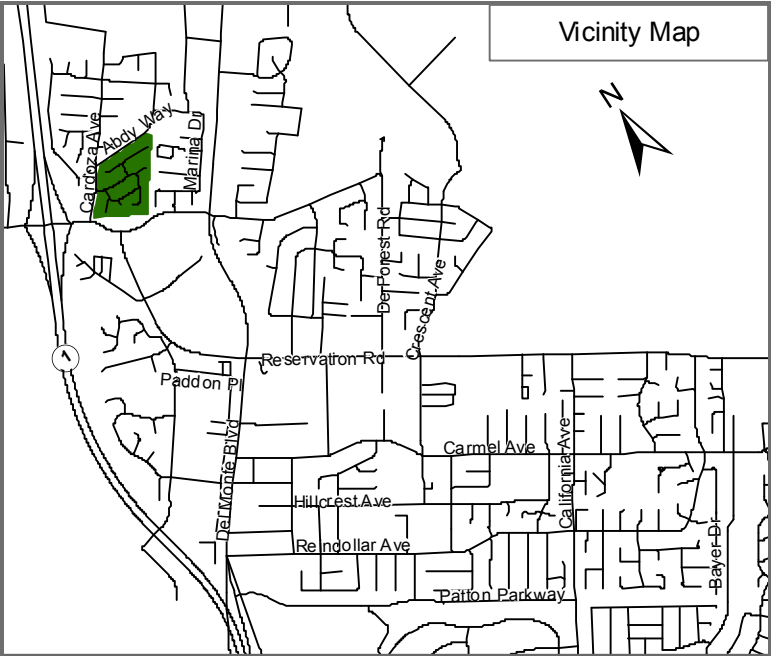


EXHIBIT A

Cypress Cove II
Landscape Maintenance District



Legend

Cypress Cove II

- Boundary
- Landscaped Area
2.00 Acres
- Parcels
- Percolation Lot
- Roads

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
Map Projection: California State Plane Zone IV, NAD 83 (Feet)

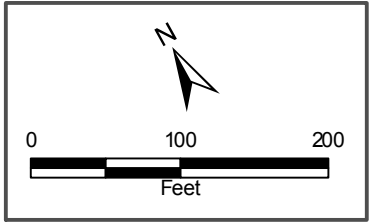


EXHIBIT B

CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2019-2020	Estimates FY 2020-2021	Estimates FY 2021-2022
Beginning Cash Balance, July 1 st	\$ 2,973	\$ 6,688	\$ 7,669
(a) Total Assessment Revenues (110 Parcels)	\$ 19,886	\$ 19,886	\$ 19,886

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 6,120	\$ 6,304	\$ 6,493
Utilities	\$ 800	\$ 1,200	\$ 1,200
Large Tree Trimming	\$ 2,500	\$ -	\$ 2,500
Extraordinary Maintenance	\$ 1,600	\$ 6,450	\$ 4,000
Tree/Plant Replacement	\$ -	\$ -	\$ 3,000
Administrative Services			
Supervision	\$ -	\$ -	\$ -
Administration (Incl. Engineers Report)	\$ 2,000	\$ 1,800	\$ 1,800
Cost Allocation Plan Charges	\$ 2,751	\$ 2,751	\$ 2,751
Legal Advertising	\$ 400	\$ 400	\$ 400
Total Expenditures	\$ 16,171	\$ 18,905	\$ 22,144

(c) Net Change in Fund Balance	\$ 3,715	\$ 981	\$ (2,258)
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(d) Ending Fund Balance, June 30 th	\$ 6,688	\$ 7,669	\$ 5,412
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(a) Maximum Assessment per Prop 218 is \$180.78 per parcel. The assessment amount for FY20-21 is consistent with FY19-20 at \$180.78 per parcel. Final total assessment revenue includes interest income totals.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
1	33-076-01	\$180.78
2	33-076-02	\$180.78
3	33-076-03	\$180.78
4	33-076-04	\$180.78
5	33-076-05	\$180.78
6	33-076-06	\$180.78
7	33-076-07	\$180.78
8	33-076-08	\$180.78
9	33-076-09	\$180.78
10	33-076-10	\$180.78
11	33-076-11	\$180.78
12	33-076-12	\$180.78
13	33-076-13	\$180.78
14	33-076-14	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
15	33-076-15	\$180.78
16	33-076-16	\$180.78
17	33-076-17	\$180.78
18	33-076-18	\$180.78
19	33-076-19	\$180.78
20	33-076-20	\$180.78
21	33-076-21	\$180.78
22	33-076-22	\$180.78
23	33-076-23	\$180.78
24	33-076-24	\$180.78
25	33-076-25	\$180.78
26	33-076-26	\$180.78
27	33-076-27	\$180.78
28	33-076-28	\$180.78
29	33-076-29	\$180.78
30	33-076-30	\$180.78
31	33-076-31	\$180.78
32	33-076-32	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
33	33-076-33	\$180.78
34	33-076-34	\$180.78
35	33-076-35	\$180.78
36	33-076-36	\$180.78
37	33-076-37	\$180.78
38	33-076-38	\$180.78
39	33-076-39	\$180.78
40	33-076-40	\$180.78
41	33-076-41	\$180.78
42	33-076-42	\$180.78
43	33-076-43	\$180.78
44	33-076-44	\$180.78
45	33-076-45	\$180.78
46	33-076-46	\$180.78
47	33-076-47	\$180.78
48	33-076-48	\$180.78
49	33-076-49	\$180.78
50	33-076-50	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
51	33-076-51	\$180.78
52	33-076-52	\$180.78
53	33-076-53	\$180.78
54	33-076-54	\$180.78
55	33-076-55	\$180.78
56	33-076-56	\$180.78
57	33-076-57	\$180.78
58	33-076-58	\$180.78
59	33-076-59	\$180.78
60	33-076-60	\$180.78
61	33-076-61	\$180.78
62	33-076-62	\$180.78
63	33-076-63	\$180.78
64	33-076-64	\$180.78
65	33-076-65	\$180.78
66	33-076-66	\$180.78
67	33-076-67	\$180.78
68	33-076-68	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
69	33-076-69	\$180.78
70	33-076-70	\$180.78
71	33-076-71	\$180.78
72	33-076-72	\$180.78
73	33-076-73	\$180.78
74	33-075-01	\$180.78
75	33-075-02	\$180.78
76	33-075-03	\$180.78
77	33-075-04	\$180.78
78	33-075-05	\$180.78
79	33-075-06	\$180.78
80	33-075-07	\$180.78
81	33-075-08	\$180.78
82	33-075-09	\$180.78
83	33-075-10	\$180.78
84	33-075-11	\$180.78
85	33-075-12	\$180.78
86	33-075-13	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
87	33-075-14	\$180.78
88	33-075-15	\$180.78
89	33-075-16	\$180.78
90	33-075-17	\$180.78
91	33-075-18	\$180.78
92	33-075-19	\$180.78
93	33-075-20	\$180.78
94	33-076-74	\$180.78
95	33-076-75	\$180.78
96	33-076-76	\$180.78
97	33-076-77	\$180.78
98	33-076-78	\$180.78
99	33-076-79	\$180.78
100	33-076-80	\$180.78
101	33-076-81	\$180.78
102	33-076-82	\$180.78
103	33-076-83	\$180.78
104	33-076-84	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2020-2021

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
105	33-076-85	\$180.78
106	33-076-86	\$180.78
107	33-076-87	\$180.78
108	33-076-88	\$180.78
109	33-076-89	\$180.78
110	33-076-90	\$180.78
111		EXEMPT
112		EXEMPT

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the subdivision exterior boundary landscaping benefits the Assessment District as a whole. Therefore, the assessment spread should be based on the number of building sites or lots contained within the district.

Assessments shall be spread over the 110 lots indicated on the Assessment Diagram (Exhibit A).

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2020-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$182.42 FOR FY 2020-21 ASSESSMENT FOR THE
SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT
DISTRICT, AND; AUTHORIZING THE CITY CLERK TO FILE A
CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH
THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO
FRIDAY, AUGUST 3, 2020**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2020-, confirming diagram, assessment and ordering levy of \$182.42 for FY 2020-10 assessment for Seabreeze Landscape Maintenance Assessment District, and;
3. Authorize the City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to Friday, August 3, 2020

BACKGROUND:

At the regular meeting of June 4, 1996, the City Council adopted Resolution No. 1996-62, ordering the formation of the Seabreeze Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared which includes the costs to maintain the improvements of the Districts and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of April 21, 2020, the City Council adopted Resolution No. 2020-35, preliminarily approving the FY 2020-21 Engineer's Report for Seabreeze Landscape Maintenance Assessment District and calling a public hearing on proposed intention to levy and collect assessments for the Seabreeze Landscape Maintenance Assessment District. The hearing date was extended from its original May 5 date to June 2.

ANALYSIS:

Based on the Engineer's Report (**EXHIBIT A**), the assessment has been set in the amount of \$182.42. This is the same amount as last year's assessment and is the upper limit set by the last the assessment district at its formation in 1996.

By resident request, the City has created a specific City website for the District. The website has been reporting on ongoing maintenance projects during FY 19/20. Retaining wall repairs are planned for FY 20/21 with either specific panel replacements or a full wall replacement. Staff is recommending the continued assessment of \$182.42 in order to obtain the required fund balance for these improvements.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2020-21 assessment levy is \$6,749.54 for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

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

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF \$182.42
FOR FY 2020-21 ASSESSMENT FOR THE SEABREEZE LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT AND AUTHORIZING THE CITY CLERK
TO FILE A CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH THE
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO FRIDAY, AUGUST 3,
2020

WHEREAS, on June 4, 1996, the City ordered the formation of the Seabreeze Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2020-21, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on April 21, 2020, the City approved said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on June 2, 2020, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$182.42, for FY 2020-21 assessment for Seabreeze Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Seabreeze Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Seabreeze Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 3, 2020.

SEABREEZE
Resolution No. 2020-
Page Two

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



**CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA**

**SEABREEZE LANDSCAPE
MAINTENANCE
ASSESSMENT DISTRICT

ENGINEER'S REPORT**

FY 2020-2021

Council Members:

B. DELGADO, MAYOR

**F. O'CONNELL
L. BERKLEY**

**G. MORTON
A. URRUTIA**

**LAYNE LONG
ANITA SHEPHERD-SHARP
ROBERT WELLINGTON
BRIAN MCMINN**

**City Manager
Deputy City Clerk
City Attorney
Public Works Director/City Engineer**

**Prepared By
City of Marina
Public Works Department**

SEABREEZE
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2020-2021

This report concerns the Seabreeze Landscape Maintenance Assessment District.

This report has been prepared pursuant to Section 22265 through 22574 of the Streets and Highway Code (Landscaping and Landscaping Act 1972).

The Assessment District encompasses the Seabreeze subdivision located on the north side of Beach Road and west of Marina Drive in the City of Marina, County of Monterey, State of California.

The subdivision consists of 37 residential lots, with all underground utilities (water, sewer, gas and electric) street and drainage improvements. The Assessment District has been formed for the purpose of maintaining the proposed landscape areas including the street scape along the Northerly side of Beach Road adjacent to Seabreeze Subdivision, Tract No. 1251 and the buffer along the westerly side of the Southern Pacific Railroad within the rear portion of Lots 18 through 21 of the Seabreeze subdivision. Lot 38 is dedicated to the City for the maintenance of the drainage percolation basin. These improvements were installed and paid for by the developer.

A brief description of the improvements that are to be maintained by the Assessment District are:

All landscaping elements, irrigation systems and services thereto located along the Northerly side of Beach Road, the westerly of Southern Pacific Railroad and the easterly of the percolation pond. Also included is the maintenance, repair and replacement of the sound walls. Landscaping elements consist of ground cover, shrubs, trees, irrigation pipelines, controllers, valves, emitters, sprinklers and appurtenant improvements all as delineated on the plans with the City of Marina and titled Seabreeze Streetscape and Buffer Plans prepared by Isaacson Wood & Associates, Landscape Architecture.

This report includes the following attached exhibits:

EXHIBIT A - An Assessment Diagram and Boundary Map showing all the parcels of the real property within the Assessment District and location of the landscaped areas to be maintained by the Assessment District. The Diagram is keyed to Exhibit C by the separate "Assessment District".

EXHIBIT B - Spreadsheet showing estimated costs for FY 2019-2020, FY 2020-2021 and FY 2021-2022.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessors Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to the lot number of each parcel.

Page Two
Engineer's Report
Seabreeze Landscape Maintenance Assessment District

EXHIBIT D - Method of determination of assessment spread.

Respectfully submitted

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer

April 2020

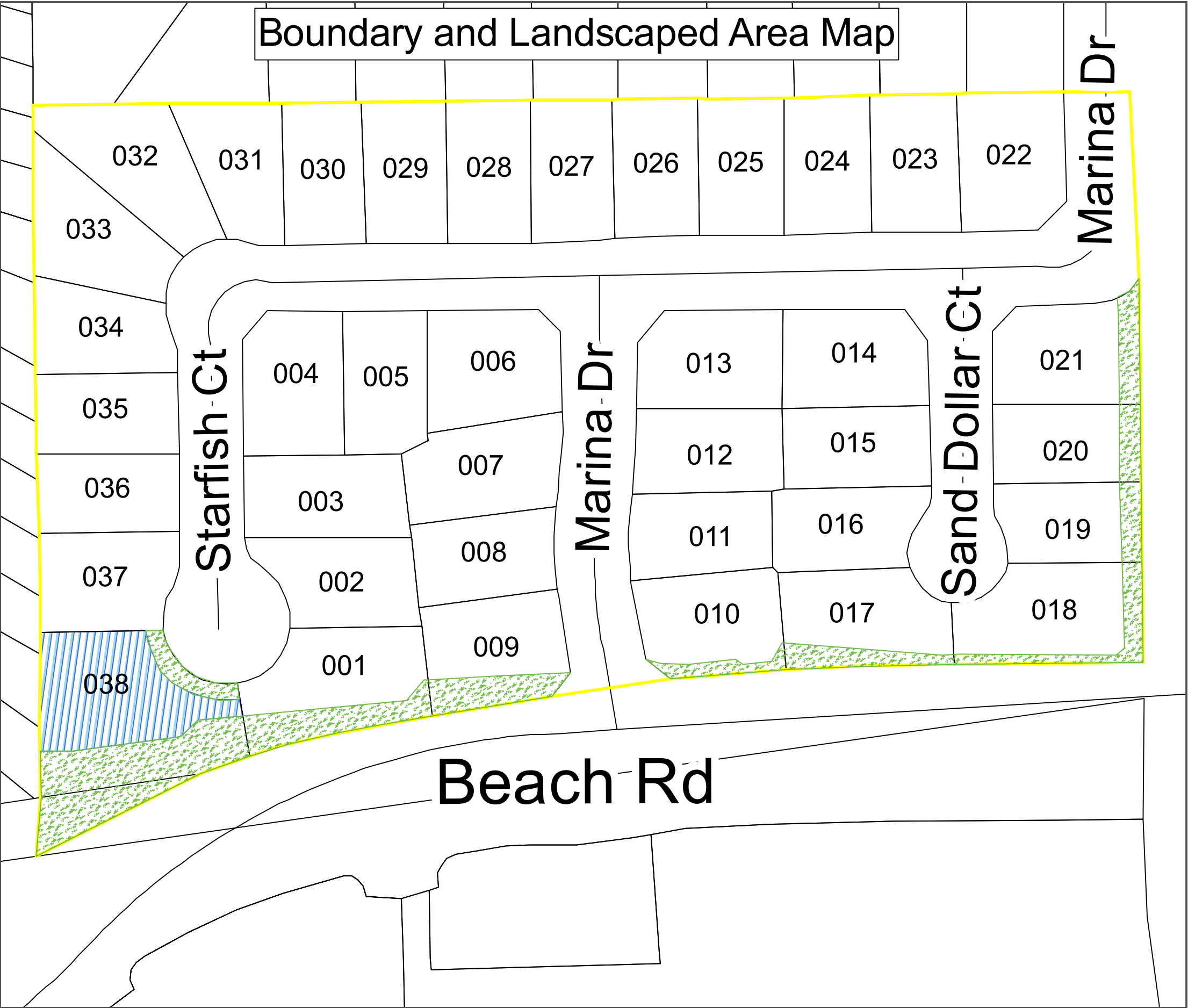
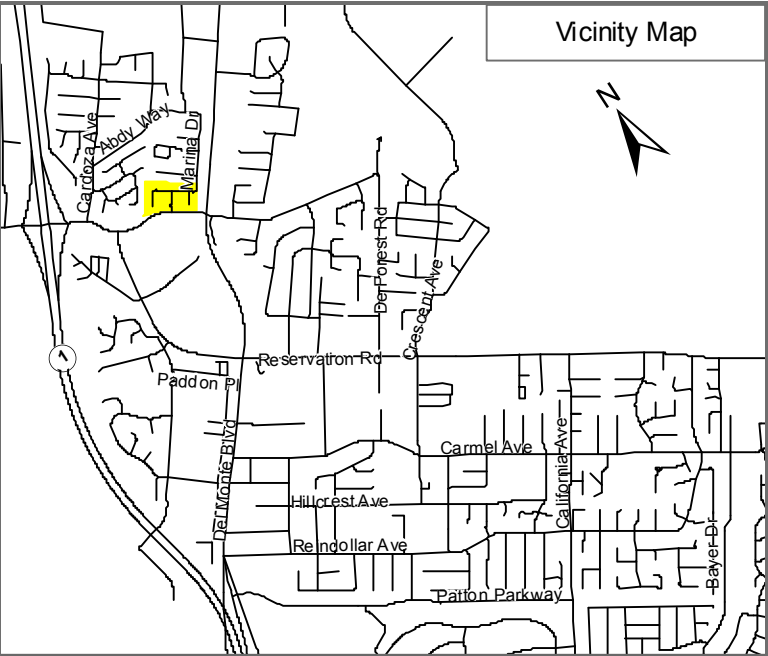


EXHIBIT A

Seabreeze

Landscape Maintenance District



Legend

Seabreeze

- Boundary
- Landscaped Area
20,470 SQ FT
- Parcels
- Percolation Lot
- Roads

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
Map Projection: California State Plane Zone IV, NAD 83 (Feet)

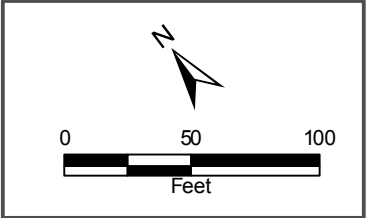


EXHIBIT B
CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2019-2020	Estimates FY 2020-2021	Estimates FY 2021-2022
Beginning Cash Balance, July 1st	\$ 2,973	\$ 6,688	\$ 7,669
(a) Total Assessment Revenues (110 Parcels)	\$ 19,886	\$ 19,886	\$ 19,886

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 6,120	\$ 6,304	\$ 6,493
Utilities	\$ 800	\$ 1,200	\$ 1,200
Large Tree Trimming	\$ 2,500	\$ -	\$ 2,500
Extraordinary Maintenance	\$ 1,600	\$ 6,450	\$ 4,000
Tree/Plant Replacement	\$ -	\$ -	\$ 3,000
Administrative Services			
Supervision	\$ -	\$ -	\$ -
Administration (Incl. Engineers Report)	\$ 2,000	\$ 1,800	\$ 1,800
Cost Allocation Plan Charges	\$ 2,751	\$ 2,751	\$ 2,751
Legal Advertising	\$ 400	\$ 400	\$ 400
Total Expenditures	\$ 16,171	\$ 18,905	\$ 22,144

(c) Net Change in Fund Balance	\$ 3,715	\$ 981	\$ (2,258)
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(d) Ending Fund Balance, June 30th	\$ 6,688	\$ 7,669	\$ 5,412
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(a) Maximum Assessment per Prop 218 is \$180.78 per parcel. The assessment amount for FY20-21 is consistent with FY19-20 at \$180.78 per parcel. Final total assessment revenue includes interest income totals.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C

SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
1	033-082-001	\$182.42
2	033-082-002	\$182.42
3	033-082-003	\$182.42
4	033-082-004	\$182.42
5	033-082-005	\$182.42
6	033-082-006	\$182.42
7	033-082-007	\$182.42
8	033-082-008	\$182.42
9	033-082-009	\$182.42
10	033-082-010	\$182.42
11	033-082-011	\$182.42
12	033-082-012	\$182.42
13	033-082-013	\$182.42
14	033-082-014	\$182.42
15	033-082-015	\$182.42
16	033-082-016	\$182.42
17	033-082-017	\$182.42

SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
18	033-082-018	\$182.42
19	033-082-019	\$182.42
20	033-082-020	\$182.42
21	033-082-021	\$182.42
22	033-082-022	\$182.42
23	033-082-023	\$182.42
24	033-082-024	\$182.42
25	033-082-025	\$182.42
26	033-082-026	\$182.42
27	033-082-027	\$182.42
28	033-082-028	\$182.42
29	033-082-029	\$182.42
30	033-082-030	\$182.42
31	033-082-031	\$182.42
32	033-082-032	\$182.42
33	033-082-033	\$182.42
34	033-082-034	\$182.42

SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
35	033-082-035	\$182.42
36	033-082-036	\$182.42
37	033-082-037	\$182.42

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the landscaped areas within the Assessment District benefits the Assessment District as a whole. Therefore, the assessment should be equally apportioned over the 37 residential building sites or lots contained within the district as indicated on the Assessment Diagram (Exhibit A).

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2020-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$77.14 FOR FY 2020-21 ASSESSMENT FOR THE
MONTEREY BAY ESTATES LIGHTING & LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING
THE CITY CLERK TO FILE A CERTIFIED COPY OF THE DIAGRAM
AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-
CONTROLLER PRIOR TO FRIDAY, AUGUST 3, 2020**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2020-, confirming diagram, assessment and ordering levy of \$77.14 for FY 2020-21 assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and;
3. Authorize the City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to Friday, August 3, 2020.

BACKGROUND:

At the regular meeting of October 3, 1989, the City Council adopted Resolution No. 1989-62, ordering the formation of the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared which includes the costs to maintain the improvements of the Districts and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of April 21, 2020, the City Council adopted Resolution No. 2020-36, preliminarily approving the FY 2020-21 Engineer's Report for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District and calling a public hearing on proposed intention to levy and collect assessments for the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District. The hearing date was extended from its original May 5 date to June 2.

ANALYSIS:

Based on the Engineer's Report (**EXHIBIT A**), the assessment has been set in the amount of \$77.14. This is the same amount as last year's assessment and is the upper limit set by the last Proposition 218 rate vote by members of the assessment district established in 1989.

By resident request, the City has created a specific City website for the District. The website has been reporting on ongoing maintenance projects during FY 19/20. Staff has been coordinating with residents regarding future beautification and improvements to the District. Irrigation will occur in Fiscal Year 19/20 with tree removal and replacement in Fiscal Year 20/21 with updates on maintenance scheduling through the District webpage. Monthly maintenance of the existing District will continue.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2020-21 assessment levy is \$12,496.68 for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

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

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING THE DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF
\$77.14 FOR FY 2020-21 ASSESSMENT FOR THE MONTEREY BAY ESTATES
LIGHTING & LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT AND
AUTHORIZING THE CITY CLERK TO FILE A CERTIFIED COPY OF THE
DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-
CONTROLLER PRIOR TO FRIDAY, AUGUST 3, 2020

WHEREAS, on October 3, 1989, the City ordered the formation of the Monterey Bay Estates Lighting & Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2020-2021, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on April 21, 2020, the City preliminarily approved said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on June 2, 2020, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$77.14, for FY 2020-21 assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 3, 2020.

MONTEREY BAY ESTATES

Resolution No. 2020-

Page Two

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



**CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA**

MONTEREY BAY ESTATES LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

FY 2020-2021

Council Members:

B. DELGADO, MAYOR

**F. O'CONNELL
L. BERKLEY**

**G. MORTON
A. URRUTIA**

**LAYNE LONG
ANITA SHEPHERD-SHARP
ROBERT WELLINGTON
BRIAN MCMINN**

**City Manager
Deputy City Clerk
City Attorney
Public Works Director/City Engineer**

**Prepared By
City of Marina
Public Works Department**

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2020-2021

This report concerns the Monterey Bay Estates Lighting and Landscape Maintenance District.

The Assessment District consists of the Monterey Bay Estates Subdivision located in the northeasterly portion of the City of Marina. The subdivision contains 162 lots, a percolation pond parcel, and a park parcel.

The subdivision consists of 162 single family homes complete with underground utilities, water and wastewater facilities, public lighting facilities, street and drainage improvements, and landscaping. The Assessment District has been formed for the purpose of maintaining and servicing both the landscaping areas and public lighting facilities within the subdivision. The landscaping areas to be maintained and serviced are those in the percolation pond parcel and the street rights-of-way of De Forest Road and Quebrada Del Mar adjacent thereto; in and adjacent to the Crescent Avenue right-of-way, installed and paid for by the developer. The public lighting facilities to be maintained and serviced include all the public lighting facilities within the subdivision installed and paid for by the developer.

This report has been prepared pursuant to Sections 22500 through 22679 of the Streets and Highway Code (Landscaping and Lighting Act of 1972).

The improvements to be maintained which are the subject of this report, are briefly described as follows:

Landscaping elements within the percolation pond parcel and the street rights-of-way of De Forest Road and Quebrada Del Mar adjacent thereto, and landscaping elements within and adjacent to the Crescent Avenue right-of-way (See Exhibit A) are considered as the landscaping improvements included in the Assessment District. Landscaping elements consist of hydroseeded areas, groundcover, shrubs, trees, irrigation pipelines, controllers, valves, sprinklers, water and electrical service, and freestanding concrete block walls.

Public Lighting facilities within the street right-of-way of De Forest Road, Costa Del Mar Road, Sirena Del Mar Road, Tallmon Street, Quebrada Del Mar Road, Isla Del Sol Way, Estrella Del Mar Way and Crescent Avenue all within the boundary of the Monterey Bay Estates Subdivision (Tract no. 1102) are considered as the public lighting improvements included in the Assessment District, see Exhibit A. The public lighting facilities consist of electroliers, mast arm, ballast, electrical service, wiring and lamps.

Page Two
Engineer's Report
Monterey Bay Estates Lighting and Landscape Maintenance District

This report includes the following exhibits:

EXHIBIT A - An assessment diagram and boundary map showing all of the parcels of the real property within the Assessment District. The diagram is keyed to Exhibit C by the separate "Assessment Number".

EXHIBIT B - Spreadsheet showing estimated maintenance costs for FY 2019-2020, FY 2020-2021 and FY 2021-2022.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessor's Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to that parcel's lot number.

EXHIBIT D- A statement of the method by which the undersigned determined the amount to be assessed against each parcel based on the benefits to be derived by each parcel, respectively, from the improvements.

Respectfully submitted,

April 2020

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer

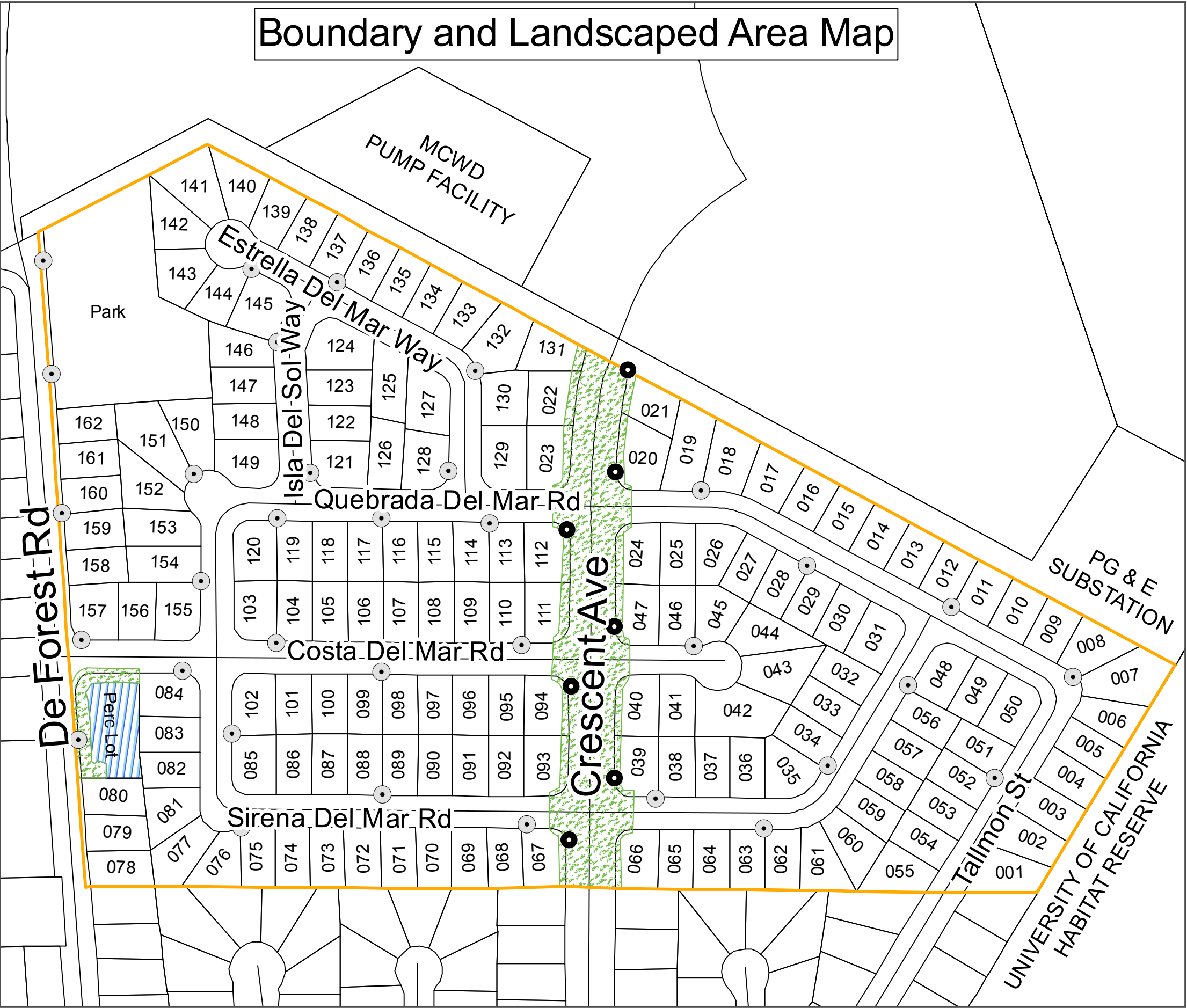
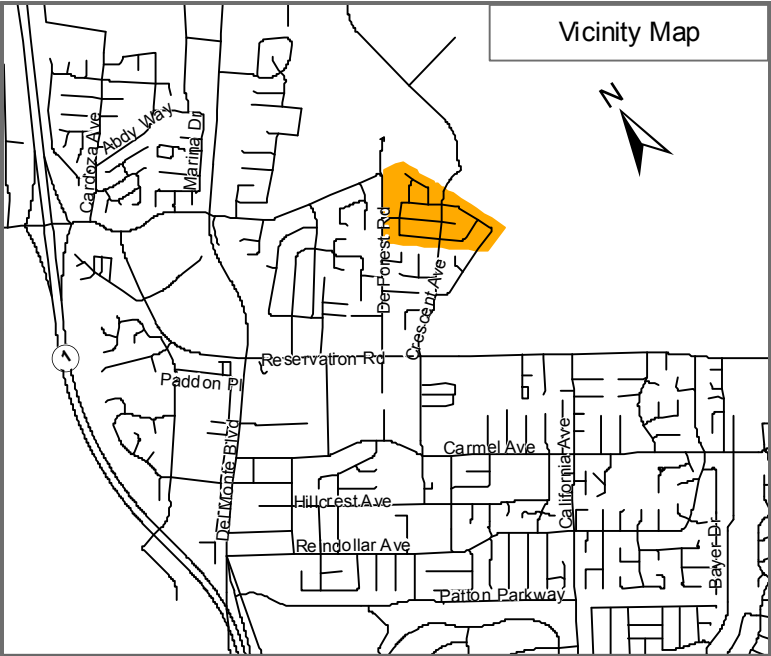


EXHIBIT A
 Monterey Bay Estates
 Lighting and Landscape
 Maintenance District



Legend

Boundary	Parcels
Landscaped Area 2.14 Acres	Percolation Lot
	Roads

Maintained Street Lights

	Total 34 - 100W
	Total 7 - 200W

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
 Map Projection: California State Plane Zone IV, NAD 83 (Feet)

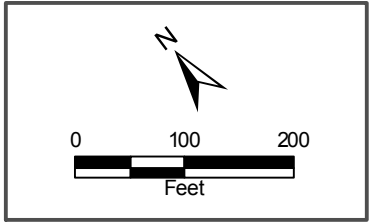


EXHIBIT B

MONTEREY BAY ESTATES LIGHTING & LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2019-2020	Estimates FY 2020-2021	Estimates FY 2021-2022
Beginning Cash Balance, July 1 st	\$ 12,402	\$ 11,863	\$ 4,987
(a) Total Assessment Revenues (162 Parcels)	\$ 12,497	\$ 12,497	\$ 12,497

Expenditures

Contractor Services			
(b) Landscape Maintenance Contract	\$ 5,400	\$ 5,562	\$ 5,729
Utilities	\$ 130	\$ 1,500	\$ 1,500
Large Tree Trimming	\$ -	\$ -	\$ -
Extraordinary Maintenance	\$ 2,195	\$ -	\$ -
Plant/Tree Removal/Replacement	\$ -	\$ 7,000	\$ -
Administrative Services			
Administration (Incl. Engineers Report)	\$ 2,000	\$ 2,000	\$ 2,000
Cost Allocation Plan Charges	\$ 2,871	\$ 2,871	\$ 2,871
Legal Advertising	\$ 440	\$ 440	\$ 440
Total Expenditures	\$ 13,036	\$ 19,373	\$ 12,540

(c) Net Change in Fund Balance	\$ (539)	\$ (6,876)	\$ (43)
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(d) Ending Fund Balance, June 30 th	\$ 11,863	\$ 4,987	\$ 4,944
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(a) Maximum Assessment per Prop 218 is \$77.14 per parcel. The assessment amount for FY20-21 is consistent with FY19-20 at \$77.14 per parcel.

(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
1	032-541-01	\$77.14
2	032-541-02	\$77.14
3	032-541-03	\$77.14
4	032-541-04	\$77.14
5	032-541-05	\$77.14
6	032-541-06	\$77.14
7	032-541-07	\$77.14
8	032-541-08	\$77.14
9	032-541-09	\$77.14
10	032-541-10	\$77.14
11	032-541-11	\$77.14
12	032-541-12	\$77.14
13	032-541-13	\$77.14
14	032-541-14	\$77.14
15	032-541-15	\$77.14
16	032-541-16	\$77.14
17	032-541-17	\$77.14
18	032-541-18	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
19	032-541-19	\$77.14
20	032-541-20	\$77.14
21	032-541-21	\$77.14
22	032-555-38	\$77.14
23	032-555-02	\$77.14
24	032-542-01	\$77.14
25	032-542-02	\$77.14
26	032-542-03	\$77.14
27	032-542-04	\$77.14
28	032-542-05	\$77.14
29	032-542-06	\$77.14
30	032-542-07	\$77.14
31	032-542-08	\$77.14
32	032-542-09	\$77.14
33	032-542-10	\$77.14
34	032-542-11	\$77.14
35	032-542-12	\$77.14
36	032-542-13	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
37	032-542-14	\$77.14
38	032-542-15	\$77.14
39	032-542-16	\$77.14
40	032-542-17	\$77.14
41	032-542-18	\$77.14
42	032-542-25	\$77.14
43	032-542-26	\$77.14
44	032-542-21	\$77.14
45	032-542-22	\$77.14
46	032-542-23	\$77.14
47	032-542-24	\$77.14
48	032-543-01	\$77.14
49	032-543-02	\$77.14
50	032-543-03	\$77.14
51	032-543-04	\$77.14
52	032-543-05	\$77.14
53	032-543-06	\$77.14
54	032-543-07	\$77.14
55	032-543-08	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
56	032-543-09	\$77.14
57	032-543-10	\$77.14
58	032-543-11	\$77.14
59	032-543-12	\$77.14
60	032-543-13	\$77.14
61	032-543-14	\$77.14
62	032-543-15	\$77.14
63	032-543-16	\$77.14
64	032-543-17	\$77.14
65	032-543-18	\$77.14
66	032-543-19	\$77.14
67	032-551-01	\$77.14
68	032-551-02	\$77.14
69	032-551-03	\$77.14
70	032-551-04	\$77.14
71	032-551-05	\$77.14
72	032-551-06	\$77.14
73	032-551-07	\$77.14
74	032-551-08	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
75	032-551-09	\$77.14
76	032-551-10	\$77.14
77	032-551-11	\$77.14
78	032-551-12	\$77.14
79	032-551-13	\$77.14
80	032-551-14	\$77.14
81	032-551-15	\$77.14
82	032-551-16	\$77.14
83	032-551-17	\$77.14
84	032-551-18	\$77.14
85	032-552-01	\$77.14
86	032-552-02	\$77.14
87	032-552-03	\$77.14
88	032-552-04	\$77.14
89	032-552-05	\$77.14
90	032-552-06	\$77.14
91	032-552-07	\$77.14
92	032-552-08	\$77.14
93	032-552-09	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
94	032-552-10	\$77.14
95	032-552-11	\$77.14
96	032-552-12	\$77.14
97	032-552-13	\$77.14
98	032-552-14	\$77.14
99	032-552-15	\$77.14
100	032-552-16	\$77.14
101	032-552-17	\$77.14
102	032-552-18	\$77.14
103	032-553-01	\$77.14
104	032-553-02	\$77.14
105	032-553-03	\$77.14
106	032-553-04	\$77.14
107	032-553-05	\$77.14
108	032-553-06	\$77.14
109	032-553-07	\$77.14
110	032-553-08	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
111	032-553-09	\$77.14
112	032-553-10	\$77.14
113	032-553-11	\$77.14
114	032-553-12	\$77.14
115	032-553-13	\$77.14
116	032-553-14	\$77.14
117	032-553-15	\$77.14
118	032-553-16	\$77.14
119	032-553-17	\$77.14
120	032-553-18	\$77.14
121	032-554-01	\$77.14
122	032-554-02	\$77.14
123	032-554-03	\$77.14
124	032-554-04	\$77.14
125	032-554-05	\$77.14
126	032-554-06	\$77.14
127	032-554-07	\$77.14
128	032-554-08	\$77.14
129	032-555-03	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
130	032-555-39	\$77.14
131	032-555-05	\$77.14
132	032-555-06	\$77.14
133	032-555-07	\$77.14
134	032-555-08	\$77.14
135	032-555-09	\$77.14
136	032-555-10	\$77.14
137	032-555-11	\$77.14
138	032-555-12	\$77.14
139	032-555-13	\$77.14
140	032-555-14	\$77.14
141	032-555-15	\$77.14
142	032-555-16	\$77.14
143	032-555-17	\$77.14
144	032-555-18	\$77.14
145	032-555-19	\$77.14
146	032-555-20	\$77.14
147	032-555-21	\$77.14

MONTEREY BAY ESTATES
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2020-2021

DIAGRAM AND ASSESSMENT NO.	ASSESSOR'S NET PARCEL NUMBER	ASSESSMENT
148	032-555-22	\$77.14
149	032-555-23	\$77.14
150	032-555-24	\$77.14
151	032-555-25	\$77.14
152	032-555-26	\$77.14
153	032-555-27	\$77.14
154	032-555-28	\$77.14
155	032-555-29	\$77.14
156	032-555-30	\$77.14
157	032-555-31	\$77.14
158	032-555-32	\$77.14
159	032-555-33	\$77.14
160	032-555-34	\$77.14
161	032-555-35	\$77.14
162	032-555-36	\$77.14

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the landscaping surrounding percolation pond and Crescent Avenue landscaping together with maintenance and service of the public lighting facilities benefits the Assessment District as a whole. The tentative subdivision map approval was conditioned on the formation of this Maintenance District. Since the creation of the lots was so conditioned, each lot equally benefits from the District. Therefore, the assessment spread is based on the number of building sites or lots contained within the district as indicated on the Assessment Diagram (Exhibit A).

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

CITY COUNCIL OPEN A PUBLIC HEARING, TAKE PUBLIC TESTIMONY, AND CONSIDER ADOPTING RESOLUTIONS APPROVING PLANNING COMMISSION RECOMMENDATION OF APPLICATIONS FOR CANNABIS CONDITIONAL USE PERMITS TO OPERATE COMBINED ADULT-USE AND MEDICAL COMMERCIAL CANNABIS DISPENSARIES AT 3016, 3100, 3112-3114, AND 3170 DEL MONTE BLVD. AND 234-242 RESERVATION ROAD

REQUEST:

It is requested that City Council consider:

1. Planning Commission Recommendation of Applications for Cannabis Conditional Use Permits to Operate Combined Adult-Use and Medical Commercial Cannabis Dispensaries at 3016, 3100, 3112-3114, and 3170 Del Monte Blvd. and 234-242 Reservation Road.

BACKGROUND:

On November 6, 2018, the citizens of the City of Marina passed an Ordinance allowing Cannabis Business Activity and Establishing Taxes and Fees for Such Businesses within the City of Marina, Amending Title and Chapter Establishing Cannabis Business Activities as a Use Allowed Subject to a Use Permit in Specified Zones and Establishing Uses to Protect Public Health, Safety and Welfare.

The voter initiative established Chapter 19 of the City of Marina Municipal Code (MMC), titled the City of Marina Commercial Cannabis Activities ordinance, and amended MMC Chapter 5 Business Taxes, Licenses and Registrations and Chapter 17 Zoning. Per the voter initiative, these municipal code additions and amendments took effect on April 1, 2019. As approved by the voters, the ordinance provides the regulatory framework for the Commercial Cannabis Activities program.

The ordinance allows for issuance of no more than three permits for the operation of medical cannabis dispensaries in the City at any one time, and no more than three permits for the operation of adult-use cannabis dispensaries in the City at any one time. Therefore, a maximum of six total dispensaries is allowed, or a maximum of three total dispensaries if each is permitted to operate collocated medical/adult-use dispensaries. Each application considered in this report is for a collocated medical/adult-use dispensary; therefore, a maximum of three businesses may receive permits.

Due to the limited number of dispensary permits that the City may award, a competitive review process was necessary. The first step in the process for applicants seeking a Cannabis Conditional use Permit was to apply for a Cannabis Business Permit. The City contracted with HdL Companies, a consulting firm specializing in cannabis regulations, to develop the application review process and then review and score the Cannabis Business Applications. The Cannabis Business Permit application process included:

- Applications were accepted between April 8, 2019 and June 7, 2019. A total of 12 applications were received at this stage in the process.
- HdL provided preliminary review and issued letters of incompleteness.
- Background checks and live scans were conducted
- HdL issued initial scores to the City and applicants. Applications were reviewed and scored MMC 19.08.10 in the categories of Business Plan, Local Enterprise and Community Benefits, Neighborhood Compatibility, and Safety and Security Plans.
- Per the Selection Criteria guidelines in MMC Section 19.08, applicants were then permitted to combine applications in order to optimize their scores.
- Following this “amend and combine” process, HdL submitted final scores to the City. Eight applicants resulted from the Amend and Combine phase of the review process.
- Based on the scoring by HdL and the requirements of the MMC, all eight applicants remaining were determined to be eligible to apply for Cannabis Conditional Use Permits.
- The top five scoring applications chose to enter the Cannabis Conditional Use Permit process. The scores of these applicants are summarized in Table 1 below. Detailed scoring per category is included in Attachment “A” Commercial Cannabis Business Application Scores.

This report summarizes the remaining five dispensary applications for the Planning Commission. Staff recommends that the Planning Commission forward all five applications to the City Council, where a final selection of three approved Cannabis Conditional Use Permits may occur.

The table below summarizes the five applications that are under consideration for Cannabis Conditional Use permits. The applications are discussed in detail in following sections. Draft resolutions with associated exhibits are included following this report for each Cannabis Conditional Use Permit application.

Table 1.

Business Name	HdL Final Scores	Applicant	Proposed Business Address
Element 7 Marina	100%	Robert DiVito	234-242 Reservation Rd.
Higher Level of Care Marina	100%	Salvatore Palma	3016 Del Monte Blvd.
Pacific Roots	100%	Aaron Herzberg	3100 Del Monte Blvd.
JC Marina Ventures LLC / Marina Trading Co.	100%	Blake Brown	3112-3114 Del Monte Blvd.
SGI Marina, LLC	94.74%	Brian Mitchell	3170 Del Monte Blvd.

General Information Regarding Permitting of Commercial Cannabis Dispensaries

The following information is applicable to each of the five subject dispensary applications, which are presented individually in subsequent sections. This information is not repeated in the individual project summaries, except where project-specific details are pertinent.

Permitting and Licensing

This report provides information to assist the City Council in determining which cannabis dispensary applications will be awarded with a Cannabis Conditional Use Permit. In addition to typical conditions of approval that may be required in order to ensure compliance with local regulations, each business would be required to enter into an operating agreement specific to cannabis dispensaries, to ensure safety, neighborhood compatibility, and compliance with industry-specific local and state regulations. Each business would be required to obtain and maintain a state license to operate a cannabis dispensary. State licenses for cannabis dispensaries are issued by the Bureau of Cannabis Control, which enforces strict regulations on the cannabis industry regarding matters such as security and product tracking. Each business would also be required to obtain a City-issued business license.

The information and recommendations in this report pertain only to dispensary applications. Applicants that are seeking additional commercial cannabis permits, such as manufacturing or cultivation permits, will be required to separately obtain those permits. Note that the MMC limits the number of dispensary permits available but does not limit the number of permits for other commercial cannabis business types.

Site Security

Site security requirements for dispensaries are outlined in Section 19.02.070 of the MMC and include the following: lighting of all parking lot areas; security guard service; 24-hour security camera operation; alarm system monitored by a security company; secured points of entry; and secure product storage. Applicants submitted security plans describing how their business would comply with MMC security requirements. Businesses would be required to share surveillance footage with the Marina police department, notify the police department of any security breaches, and comply with any other requirements requested by the police department.

Environmental and Neighborhood Compatibility Concerns: Odor, Noise, Water Use, Energy Use, and Hazardous Materials

Environmental concerns and nuisance concerns are less pertinent to dispensaries in comparison to other commercial cannabis uses, such as cultivation and manufacturing. A cannabis dispensary does not have particular needs related to water use, energy use, or hazardous materials that differ substantially from other retail business types. Odor concerns are minimal at a dispensary because products are typically moved to and from the premises in a packaged form; however, businesses would be required to maintain an odor prevention system, and per Section 19.02.100 of the MMC, no cannabis or cannabis odors shall be detectable by sight or smell outside of the facilities. Section 19.02.080 of the MMC requires that in addition to standard requirements for signage, dispensaries would be prohibited from posting exterior signage that includes graphics describing cannabis. Noise-related nuisances are not anticipated, as the businesses would operate indoors and would be staffed by a security guard during business hours.

Zoning and Sensitive Use Buffering

Section 19.01 of the MMC establishes “permit zones” for commercial cannabis uses; per the definition provided therein, cannabis dispensaries are permissible in the following zones: Airport District, Business Park, Business Park Small Lot Combining District, Transitional Zoning District, Retail Business District (C-1), General Commercial District (C-2), and Planned Commercial District (PC). The general plan does not address siting of commercial cannabis businesses.

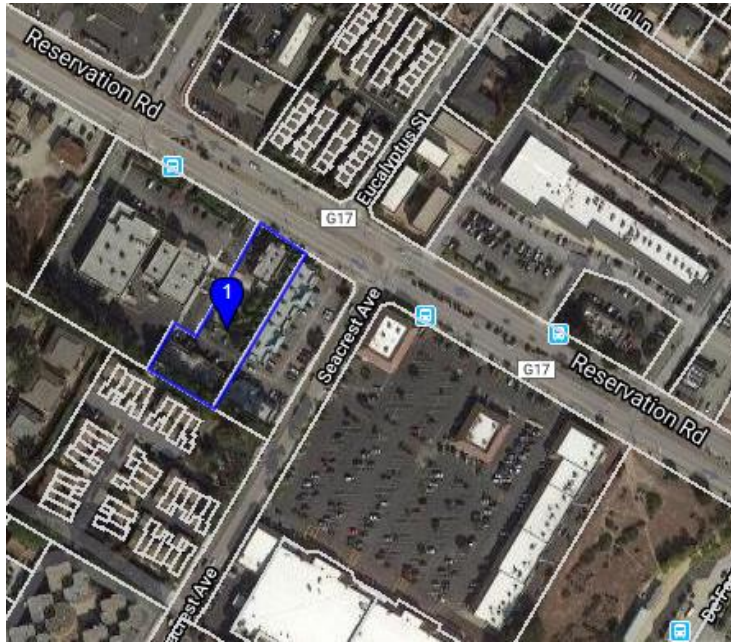
The subject applications would be located in the C-1, C-2, and PC districts (see map below). Therefore, each application is consistent with the underlying general plan and zoning designations. Section 19.02.010 prohibits cannabis dispensaries from being located within 600 feet of a school (K-12) or a youth center at the time the license is issued. The subject applications comply with this requirement.



Applicant 1: Robert DiVito - Element 7 Marina – 234-242 Reservation Road

On November 15, 2019 (resubmitted on January 13, 2020), Mr. Robert DiVito of Element 7 Marina, LLC submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 234-242 Reservation Road in Marina (APN 032-181-018).

The subject property has a General Plan Land Use of Retail/Service and is zoned Retail Business District (C-1).



The land uses of the surrounding properties are as follows:

North – multi-family residential
West – retail business
South – special treatment (residential)
East – retail business

Analysis

Element 7 Marina, LLC is proposing to convert a 5,000 square foot building into a cannabis dispensary and manufacturing facility. The manufacturing permit would be applied for and approved separately. The facility would consist of a manufacturing area occupying approximately one third of the building, and the dispensary operation

occupying the remainder, including office space, storage space, a restroom, and “holistic wellness treatment rooms.” The business would be staffed by 10 to 15 employees and the hours of operation proposed are 10:00 am to 10:00 pm.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the C-1 zoning district; cannabis manufacturing use, which would be permitted separately, is also allowed in this zone. The business would operate within an existing building and there would be no major exterior changes. Any site improvements or modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

The project complies with all applicable development standards and guidelines including, but not limited to, lot dimension, building height, and setbacks, as the building was previously approved and permitted. Overall, the project is proposed for an area in which the proposed use would be compatible with the surrounding uses. There are no substantial concerns related to the siting of the project.

While the project meets all development standards and promotes the goals and objectives of the General Plan, staff is recommending conditions to be added to improve the project. These conditions will include requirements applicable to the operation of a commercial cannabis dispensary.

Planning Commission Recommendation

At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 2: Higher Level of Care Marina, Inc. – Salvatore Palma – 3016 Del Monte Boulevard

On November 14, 2019 (resubmitted February 6, 2020), Mr. Salvatore Palma of Higher Level of Care, Marina, Inc. submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3016 Del Monte Boulevard in Marina (APN 032-421-011).

The subject property has a General Plan Land Use of Retail/Service and is zoned General Commercial District (C-2).



The land uses of the surrounding properties is as follows:

North – general commercial
West – multi-family residential
South – general commercial
East – general commercial

Analysis

Higher Level of Care Marina, Inc. is proposing to convert a 4,067 square-foot building into a cannabis dispensary. There are three existing buildings on the subject parcel, along with a gas pump canopy. The proposed dispensary would be established

in the northernmost building, which is currently used as a plumbing shop. The plumbing shop would relocate to the easternmost building. The southernmost building, a vehicle service shop, would remain unchanged. The project would remove the existing gas pump canopy, decommission the underground tanks, and add new parking in this portion of the property. The dispensary would employ approximately 20 individuals and the hours of operation would be 9:00 am to 10:00 pm. The facility would consist of a retail area and ancillary areas including storage space, office space, and a restroom. A portion of the facility is designated for future manufacturing and distribution use, which would be permitted separately.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the C-2 zoning district. The business would operate within an existing building. Any site improvements, modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

Due to the existing site conditions, staff recommends the requirement of public improvements in conjunction with approval of the conditional use permit application. Recommended public improvements include: extension of the existing sidewalk from the north of the site to the 24-foot driveway and continuing to the south boundary of the site; a landscape strip at the back of curb; clearly defining the separation of the sidewalk and the driveway; closure of the existing southern driveway; and removal of the existing gas pumps and canopy.

The project meets all development standards and promotes the goals and objectives of the General Plan. The proposed intensification of use at the subject property would not be detrimental to surrounding uses. However, due to existing site conditions, staff is recommending conditions to be added to improve the project, as described above and listed below in the resolution. The project would also be subject to conditions of approval specific to cannabis dispensaries.

Planning Commission Recommendation

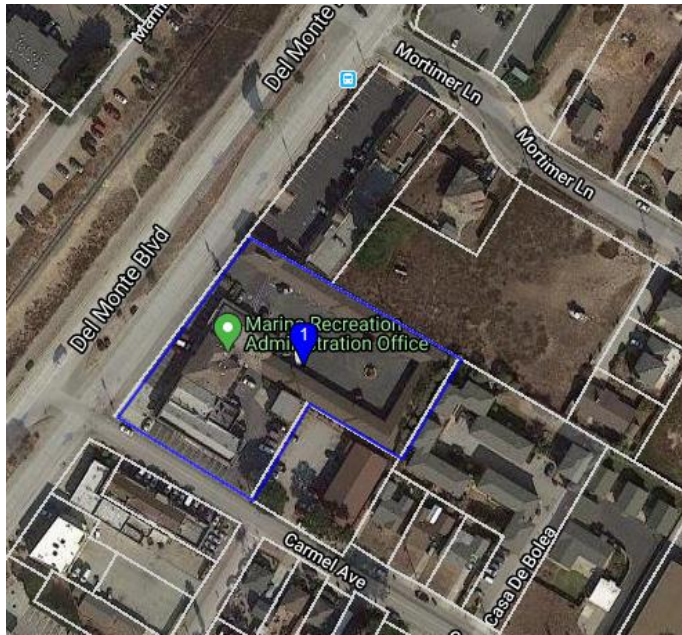
At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 3: Pacific Roots - Aaron Herzberg – 3100 Del Monte Boulevard

On November 7, 2019 (resubmitted January 7, 2020), Mr. Aaron Herzberg of Pacific Roots Marina, LLC submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3100 Del Monte Boulevard in Marina (APN 032-192-018).

The subject property has a General Plan Land Use of Retail/Service and is zoned Retail Business District (C-1).



The land uses of the surrounding properties is as follows:

North – retail business
West – multi-family residential
South – retail business
East – single family residential and commercial/multi-family residential

Analysis

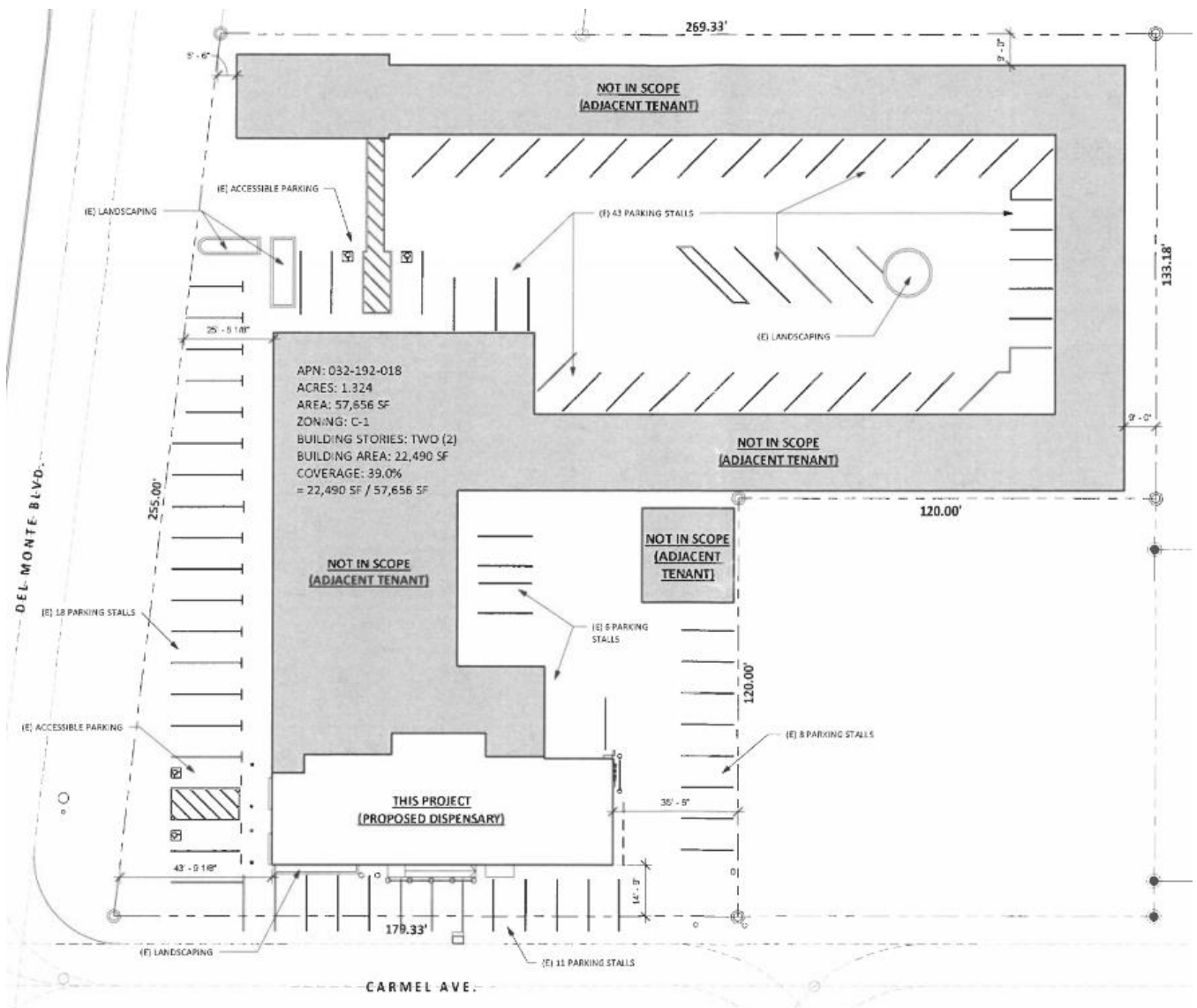
Pacific Roots is proposing to convert a 1,977 square foot tenant space in a 2,922 square foot building into a cannabis dispensary. The facility's retail area would be 714 square feet in size; the remainder of the facility would be utilized for ancillary purposes including storage space, office space, and two

restrooms. The business would employ between 11 and 23 individuals and would operate between 9 am and 10 pm.

Marina Municipal Code and General Plan Compliance

Due to the existing site conditions, staff recommends the requirement of public improvements in conjunction with approval of the conditional use permit application. Recommended public improvements include: curb, gutter, and sidewalks along the Del Monte Boulevard and Carmel Avenue frontages, per MMC Section 15.36; and a six-foot landscape strip at the back of curb along Del Monte Boulevard.

The existing parking spaces along Carmel Avenue are substandard due to insufficient space that does not allow for vehicles to enter and leave the parking area in a forward direction. These parking spaces would be further reduced in size after completion of required improvements; therefore, none of the parking spaces along Carmel Avenue may be included in the site's parking calculation. Required improvements along Del Monte Boulevard would also eliminate several parking spaces. Establishment of a dispensary at the site would result in an overall insufficient amount of parking spaces; therefore, the applicant would be required to submit revised plans indicating modifications that provide adequate parking, or to find alternate means of compliance, such as entering into a shared parking agreement with a neighboring property. The parking requirement for the dispensary would be one parking space per 275 square feet of the 1,977 square foot tenant space, totaling seven parking spaces. See below for a site plan depicting the project site and the existing parking along Carmel Avenue, Del Monte Boulevard, and the interior lots.



The project meets all development standards and promotes the goals and objectives of the General Plan. The proposed intensification of use at the subject property would not be detrimental to surrounding uses. However, due to existing site conditions, staff is recommending conditions to be added to improve the project, as described above and listed below in the resolution.

Planning Commission Recommendation

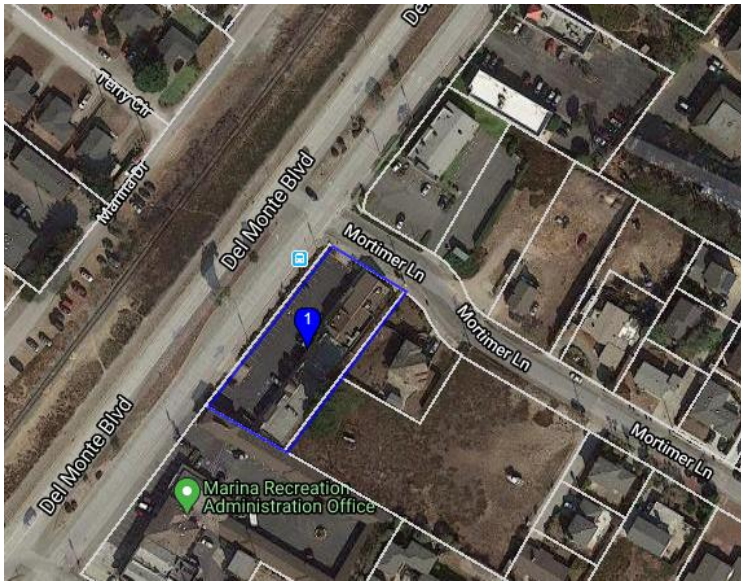
At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 4: JC Marina Ventures LLC / Marina Trading Co. – Blake Brown – 3112-3114 Del Monte Boulevard

On November 15, 2019, Mr. Blake Brown of JC Marina Ventures, LLC/Marina Trading Co. submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3112-3114 Del Monte Boulevard in Marina (APN 321-920-019).

The subject property has a General Plan Land Use of Retail/Service and is zoned Retail Business District (C-1).



The land uses of the surrounding properties is as follows:

North – retail business
West – multi-family residential
South – retail business
East – single-family residential

Analysis

JC Marina Venture LLC / Marina Trading Co. is proposing to convert a 2,200 square foot building into a cannabis dispensary. The building is part of the Robert L. Mast Plaza, which includes a realty office, a

salon, and two restaurants. The retail area would be 722 square feet in size, with the remainder of the facility utilized for ancillary purposes such as storage space, office space, and a restroom. The business would employ an estimated minimum eight individuals and the proposed hours of operation are 9 am to 11:59 pm.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the C-1 zoning district. The business would operate within an existing building and there would be no major exterior changes. Any site improvements, modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

The project complies with all applicable development standards and guidelines including, but not limited to, lot dimension, building height, and setbacks, as the building was previously approved and permitted. Overall, the project is proposed for an area in which the proposed use would be compatible with the surrounding uses. There are no substantial concerns related to the siting of the project.

While the project meets all development standards and promotes the goals and objectives of the General Plan, staff is recommending conditions to be added to improve the project. These conditions will include requirements applicable to the operation of a commercial cannabis dispensary.

Planning Commission Recommendation

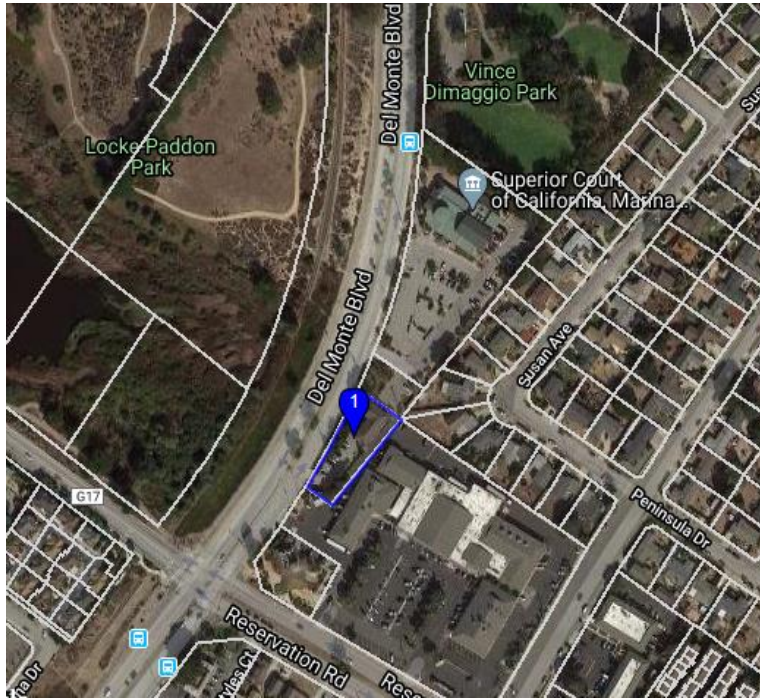
At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Applicant 5: SGI Marina, LLC - Brian Mitchell – 3170 Del Monte Boulevard

On November 12, 2019 (resubmitted on January 29, 2020), Mr. Brian Mitchell of SGI, Marina, LLC (dBa StIIIzy) submitted an application to the Marina Planning Division for a Conditional Use Permit to establish and operate a medical and adult-use cannabis dispensary at 3016 Del Monte Boulevard in Marina (APN 032-055-017).

The subject property has a General Plan Land Use of Retail/Service and is zoned Planned Commercial District (PC).



The land uses of the surrounding properties is as follows:

North – retail-business
West – open space
South – retail-business
East – planned commercial

Analysis

SGI Marina, LLC is proposing to convert a 2,744 square foot building into a cannabis dispensary. The retail sales area would occupy 1,425 square feet and the remainder of the facility would be utilized for ancillary purposes such as storage space, office space, and a restroom. The business would employ an

estimated 12 individuals and the hours of operation would be 9 am to 10 pm.

Marina Municipal Code and General Plan Compliance

The proposed project is consistent with the existing general plan and zoning designations. Cannabis dispensary use is allowed in the PC zoning district. The business would operate within an existing building and there would be no major exterior changes. Any site improvements, modifications to the building exterior, including lighting, will require Site and Architectural Design Review.

Due to the existing site conditions, staff recommends the requirement of public improvements in conjunction with approval of the conditional use permit application. Recommended public improvements include: development of a sidewalk in place of the existing dirt pathway west of the site; and development of a landscape strip west of the new sidewalk.

The project meets all development standards and promotes the goals and objectives of the General Plan. The proposed intensification of use at the subject property would not be detrimental to surrounding uses. However, due to existing site conditions, staff is recommending conditions to be added to improve the project, as described above and listed below in the resolution. The project would also be subject to conditions of approval specific to cannabis dispensaries.

Planning Commission Recommendation

At the regular meeting of May 14, 2020, the Planning Commission (PC) forwarded the application to the City Council with the expectation that the proposed use meets the following findings for approval:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

ANALYSIS:

In considering the merits, qualifications, and benefits of each of the applications, the City Council can consider the Final Scores provided by HdL and contained in Attachment “A”; the information provided in the application packages detailing each of their operations and community benefit aspects; the suitability of each site proposed; the discussion and recommendations of the Planning Commission as provided in the May 14, 2020 Planning Commission Minutes included as **ATTACHMENT “B”**; and other relevant information the Council determines relevant to determining if an application could be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

As provided in greater detail in **ATTACHMENT “A”**, HdL has provided a detailed review into the categories of Business Plan, Local Enterprise and Community Benefits, Neighborhood Compatibility, and Safety and Security Plans. In conformance with MMC 19.08.10, applications were evaluated on the following criteria:

- a. Business Plan. A business plan that demonstrates prior successful business operations (which need not be cannabis business related) at a similar scale of annual revenue for at least two years and/or capitalization sufficient to insure at least one year of operation will receive five points. A business plan without such demonstration will receive zero points.
- b. Local Enterprise and Community Benefits. Community benefits may include commitment to employ persons who are city of Marina residents. Other community benefits could include a commitment to working with Marina-located businesses (including capital), a commitment to sponsoring nonprofits and/or other similar specific commitments within the Marina community. A maximum of eight points will be awarded, with one point for every city of Marina resident that a business commits to employ, and one point for every specified annual substantial commitment to the applicant’s choice of nonprofit or business within the community.
- c. Neighborhood Compatibility. Applicants which demonstrate neighborhood support with a majority of property owners within two hundred fifty feet will receive five points. Applicants who do not demonstrate neighborhood support with a majority of property owners within two hundred fifty feet will receive zero points.
- d. Safety and Security Plan. The Marina police department will review the safety and security plan and classify the plan as inadequate, adequate or exemplary. Plans classified as “inadequate” will not be permitted to proceed. Plans classified as “adequate” will receive ten points. Plans classified as “exemplary” will receive twenty points.

Each application package has been posted on the City’s Cannabis Business web page. Each package has been redacted to removed sensitive information. These application packages can be found at <https://cityofmarina.org/889/Commercial-Cannabis-Businesses> and at links in Table 2.

Table 2.

Business Name	Application Link
Element 7 Marina	https://www.cityofmarina.org/DocumentCenter/View/10768/Element-7-Marina-LLC-Cannabis-Application-234-Reservation-Road-2_Redacted
Higher Level of Care Marina	https://www.cityofmarina.org/DocumentCenter/View/10775/HLC-Marina_BP_Commercial-Cannabis-Business_Retail-application_Redacted
Pacific Roots	https://www.cityofmarina.org/DocumentCenter/View/10784/MERGED-PACIFIC-ROOTS-FINAL-APPLICATION-SUBMISSION_Redacted
JC Marina Ventures LLC / Marina Trading Co.	https://www.cityofmarina.org/DocumentCenter/View/10783/JC-Marina-Venturs--Marina-Trading-Company-Amend-and-Combine-Packet_v2_Redacted
SGI Marina, LLC	https://www.cityofmarina.org/DocumentCenter/View/10785/SGI-Marina--New-Combined-App-v2_Redacted

Provided for the Council’s consideration in the is report is an analysis of each of the applicant sites and any improvements necessary for them to be in conformance with the development standards and General Plan goals and policies. Each site is unique with certain sites requiring on and off-site physical improvements while others only require tenant improvements.

At the May 14, 2020 Planning Commission Public Hearing the Commission took public comment and deliberated prior to recommending approval of the applications. The deliberations and public comments have been recorded in **ATTACHMENT “B”**.

The final consideration that the City Council can consider in reviewing the applications include facts that assist in determining if an application could be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. The findings contained in the resolutions of approval in the staff report package include those listed in Title 19 for cannabis use permits. However, MMC 19.06.010 also provides for findings to be made that protect the health, welfare, and safety of the community. This is a standard consideration of any use permit issued by the City. Should the City Council wish to include a finding consistent with this language, staff will request that it be done as part of a motion.

FISCAL IMPACT:

None.

CEQA DETERMINATION

The proposed projects are exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. This section states that existing facilities shall be exempt from the provisions of CEQA, when it involves the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Staff has determined that the exemption applies in this case because the conditional use permits under consideration would merely permit operation of cannabis dispensaries in existing structures or facilities and would involve negligible or no expansion of use.

CONCLUSION:

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

Respectfully submitted,

Christy Hopper
Planning Service Manager
City of Marina

REVIEWED/CONCUR:

J. Fred Aegerter, AICP
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

CITY OF MARINA
COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES
 Amend and Combine
 Retail Dispensaries

Company Name	Reg ID Number	Business Name	Combined Businesses	Location	Business Type	Business Plan	Local Enterprise & Community Benefits	Neighborhood Compatibility	Safety & Security Plan	Points Awarded	Points Possible (39pts max)	Score
1. Element 7 Marina, LLC	RCA 2019-11	Element 7 Marina		294 Reservation Road	Retail - A & M, Manufacturing - A & M, Distribution - A & M	5	8	5	20	38	38	100.00%
1. Higher Level of Care, LLC	RCA 2019-02	Higher Level of Care - Marina		3018 Del Monte Blvd	Retail - A & M	5	8	5	20	38	38	100.00%
1. J.C. Marina Ventures, LLC	RCA 2019-23	Marina Trading Co.	J.C. Marina Ventures, Marina Trading Co	3112 Del Monte	Retail - A & M	5	8	5	20	38	38	100.00%
1. Pacific Roots Marina, LLC	RCA 2019-15	Pacific Roots Marina	Pacific Roots Marina/MCC Operations	3100 Del Monte Blvd	Retail - A & M	5	8	5	20	38	38	100.00%
2. SGI Marina LLC	RCA 2019-14	SHIRLEY	Shirley Group/Elemental Beachside	3170 Del Monte Blvd	Retail - A & M	5	6	5	20	36	38	94.74%
3. A116C, LLC	RCA 2019-22	Green Care Marina		3343 Paul Davis Drive	Retail - A & M	5	3	0	10	18	38	47.37%
3. Marina Trading Company	RCA 2019-04	Marina Trading Co. (2)		285 Reservation Road Suite E	Retail - A & M	5	8	5	0	18	38	47.37%
3. Marina GRE 007, LLC	RCA 2019-01	Herbs & Legends		3343 Paul Davis Drive	Retail - A & M	0	8	0	10	18	38	47.37%
Design-Marketing-HQ	RCA 2019-06	Design-Marketing-HQ	Design-Marketing-HQ	285 Reservation Road Suite B	Retail - A, Manufacturing - Distribution - A	-	-	-	-	-	-	-
Elemental Beachside Inc	RCA 2019-26	Elemental Beachside Inc	Elemental Beachside Inc	3343 Paul Davis Drive	Retail - A & M, Distribution - A & M	-	-	-	-	-	-	-
GC Marina Ventures, LLC	RCA 2019-09	GC Marina Ventures	GC Marina Ventures	3343 Paul Davis Drive	Retail - A & M, Distribution - A & M	-	-	-	-	-	-	-
Marina Trading Company	RCA 2019-04	Marina Trading Co.	Marina Trading Co.	4432 Del Monte	Retail - A & M	-	-	-	-	-	-	-
MCC Operations	RCA 2019-06	MCC Operations	MCC Operations	4432 Reservation Road Suite D & E	Retail - A & M	-	-	-	-	-	-	-
Pacific Roots Marina, LLC	RCA 2019-02	Pacific Roots Marina	Pacific Roots Marina	4432 Del Monte Blvd	Retail - A & M	-	-	-	-	-	-	-
Shirley Group, Inc.	RCA 2019-08	SHIRLEY		4432 Del Monte Blvd	Retail - A & M	-	-	-	-	-	-	-

CITY OF MARINA
COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES
 Amend and Combine
 Non-Retail (Non-Dispensaries)

Company Name	Reg ID Number	Business Name	Combined Businesses	Location	Business Type	Business Plan	Local Enterprise & Community Benefits	Neighborhood Compatibility	Safety & Security Plan	Points Awarded	Points Possible (39pts max)	Score
1. Element 7 Marina, LLC	NICA 2019-01	Element 7 Marina		3343 Paul Davis Drive	Cultivation	5	8	5	20	38	38	100.00%
2. J.C. Marina Ventures, LLC	NICA 2019-02	J.C. Marina Ventures		3343 Paul Davis Drive	Distribution - A & M	5	6	0	20	31	38	81.58%
3. Design Marketing, LLC	NICA 2019-03	Gold Pile Cannabis		226 Reservation Road Suite G	Manufacturing - A, Distribution - A	5	7	5	0	27	38	44.74%

Excerpt from May 14, 2020 Planning Commission draft minutes:

Will be distributed to Councilmembers prior to City Council meeting

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 234-242
RESERVATION ROAD (APN 032-181-018) IN THE C-1 (RETAIL BUSINESS) ZONING
DISTRICT.

WHEREAS, Robert DiVito of Element 7 Marina submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Element 7 Marina at 234-242 Reservation Road with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on January 13, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Standard Cannabis Dispensary Operating Conditions

6. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 13, 2020.
7. Substantial Action Time Limit – If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.
8. Permit Expiration - This permit shall have a duration of one year. The one-year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
9. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
10. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
11. Business License – The permittee shall obtain and maintain a City of Marina business license.
12. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.

13. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
14. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
15. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
16. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
17. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
18. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
19. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

20. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
21. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
22. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
23. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.
24. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.

25. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

26. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

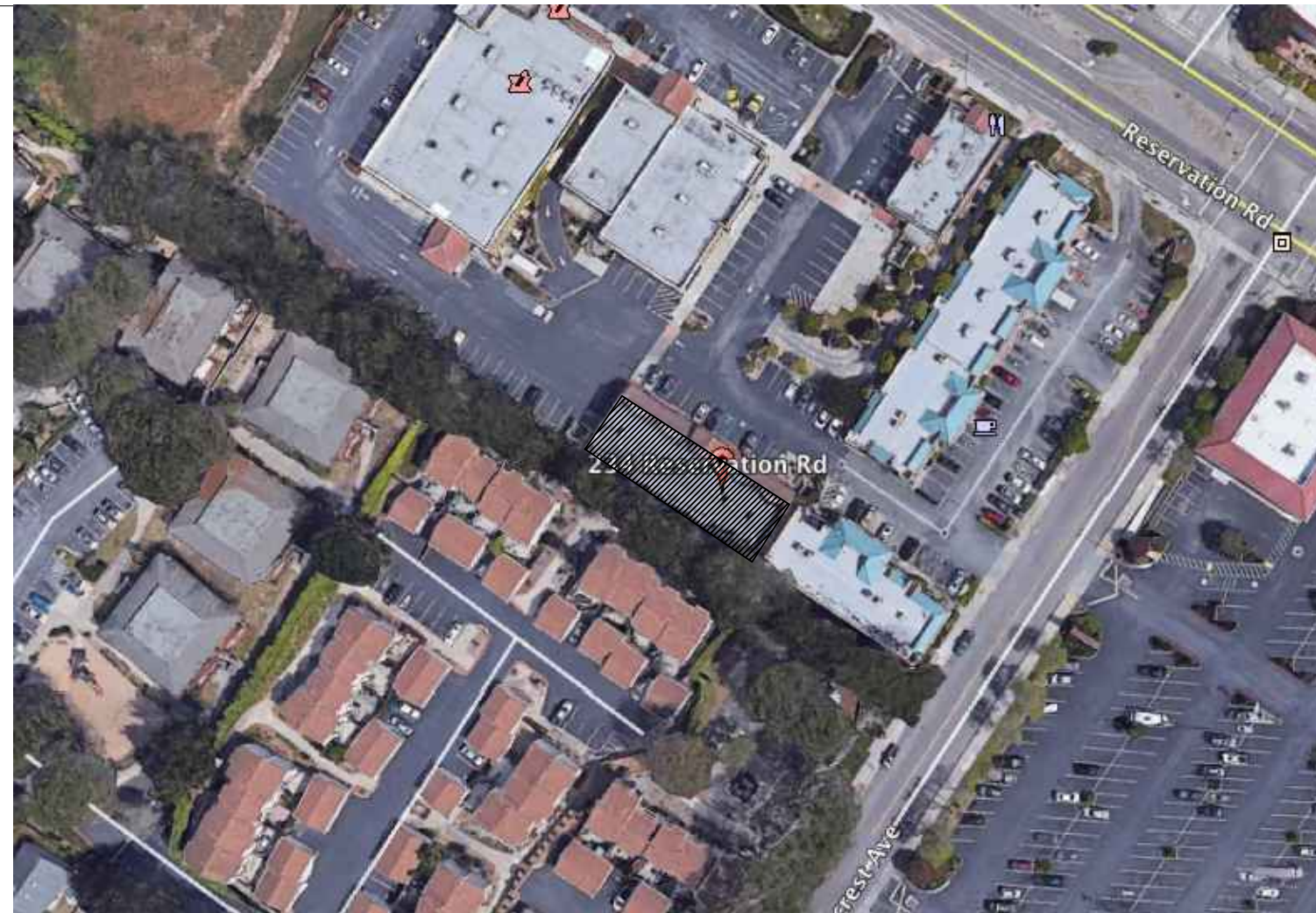
Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

ELEMENT 7 MARINA

PROPOSED PROPERTY DEVELOPMENT

234 Reservation Road, Marina, CA 93933

PROPERTY INFORMATION		VICINITY MAP	SATELLITE VIEW
PARCEL ID:032-181-018-000 PROPERTY TYPE:Single Unit CONSTRUCTION TYPE:-- ZONE:Commercial/Public Service 1 #STORIES: Property Boundary Description(s): Building Description(s):234 RESERVATION ROAD, MARINA, CA 93933 SQUARE FOOTAGE5,000 SQ. FT.			
GOVERNING CODE		PARCEL MAP	SCOPE OF WORK
This project shall comply with the: 2016 California Building Code (CBC) 2016 California Residential Code (CRC) 2016 California Mechanical Code (CMC) 2016 California Plumbing Code (CPC) 2016 California Electrical Code (CEC) 2016 California Green Building Standards Code (CGBS) 2016 California Energy Code			DISPENSARY, DISTRIBUTION AND MANUFACTURING
BUILDING SUMMARY			SHEET INDEX
	LOT SIZE:----- SQ. FT. FLOOR AREA5,000 SQ. FT. LOT COVERAGE: 8,400 / ----- = ---%		ARCHITECTURAL *A00 COVER SHEET *A01 SITE PLAN *A02 PROPOSED FLOOR PLAN *A03 PROPOSED SECURITY PLAN *A04 PROPOSED FLOOR AND SITE PLAN *A05 PROPOSED SAFTEY PLAN *A06 RESTRICTED ACCESS PLAN
		COVER SHEET RB 111518	
		CS	

PROJECT TITLE

ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933

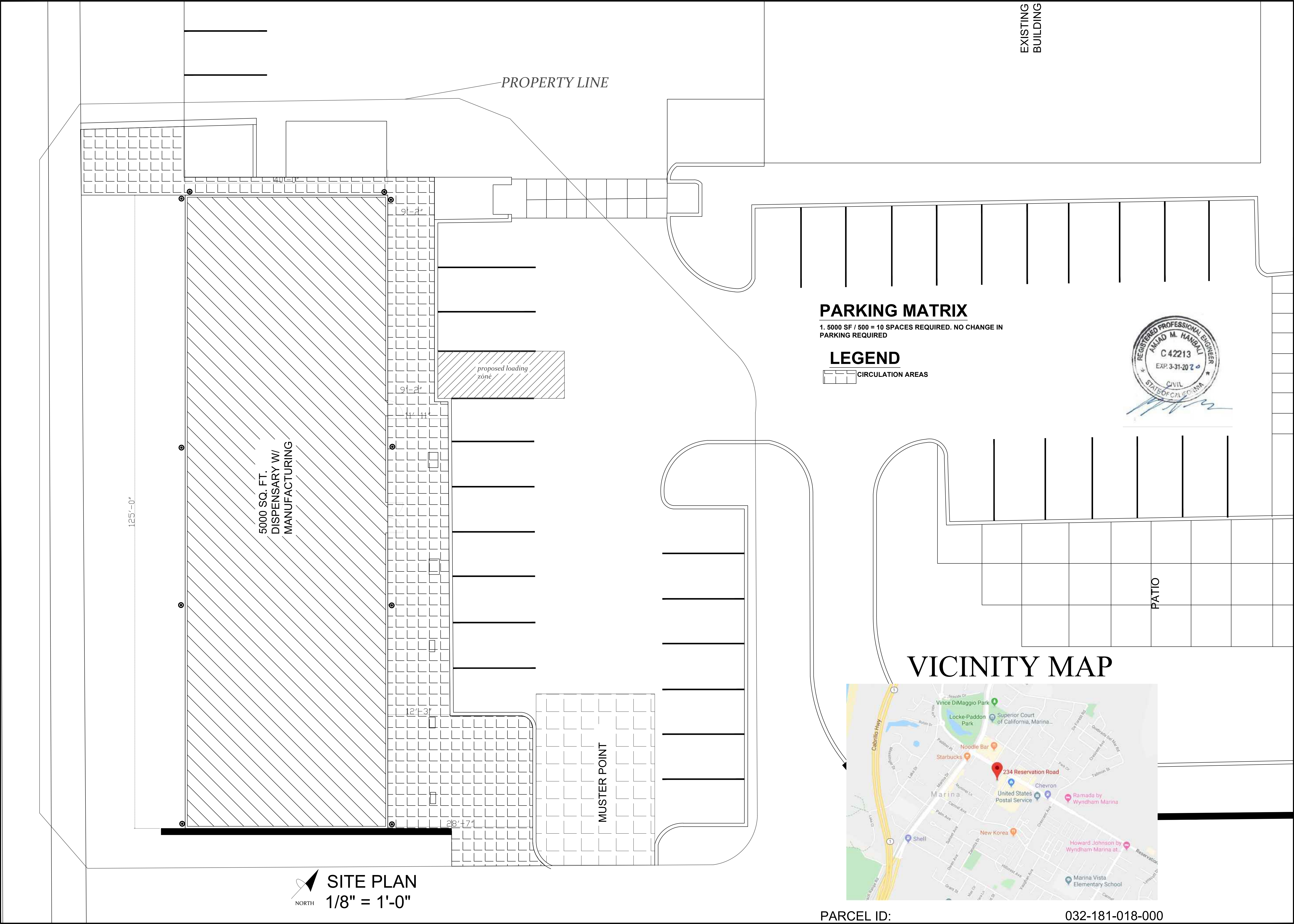
REVISION HISTORY

COVER SHEET
RB 111518

CS

APPLICANT:
Robert DiVito
8033 Sunset Blvd., Unit 987
Los Angeles, CA 90046
Phone: (312) 823 7638
Email:
norwoodlawpro@gmail.com

DESIGN:
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Woodland Hills, CA
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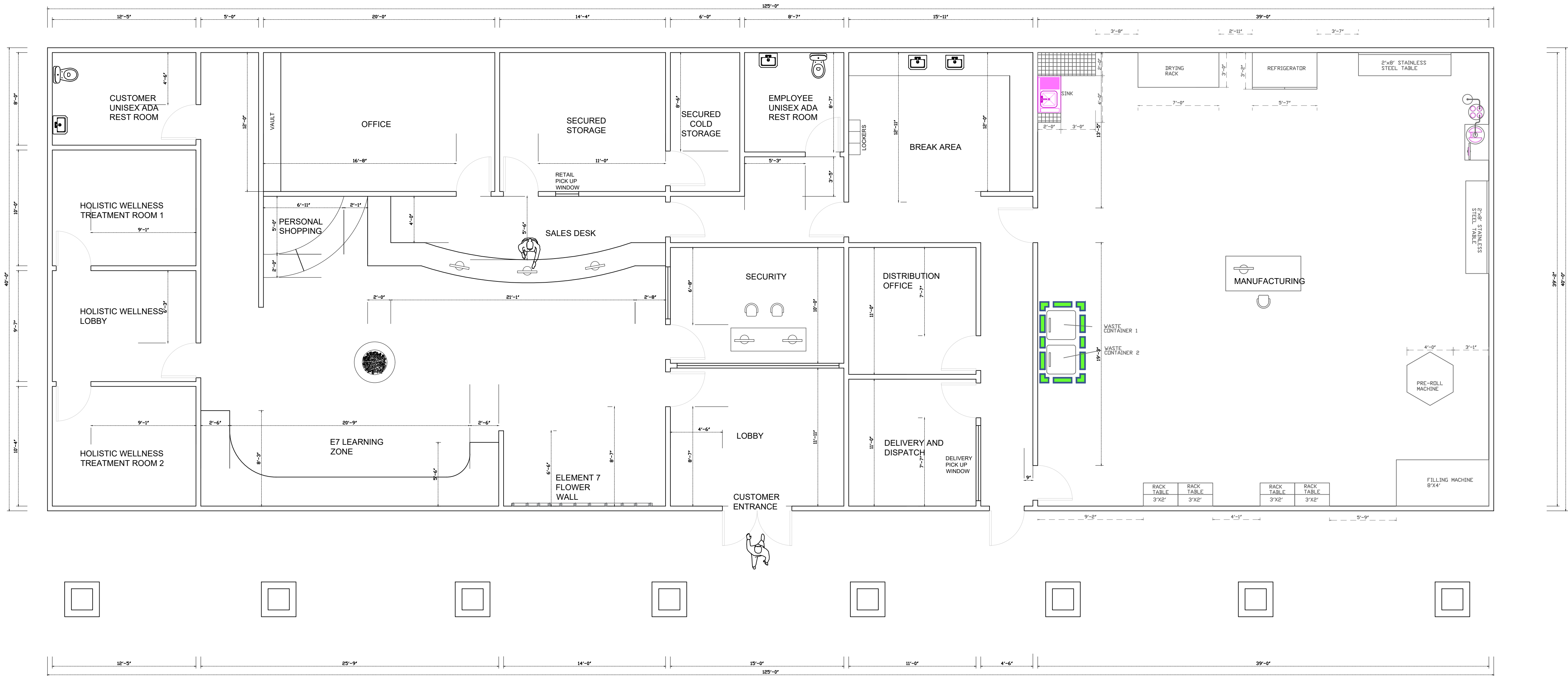
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**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

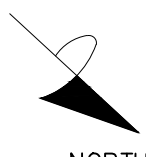
REVISION HISTORY

COVER SHEET
RB 111518

A-01

PARCEL ID: 032-181-018-000



 **FLOOR PLAN**
3/16" = 1'-0"



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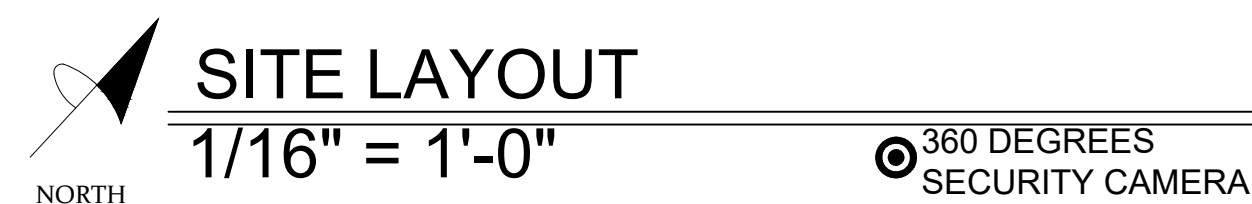
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PROJECT TITLE
**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

REVISION HISTORY

**PROPOSED
FLOOR PLAN**

A-02



RESERVATION ROAD



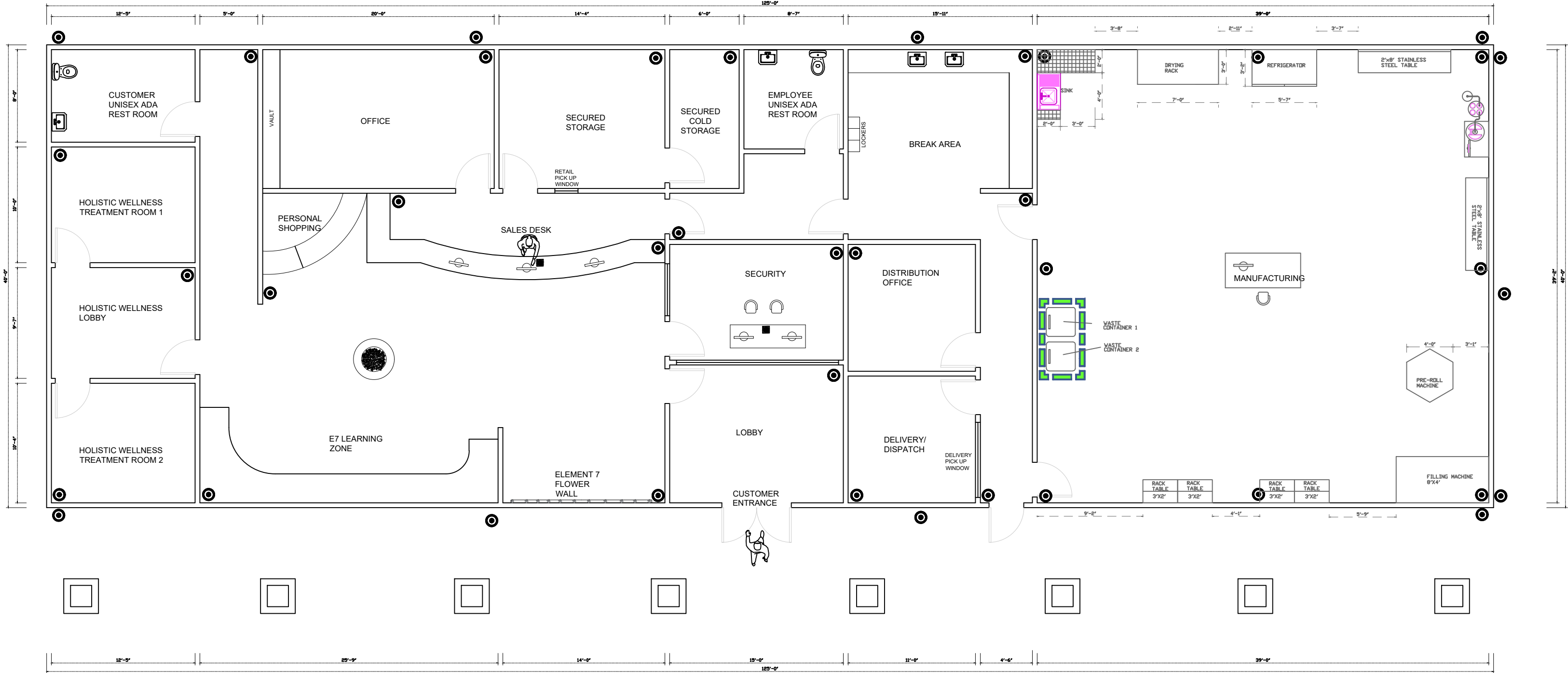
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PROJECT TITLE
ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933

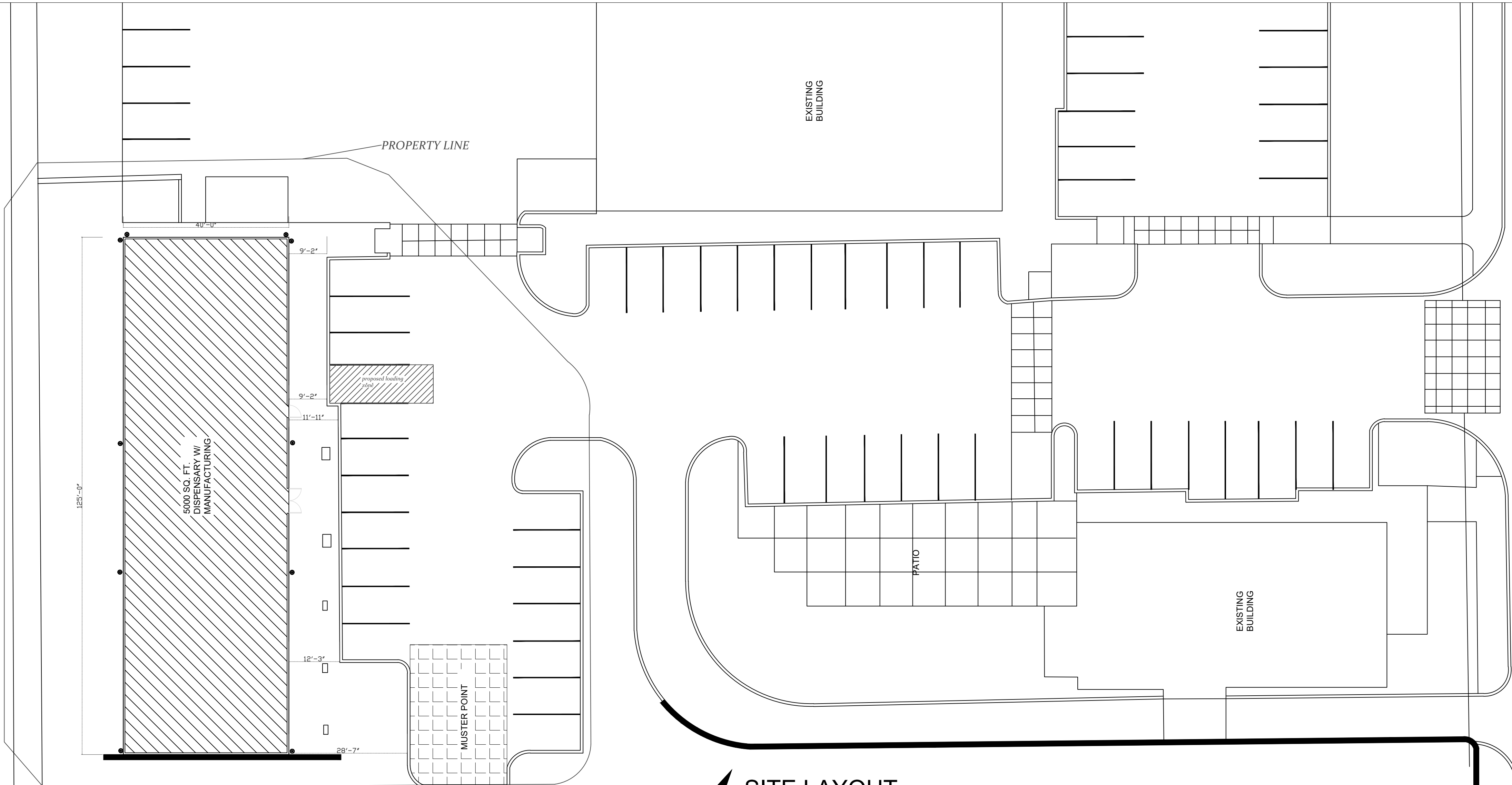
REVISION HISTORY

SECURITY PLAN

A-03



FLOOR PLAN
1/8" = 1'-0"
NORTH
360 DEGREES SECURITY CAMERA



SITE LAYOUT
1/16" = 1'-0"
NORTH
360 DEGREES SECURITY CAMERA



PROJECT TITLE

ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933

REVISION HISTORY

PROPOSED FLOOR
PLAN AND SITE PLAN

A-04

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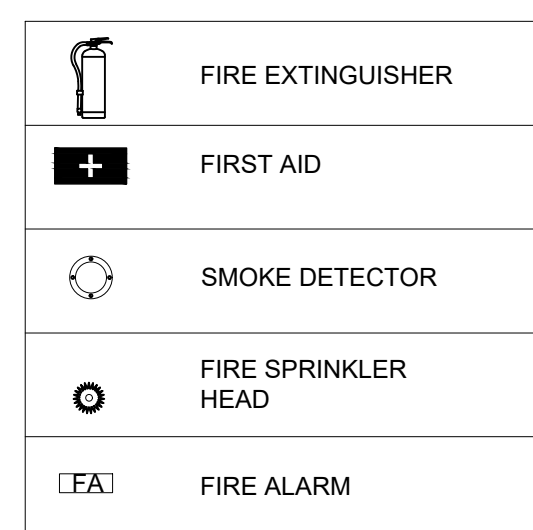
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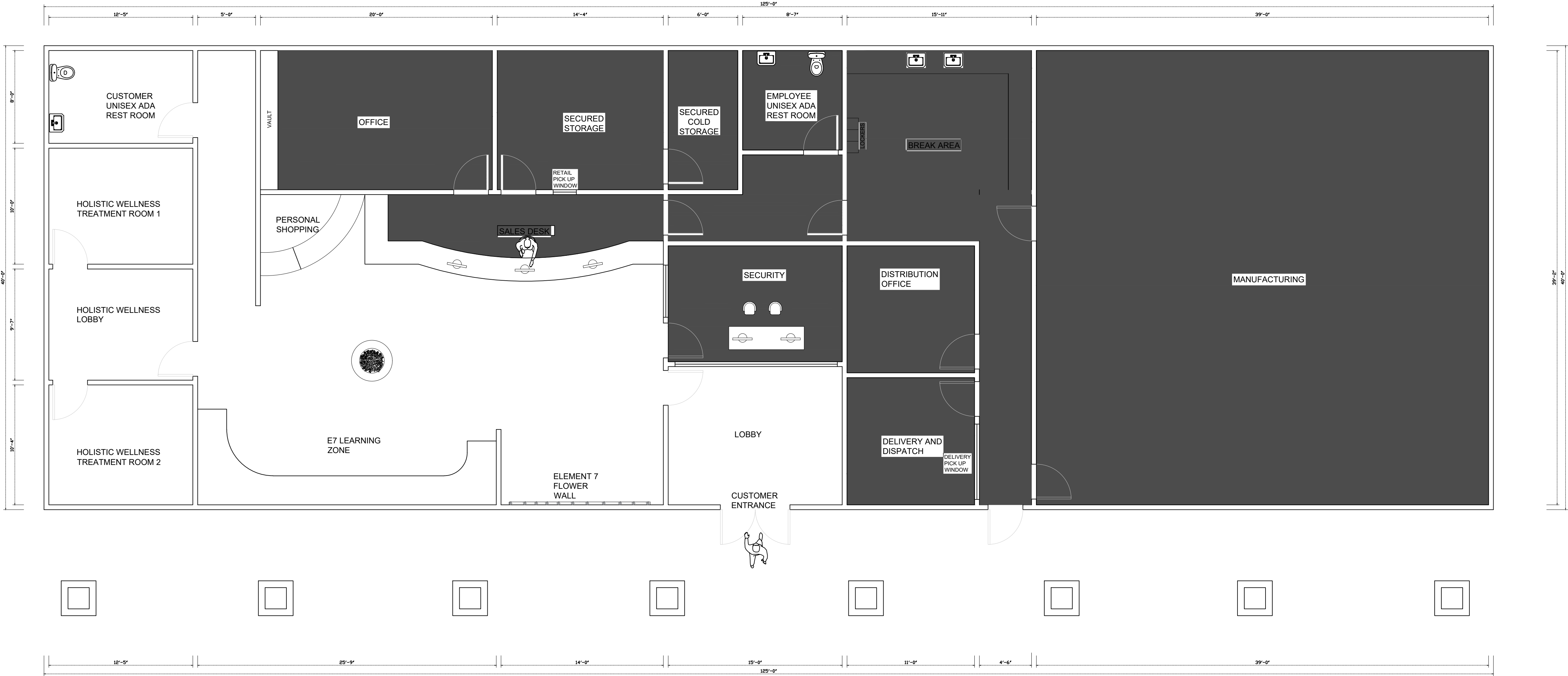
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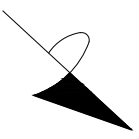
PROJECT TITLE

PROPOSED SAFETY PLAN

A-05





 **RESTRICTED ACCESS PLAN**
3/16" = 1'-0"



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PROJECT TITLE
**ELEMENT 7 MARINA
PROPOSED PROPERTY DEVELOPMENT
234 RESERVATION ROAD, MARINA CA 93933**

REVISION HISTORY

**RESTRICTED
ACCESS PLAN**

A-06

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3016 DEL MONTE
BOULEVARD (APN 032-421-011) IN THE C-2 (GENERAL COMMERCIAL)
ZONING DISTRICT.

WHEREAS, Salvatore Palma of Higher Level of Care Marina, Inc. submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Higher Level of Care Marina, Inc. at 3016 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on February 6, 2020 except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

7. Removal of Gas Pumps and Canopy – Subject to approval by the Director of Community Development-Planning, final Site and Architectural Design Review plans shall include removal of the existing gas pumps and canopy from the site. The removal of the gas pumps and canopy are the responsibility of the applicant or property owner.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on February 6, 2020.

9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.

24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

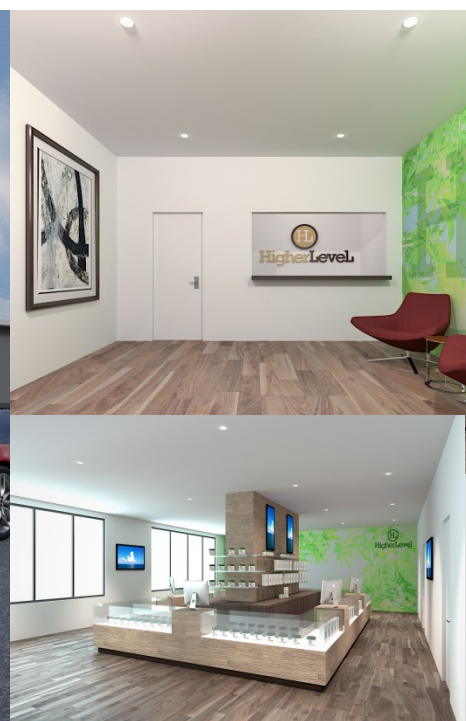
Anita Sharp, Deputy City Clerk

Conditional Use Permit - City of Marina

Commercial Cannabis Business - Retail

HLC-Marina, Inc.-Applicant

November 14, 2019



CONDITIONAL USE PERMIT APPLICATION

HIGHER LEVEL OF CARE-MARINA
3016 DEL MONTE BOULEVARD,
MARINA

Commercial Cannabis Business - Retail

PREPARED FOR

Layne Long
City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933
Tel 831.884.1278

PREPARED BY

EMC Planning Group Inc.
301 Lighthouse Avenue, Suite C
Monterey, CA 93940
Tel 831.649.1799
Fax 831.649.8399
Michael Groves, AICP, Senior Principal
groves@emcplanning.com
www.emcplanning.com

November 14, 2019



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4. Graphics/Site Plan
 - Location Map
 - Aerial Photograph
 - Zoning Map
 - Marina Downtown Vitalization Specific Plan
 - Site Photographs / Building Elevations (existing)
 - Proposed Building Elevations
 - Site Plan
 - Floor Plan w/ Dimensions



Community Development Department
Mailing: 211 HILLCREST AVENUE
Office: 209 CYPRESS AVENUE
MARINA, CA 93933
831.884.1220; FAX 831.384.0425
www.cityofmarina.org

PLANNING APPLICATION

Project Address/Location: 3016 Del Monte Boulevard, Marina, 93933 **APN:** 032-421-011

Applicant(s):

Name: HLC-Marina, Inc. - Salvatore Palma
Mailing Address: 316 Van Buren Street #4, Monterey, CA 93940
Phone: 310-261-4809 Email: sal@hldispensaries.com

Property Owner:

Name: JASY, LLC, Jafet Torres
Mailing Address: 3016 Del Monte Boulevard, Marina, CA 93933
Phone: 831-632-0139 Email:

Project Description: What do you want to do?

Conditional Use Permit for Commercial Cannabis Business- Retail - See attached Project Description

Property Owner Authorization:

By signing this application I certify that I have reviewed this completed application and the attached material and consent to its filing. I agree to allow the Community Development Department to duplicate and distribute plans to interested persons as it determines is necessary for the processing of the application.

Signed Jafet Torres 11-12-19
Date

Permission to Access Property

This section is to be completed by the **property owner** and/or occupant who controls access to the property. To adequately evaluate many project proposals Community Development Department Staff, Commissioners and City Council Members will have to gain access to the exterior of the real property in order to adequately review and report on the proposed project. Your signature below certifies that you agree to give the City permission to access the project site from 8 a.m. to 5 p.m., Monday through Friday, as part of the normal review of this planning application.

Signed Jafet Torres 11-12-19
Date

Applicant/Representative Certification:

I understand the City might not approve what I am applying for or might set conditions of approval. I agree to allow the Community Development Department to duplicate and distribute plans to interested persons as it determines is necessary for processing of the application.

Signed Salvatore Palma 11/12/19
Date

Indemnification Agreement:

The Owner/Applicant shall defend, indemnify and hold harmless the City or its agents or officers and employees from any claim, action or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the City's approval of this project. In the event that the City fails to promptly notify the Owner / Applicant of any such claim, action or proceeding, or that the City fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

Signed Salvatore Palma 11/12/19
Date

FOR OFFICE USE ONLY:

Date Application Submitted: _____ Fee Collected: \$ _____
Date Application Complete: _____ Receipt Number: _____
File Number(s): _____
Planner Initials: _____ Associated Permits: _____



PROJECT DESCRIPTION

Name of Project Applicant: HLC – Marina, Inc. – Salvatore Palma

Mailing Address: 316 Van Buren Street #4, Monterey, CA 93940 Phone: 310-261-4809

Name of the project: Cannabis Retailer - Higher Level of Care - Marina

Project location (address and/or Assessor's Parcel Number(s): APN 032-421-011

3016 Del Monte Boulevard, Marina 93933

Size of project site (acreage): 0.9 Acres

Existing General Plan Land Use Designation: Light Industrial / Service Commercial

Existing Zoning Designation: C2- General Commercial District

Describe the existing land use(s) of the site: The project site includes three existing buildings and a gas pump canopy, formerly used as a convenience store and automobile service station. The dispensary will be located within the northern most building on the property, adjacent to the Shell Gas Station. The building, currently a plumbing store, will be converted to a dispensary for both Medical and Adult Cannabis sales.

Describe the existing land use of properties surrounding the site: The project site is surrounded by commercial uses to the north and east, including the Shell Gas Station located at the corner of Del Monte Boulevard and Reindollar Avenue. The site is bordered to the west by Cabrillo Highway (Highway 1) and open space to the south. Marina High School is located over a quarter of a mile southeast of the project site.

Describe the proposed land use(s)/Project: The project will consist of the refurbishing of one building on the property that contains three buildings and a former gas pump canopy. The building will remain commercial and be used for both Medical and Adult cannabis sales.

For residential uses, indicate the number, type, and size of the units, and the estimated range of the sale and rental prices: NA

For commercial uses, indicate the type (neighborhood, city, or regional orientation), the total square footage, the estimated number of employees, and the hours of operation: Use type- Higher Level of Care-Marina will serve the City of Marina, and likely, will draw patrons to the store from the surrounding area.

Square Footage- The applicant will refurbish a 3,940 square foot building for the co-located Adult Use and Medical Retail uses and future refurbishing will take place for a manufacturing and distribution facility within the same building. The dispensary will comprise 2,450 square feet of the existing building and the remainder (1,490 square feet) will be used for manufacturing and distribution under separate permitting.

Employees- Higher Level of Care-Marina intends to hire a minimum of twenty (20) employees for the proposed business.

Hours of Operation- The retailer will operate only between the hours of 9:00 a.m. and 10:00 p.m.

For industrial uses, indicate the type, the total square footage, the estimated number of employees, and the hours of operation: NA

For other uses, indicate the major function, the total square footage, the estimated number of employees, and the hours of operation: NA

List and describe any other permits or public approvals required for this project, including those required by city, regional, state, and federal agencies: Higher Level of Care-Marina will be required to obtain, in addition to this Conditional Use Permit, building permits from the City for remodeling. They will also need to obtain a State Cannabis Business License to operate at this location.

Are there water, sewer, gas, electric, and telecommunication facilities available to the project site?

(X) Yes () No If no, are connections to these facilities proposed? _____

Please describe any odor, noise, smoke, or dust which will result from the proposed development or use:

There will be no noise, smoke or dust except during remodeling. Odor on the project site will be controlled with a closed loop aeration system that keeps all environmental conditions contained within the business, and will be installed in the building prior to operation.

Will there be any potentially hazardous materials, toxic substances, or flammable materials used, stored, manufactured, or disposed of at the project site? () yes (X) no If yes, please explain: _____

Please describe the proposed scheduling and phasing of the project's construction: Renovations will begin on the existing building as soon as a Conditional Use Permit and Building Permit are obtained. With public hearings scheduled for January and February of 2020, it is expected that the dispensary would be open for business by June or July of 2020.

Please provide any additional relevant information that can assist in the processing of this application: _____

Parking- Per Section 17.44.030 of the City of Marina Municipal Code a total of 9 spaces would be required (6 for Retail, 1 for Office, and 1.5 for Storage Area). The parking lot will be resurfaced and the parking lot restriped to include 15 parking spaces for the dispensary. One ADA van parking space will be provided. Additional improvements to the site will include the addition of bicycle parking, and security cameras / lighting to meet the City of Marina Municipal Code requirements.

Green Building Practices - Higher Level of Care will implement a variety of "green" business techniques including the following: Higher Level of Care will reuse the existing building with minimal materials used to renovate the building's interior and exterior; utilize the existing off-street parking; materials used in remodeling of the structures will be sourced from local retailers to the extent feasible, reducing trips driven for delivery of materials; install solar power technology to reduce energy consumption and provide robust battery backup to ensure that, in the event of a power outage, all security infrastructure remains operational; energy saving LED lighting will be used; bike parking will be provided to encourage alternative modes of transportation; waste products such as paper, plastic, metal, and cardboard will be recycled; employees will be encourage to carpool and use public transportation; and all new landscape plantings will include drought tolerant and native species suitable for the climate conditions specific to the site to reduce water use.

Lighting- Exterior lighting on the premises and location will be designed to ensure the safety of the public and the members and employees of the business while not disturbing surrounding residential or commercial areas. Further details about the lighting can be found in the Security Plan.

Trash Enclosure- The applicant will provide a detail drawing for the installation of the new trash enclosure. The detailed drawing will be submitted to the City staff for review and approval prior to issuance of a building permit. The trash enclosure will meet the City standards as set for the in the City's Design Guidelines for trash enclosures. The enclosure will be constructed of durable material and, with the exception of the necessary gate, will be constructed of masonry or concrete. The design of the enclosure will incorporate design features, materials, and color from the building. A separate person access will be installed so the main gate can remain closed. The trash enclosure will also meet standards set for the by the Bureau of Cannabis Control Regulations, Article 7, Section 5054. Cannabis waste will be secured in a receptacle or area that is restricted to the licensee, its employees, or an authorized waste hauler.

Higher Level of Care-Marina
3016 Del Monte Boulevard, Marina 93933

ENVIRONMENTAL INFORMATION

ENVIRONMENTAL SETTING

- **Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the sites. Describe any existing structures on the site and the uses of those structures.**

The project site is currently commercially developed and devoid of any scenic resources. The property contains existing buildings, paved parking areas, and a trash dumpster. The highest quality areas present on the site would not be impacted by the proposed project; these areas consist of a few small patches of undeveloped, compacted and disturbed sandy ground in the southern portion of the site, sparsely vegetated by common weedy plants. These areas are highly disturbed, but as shown on the site plan, are positioned adjacent to and therefore serve to partially buffer undeveloped open space located immediately south of the site. The site contains relatively flat topography, and does not provide any beneficial wildlife habitat.

The proposed reuse project involves renovating an existing building and resurfacing a portion of the existing parking lot. The building proposed for renovation is currently in commercial use by JT Plumbing.

- **Describe the surrounding properties, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the area. Indicate the type and intensity of land uses, and the scale of the development.**

As mentioned above, the project site is developed and bordered to the north and east by additional developed properties (a Shell gas station, warehouse, and storage facility), to the west by Del Monte Boulevard and then State Route 1, and to the south by undeveloped but highly disturbed open space.

Topography in this project vicinity is relatively flat; the soil type in and around the project site is classified as Baywood sand by the Natural Resources Conservation Service. With regard to soil stability, the open space south of the site has much more compacted sandy substrates due to past ground clearing and other uses, while sandy substrates located west of the site and past the two major

roadways contain more natural sandy substrate conditions along the coastline. Off-site coastal dune scrub areas along Monterey Bay contain important scenic and biological resource values.

EMC Planning Group senior biologist Andrea Edwards conducted a review of nearby occurrence records for special-status species in the California Department of Fish and Wildlife's *California Natural Diversity Database*, with multiple observations of special-status plant and wildlife species in coastal dune scrub habitats to the west (across Del Monte Boulevard and State Route 1). Special-status species also occur in sandy open space areas south of the site.

These sensitive habitat areas west and south of the site contain important endemic species (restricted to local coastal dunes) and therefore have high biological resource value. In addition, sandy coastal substrates west of State Route 1 contain critical habitat designated by the U.S. Fish and Wildlife Service for federally listed Threatened Monterey spineflower (*Chorizanthe pungens* var. *pungens*).

In contrast, the on-site building proposed for renovation is currently on developed land and under commercial use. The project site does not contain drainage features potentially under the jurisdiction of regulatory agencies. No City-regulated trees would be removed, no wildlife movement corridors would be adversely impacted, and no sensitive habitats would be altered by the proposed project. Biological resources at the site are either absent or greatly degraded, and therefore it is expected that no mitigation would be required for project implementation were the project to undergo detailed environmental impact analysis for biological resources.

The commercial development existing on the site is bordered by other developed properties, and its intensity of use would not increase substantially with the proposed reuse project. Renovation of the building and resurfacing of the parking lot would improve the scenic conditions of the site, and allow reuse of existing developed areas rather than requiring development of new areas.

▪ **Avoidance of Nesting Birds**

There is low potential for birds to nest on the project site, and moderate potential for birds to nest in the vegetated open space to the south of the project site. It is therefore recommended that nesting bird surveys be conducted if construction is scheduled between January 15 and September 15 (during the bird nesting season). If construction begins during the bird nesting season, then a qualified biologist should conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed

during project construction. This measure should be implemented by the developer prior to start of project activities.

If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction would be established. This measure would reduce the potential impact to nesting birds to a less-than-significant level. EMC Planning Group could perform the surveys and provide documentation to the City as requested.

**ENVIRONMENTAL INFORMATION****ENVIRONMENTAL SETTING**

Please provide the following information on a separate piece of paper:

- ❑ Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the sites. Describe any existing structures on the site and the uses of those structures.
- ❑ Describe the surrounding properties, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the area. Indicate the type and intensity of land uses, and the scale of the development.

ENVIRONMENTAL CHECKLIST:

Would the Project result in the following (provide a brief description for each item checked "yes"):

Change in existing features of any streams, creeks, lakes, or wetlands: () Yes (X) No

Change in scenic views or vistas from existing residential areas or public land or roads: () Yes (X) No

Use or disposal of hazardous, toxic or flammable materials or explosives: () Yes (X) No

Change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns: () Yes (X) No

Change in pattern, scale, or character of surrounding area of project: () Yes (X) No

Significant amounts of solid waste or litter: () Yes (X) No

Substantial alteration to topography or ground contours: () Yes (X) No

Change in dust, ash, smoke, fumes, or odors in the vicinity of the project: () Yes (X) No

Substantial change in existing noise or vibration levels in the vicinity: () Yes (X) No

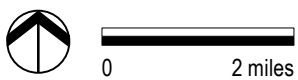
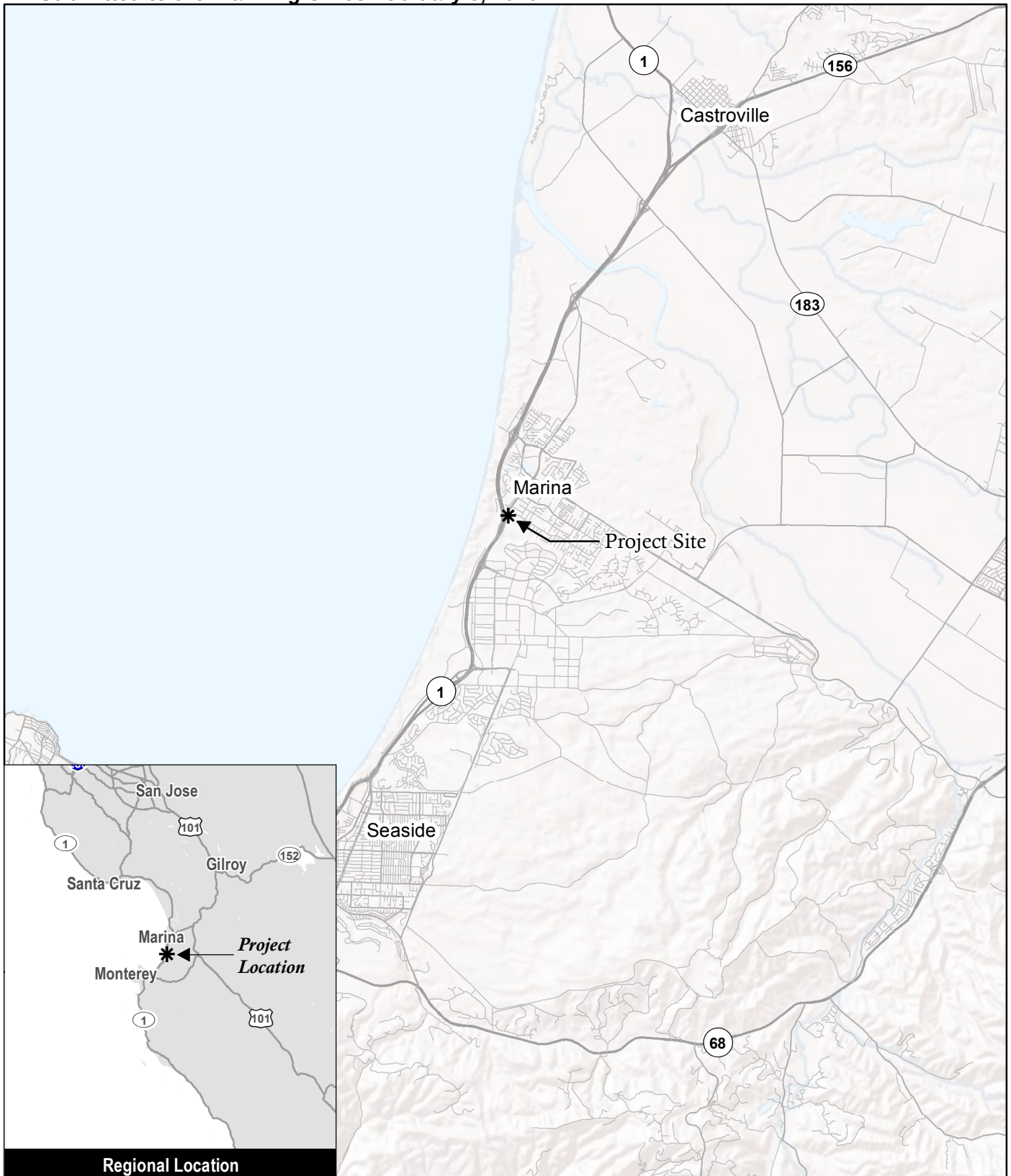
Building on filled land or on a slope of 10 percent or more: () Yes (X) No

Substantial change in demand for municipal services (police, fire, water, sewer, etc.): () Yes (X) No

Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc): () Yes (X) No

Relationship to a larger project or a series of projects: () Yes (X) No

Substantial change or increase of traffic on surrounding roads and highways: () Yes (X) No

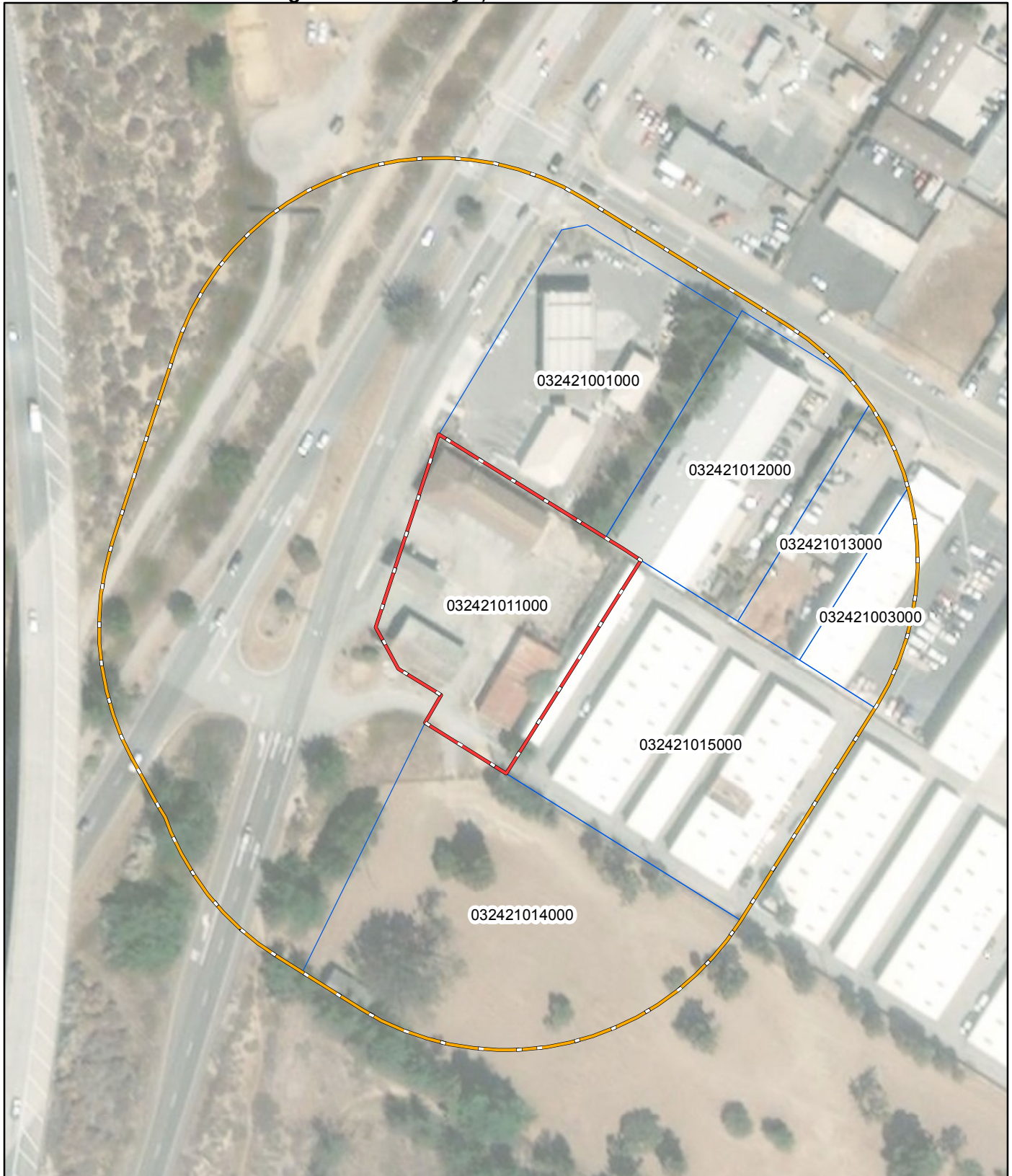


Source: ESRI 2019



Location Map

Higher Level of Care - Marina



Source: Monterey County GIS 2018, ESRI 2019



0 125 feet



Project Site



250 Foot Radius

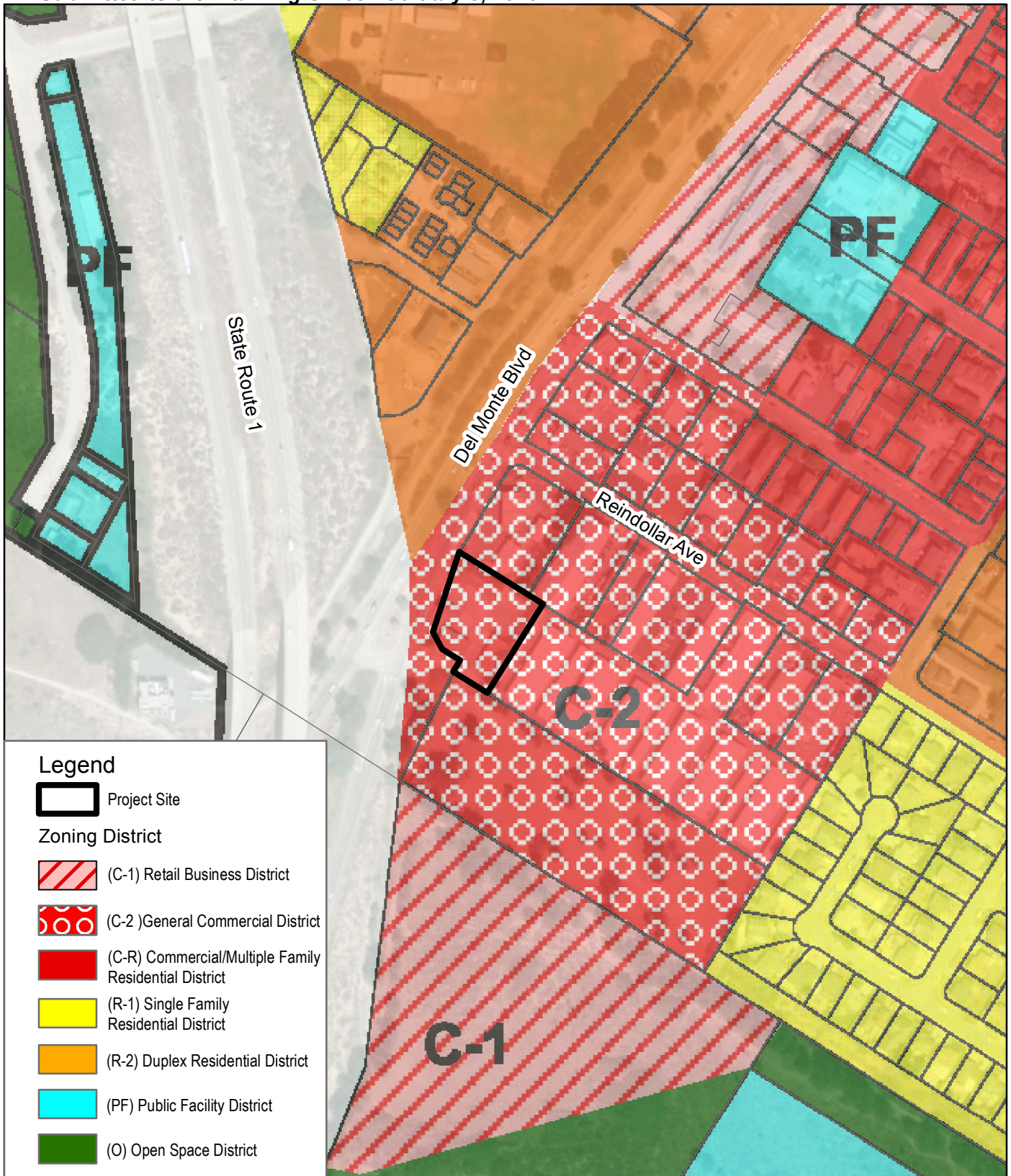


Parcel Boundaries



Aerial Photograph

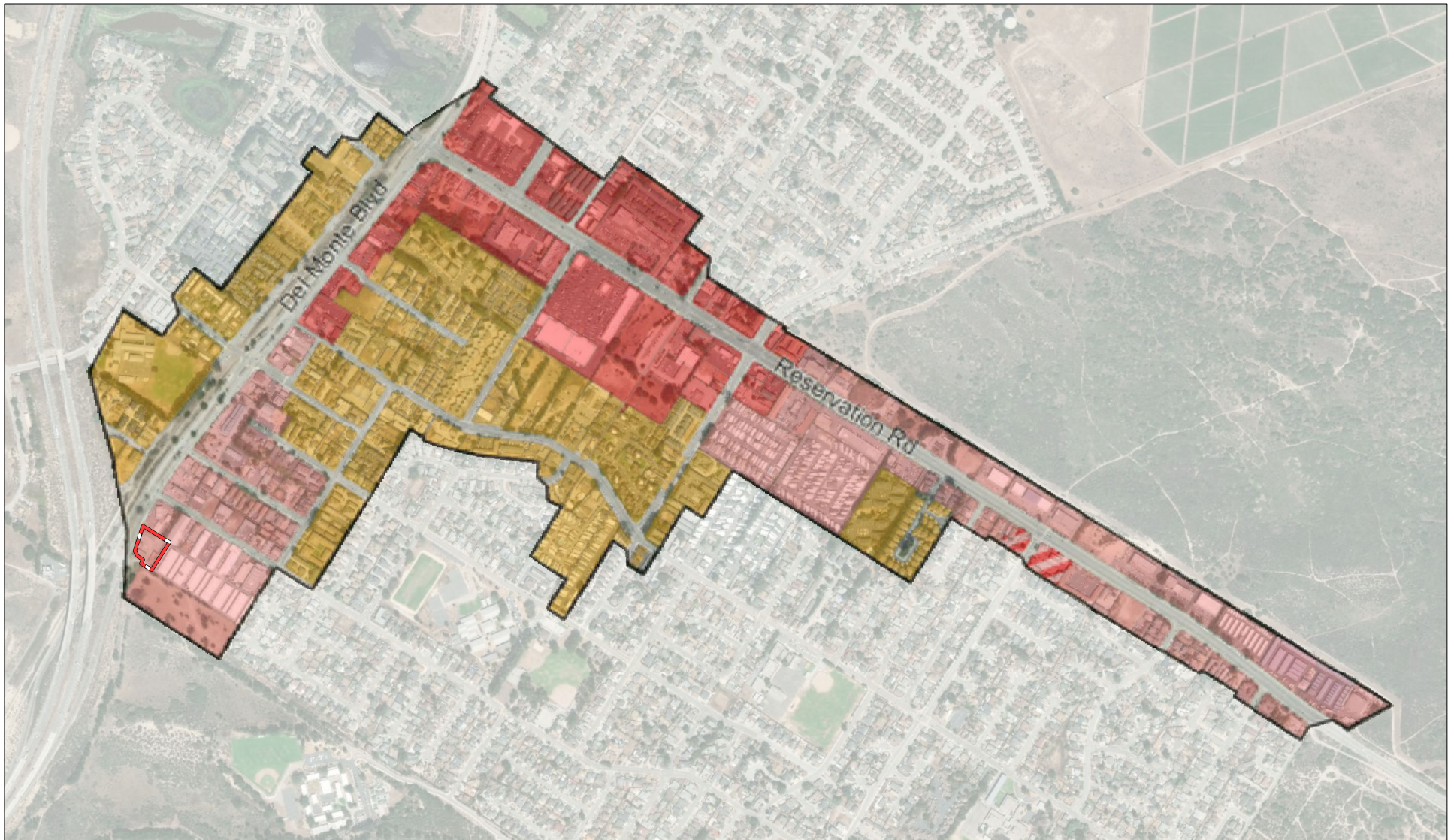
Higher Level of Care - Marina



Source: Monterey County GIS 2018, ESRI 2019, City of Marina 2006



0 300 feet



0 1000 feet



Project Site

Zone

Transition

Core

Multi-family Residential

Mixed-use Node

Source: City of Marina 2019, ESRI 2019



Marina Downtown Vitalization Specific Plan

Higher Level of Care - Marina



① East Elevation



② North Elevation



 Project Site

Source: ESRI 2019
Photographs: Salvatore Palma 2019



③ South Elevation



④ West Elevation

Site Photographs/Building Elevations (existing)

Higher Level of Care - Marina



Exterior Building Elevation



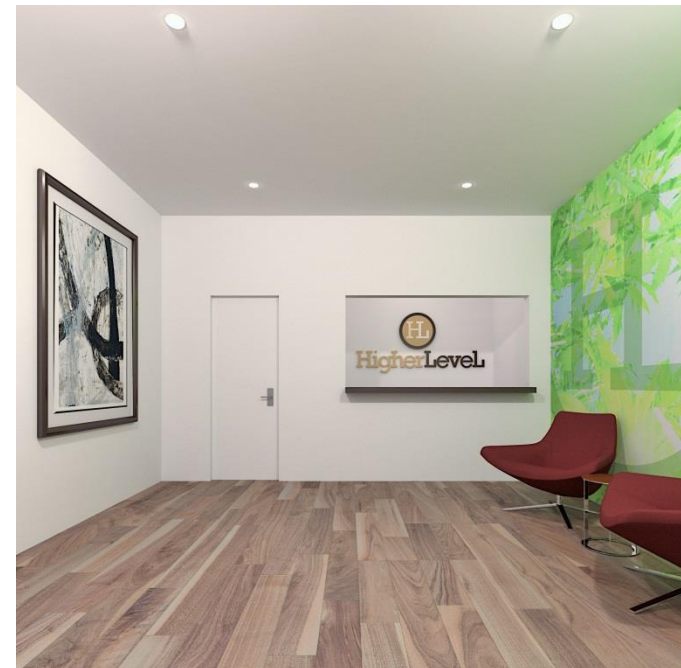
Interior Rendering- Dispensary



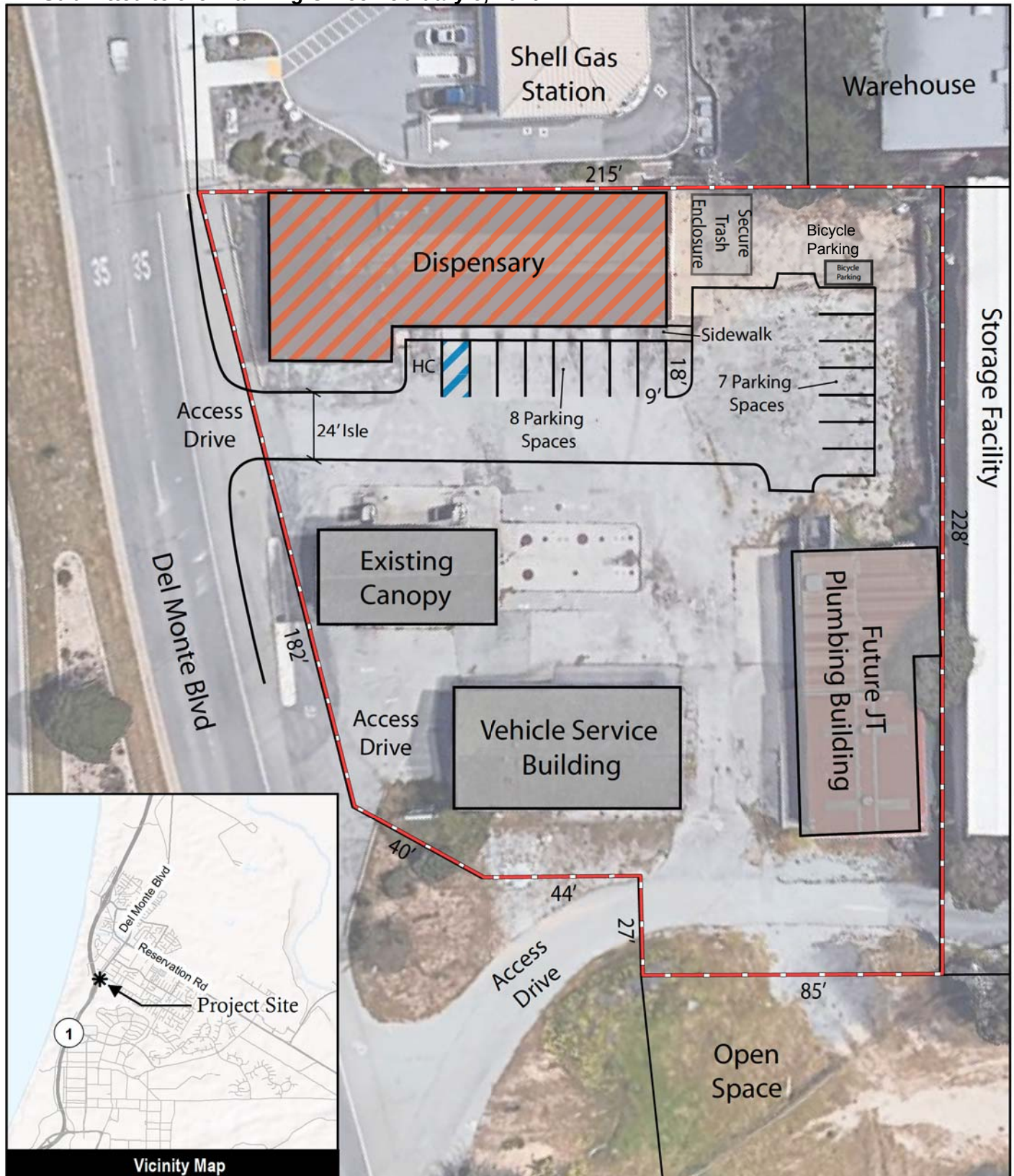
Exterior Building Elevation



Company Logo



Interior Rendering- Lobby



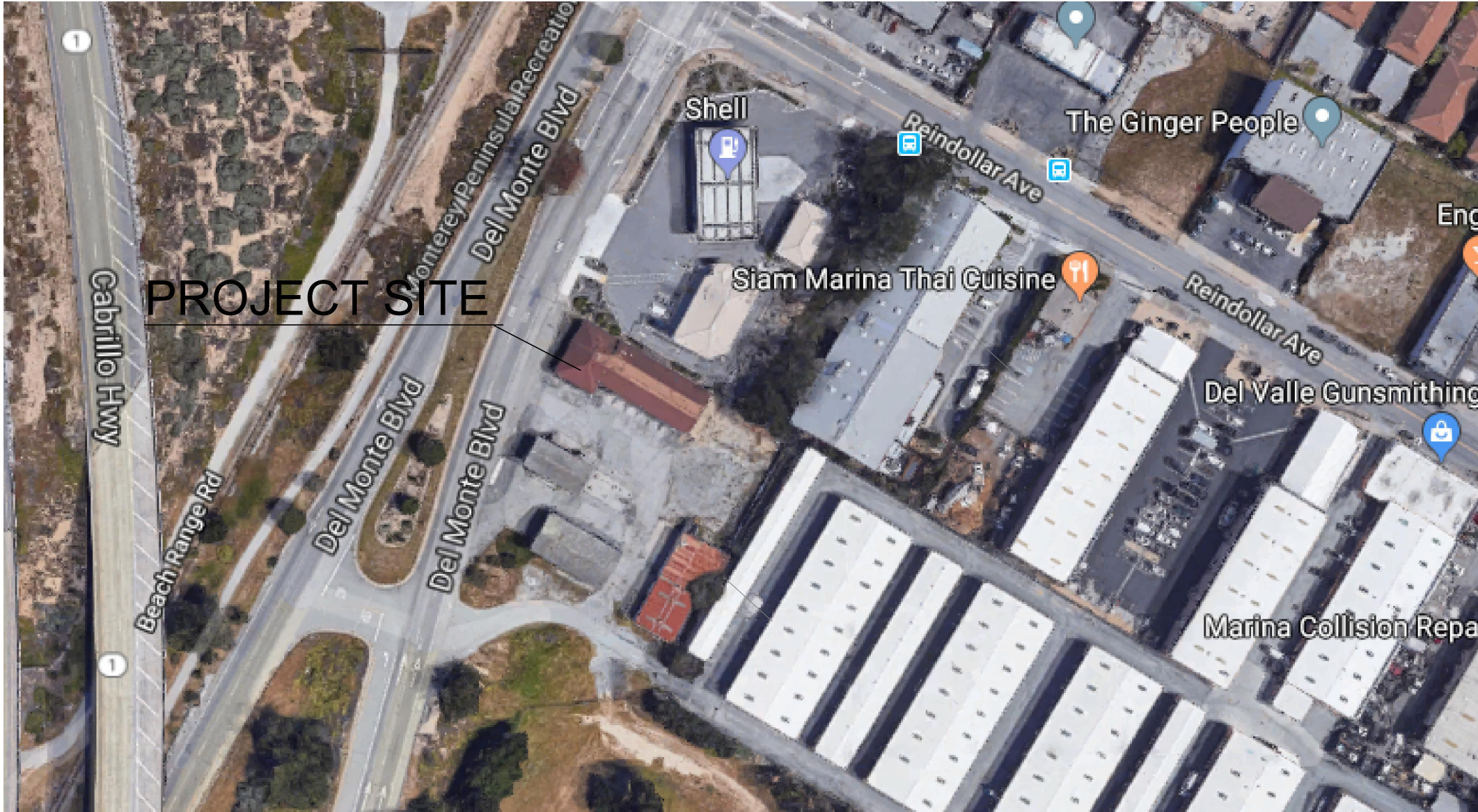
0 40 feet

Applicant: HLC - Marina, Inc.
316 Van Buren Street, #4,
Monterey, CA 93940
Phone: 310-261-4809



Project Site
APN 032421011000

Source: Monterey County GIS 2018, Google Earth 2018



LOCATION MAP
NOT TO SCALE

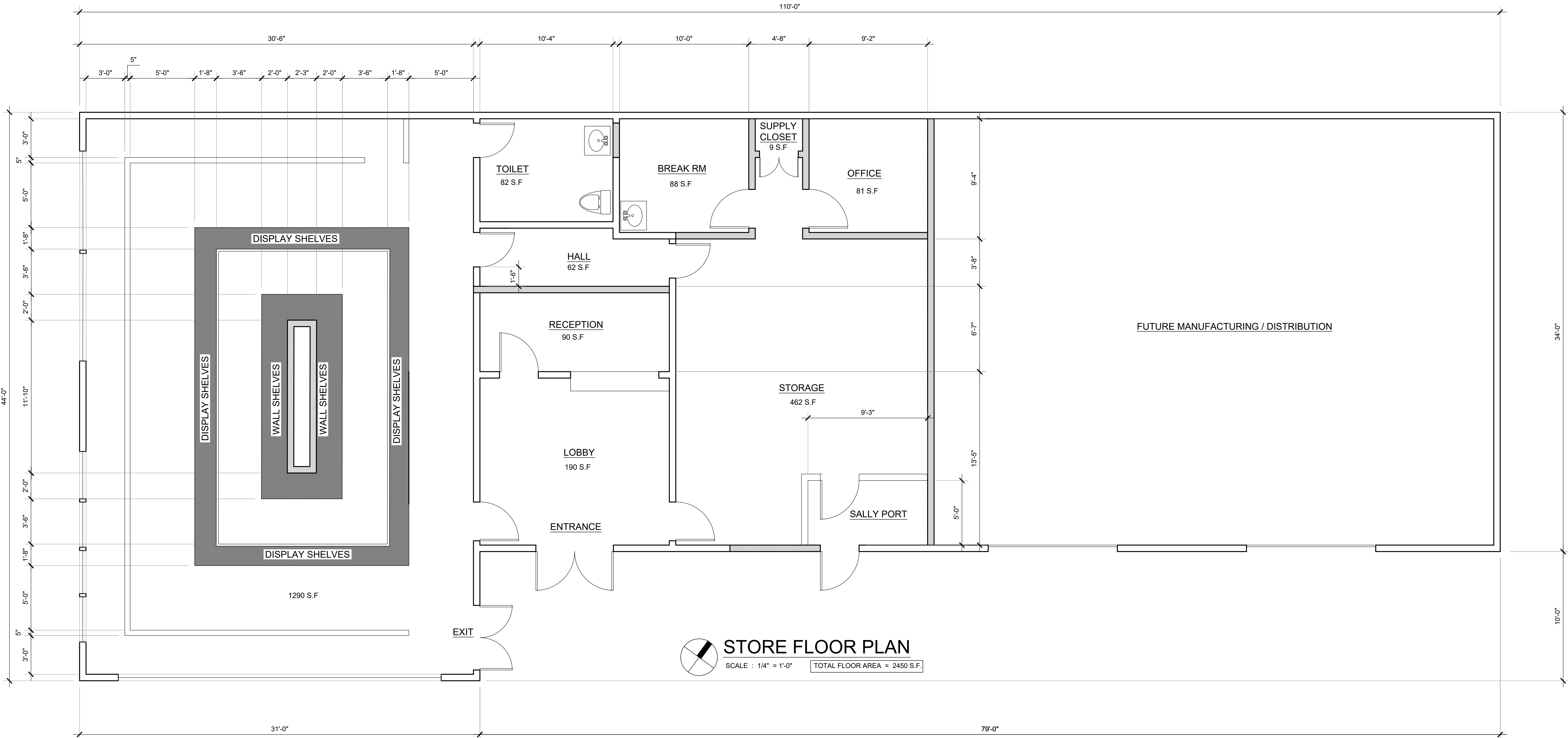
HIGHER LEVEL OF CARE

3016 DEL MONTE AVE MARINA , CA

PROJECT DATA:

PROJECT LOCATION: 3016 DEL MONTE AVE.
MARINA, 93933

APPLICANT: SALVATORE PALMA
(310) 261-4809
spalma.pbs@gmail.com



STORE FLOOR PLAN
SCALE : 1/4" = 1'-0"

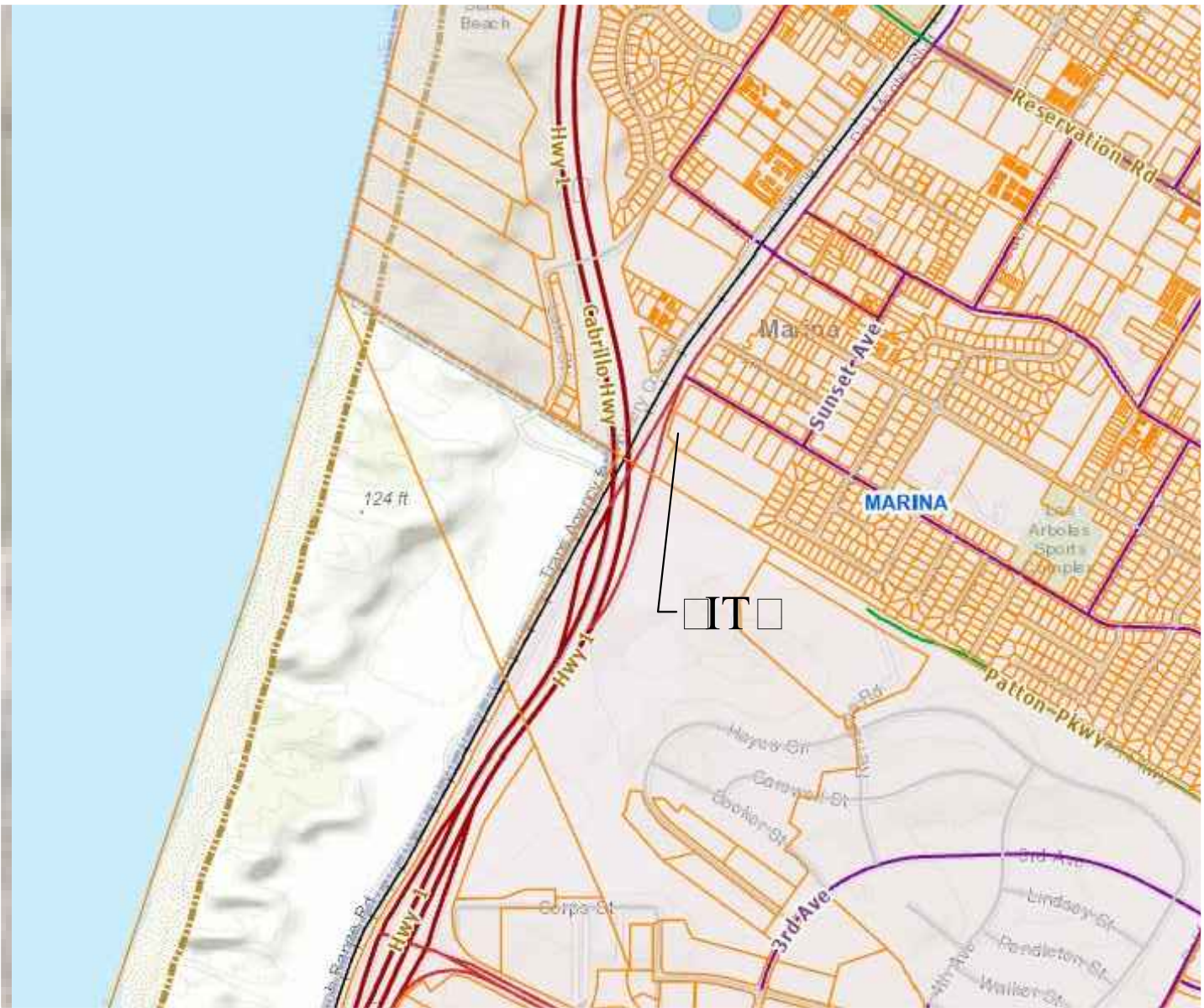
DRAWN AND PREPARED BY:
JIMMY MONDALA
915 PALOMA STREET , DEL REY OAKS CA 93940
(831) 521-7658 jimondala@yahoo.com

HIGHER LEVEL OF CARE
3016 DEL MONTE AVENUE, MARINA, CA 93933

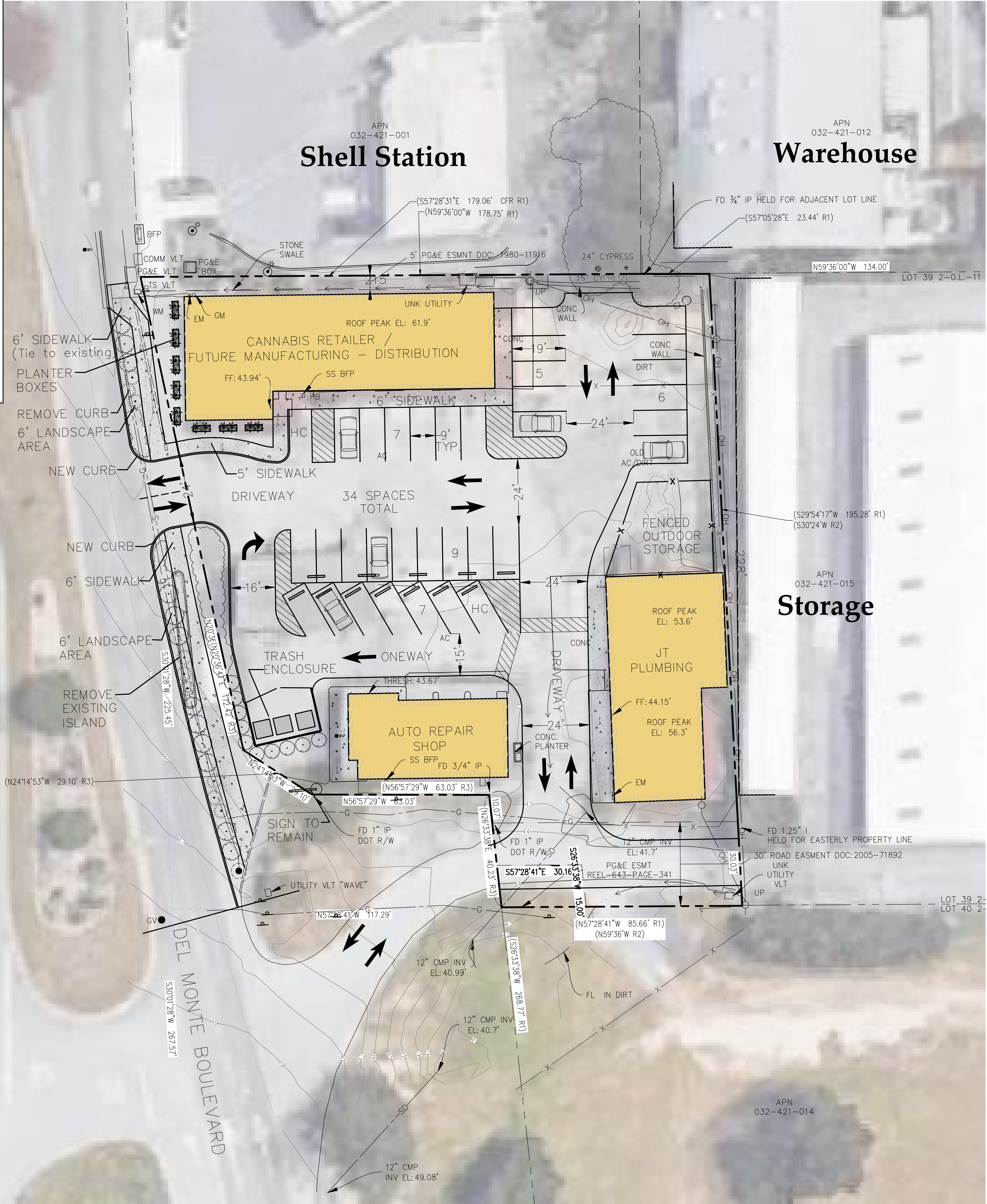
FLOOR PLAN

DATE: 5/13/19
SCALE: AS NOTED
DWG. BY: JMONDALA
JOB No.
REV:

A1



VICINITY MAP



HLC-Marina Site Plan

IT ATA

APN

Ar A AC

Addr M

Mr CA

A CM

V

M CA

P

Square Footage: Total 9,478± SF (3 existing buildings)

d

T P

A

P A A T

d

T P

A

N C P

d d r d

r

r

A r

0 20' 40'

Scale: 1"=20'

r C r M r

IT P AN

C P A r C

M CA

r r

r r

r r

E M C

EMC PLANNING GROUP INC.

A LAND USE PLANNING & DESIGN FIRM

Monterey, CA 831.649.1799 www.emcplanning.com

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3100 DEL MONTE
BOULEVARD (APN 032-192-018) IN THE C-1 (RETAIL BUSINESS) ZONING DISTRICT.

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Pacific Roots Marina, LLC at 3100 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.

9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.

24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, 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

GENERAL BUILDING NOTES

SCOPE:

- 1.01 THE CONSTRUCTION CONTRACT RELATED TO THE WORK OF THIS PROJECT IS HEREBY MADE A PART OF THESE DRAWINGS AS THOUGH FULLY CONTAINED THEREIN.
- 1.02 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL COMPLETE ALL WORK REQUIRED TO RECEIVE A CERTIFICATE OF OCCUPANCY FROM THE BUILDING OFFICIAL HAVING JURISDICTION OVER THIS PROJECT. THE SCOPE OF PERMIT COMPLIANCE WORK IS INCLUDED IN THE GENERAL CONTRACT FOR CONSTRUCTION OF THIS PROJECT. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR AND GOVERNED BY ALL OF THE REQUIREMENTS THEREUNDER.
- 1.03 PRIOR TO CONTRACT APPROVAL, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VISIT THE PROJECT SITE, AND BY THEIR OWN INVESTIGATION, DETERMINE EXISTING SITE CONDITIONS AS TO THE QUANTITIES OF MATERIALS, LABOR HOURS, AND ANY OTHER COST ASSOCIATED WITH WORK THAT IS TO BE DONE UNDER THEIR CONTRACT AND AS REQUIRED TO PASS ALL BUILDING PERMIT INSPECTIONS. ALL MODIFICATIONS REQUIRED BY THE INSPECTION AUTHORITY SHALL BE MADE BY EACH SUBCONTRACTOR AT THEIR EXPENSE.
- 1.04 PRIOR TO CONTRACT APPROVAL, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VERIFY AND CONFIRM THE DESIGN REQUIREMENTS OF ALL NEW AND EXISTING ARCHITECTURAL, STRUCTURAL, PLUMBING, MECHANICAL, AND ELECTRICAL SYSTEMS AND REPORT ANY AMBIGUITIES OR DISCREPANCIES CONTAINED IN THE CONTRACT TO THE OWNER IN WRITING. ALL MODIFICATIONS REQUIRED TO COMPLETE THE CONTRACT RESULTING FROM AMBIGUITIES OR DISCREPANCIES NOT REPORTED PRIOR TO CONTRACT APPROVAL SHALL BE MADE BY EACH SUBCONTRACTOR AT THEIR EXPENSE.

APPLICABLE LAWS, ORDINANCES, REGULATIONS AND STANDARDS

- 2.01 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL CONFORM TO THE LATEST APPLICABLE, ADOPTED EDITION OF THE CALIFORNIA CODE OF REGULATIONS, TITLE-24, CALIFORNIA BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA ELECTRICAL CODE, AND ALL LOCAL CODES AND ORDINANCES REQUIRED TO RECEIVE A CERTIFICATE OF OCCUPANCY FROM THE BUILDING OFFICIAL HAVING JURISDICTION OVER THE PROJECT.
- 2.02 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL PERFORM ALL WORK REQUIRED BY APPLICABLE BUILDING CODES AND REGULATIONS TO PASS ALL REQUIRED BUILDING INSPECTIONS.

PERMITS, LICENSES, INSPECTIONS AND FEES

- 3.01 THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PLAN REVIEW, PERMIT, LICENSE, AND INSPECTION APPROVALS. ALL FEES REQUIRED FOR APPROVAL SHALL BE PAID BY THE OWNER.

GUARANTEE

- 4.01 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL GUARANTEE THAT ALL WORK REQUIRED TO CONSTRUCT THE PROJECT BE A COMPLETE WORKING SYSTEM AND SHALL OPERATE FREE FROM DEFECTS IN WORKMANSHIP AND MATERIALS. THE CONTRACTOR AGREES TO REPLACE, WITHOUT EXPENSE TO THE OWNER, ANY PROJECT COMPONENTS WHICH THE OWNER DETERMINES TO BE DEFECTIVE WITHIN ONE (1) CALENDAR YEAR FROM THE DATE OF FINAL CONTRACT ACCEPTANCE.

DATA AND MEASUREMENTS:

- 5.01 DRAWING DATA CONTAINED HEREIN IS AS EXACT AS COULD BE DETERMINED WITHIN THE PROJECT DESIGNER'S DESIGN SCOPE OF SERVICES RENDERED. AS SUCH THE ABSOLUTE ACCURACY OF THE DESIGN DATA IS NOT GUARANTEED. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL ENDEAVOR TO OBTAIN, VERIFY AND CONFIRM EXACT DESIGN DATA ON SITE AND SUITABLY ADAPT THE WORK TO CONFORM TO EXACT CONDITIONS ON SITE. THE CONTRACTOR SHALL REPORT ANY DESIGN DATA AMBIGUITIES OR DISCREPANCIES CONTAINED IN THE CONTRACT TO THE OWNER IN WRITING. ALL MODIFICATIONS REQUIRED TO ADAPT THE WORK SHALL BE MADE BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- 5.02 DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS AND ACTUAL BUILDING MEASUREMENTS TAKE PRECEDENCE OVER SCALED DRAWING INFORMATION.
- 5.03 DIMENSIONS TO DOORS, WINDOWS, AND OPENINGS ARE NOMINAL WIDTHS. REFER TO THE MANUFACTURER FOR ACTUAL ROUGH OPENINGS.
- 5.04 ALL WALL DIMENSIONS ARE NOMINAL, FACE OF STUD TO FACE OF STUD. WALL FINISH DIMENSIONS ARE NOT TAKEN INTO ACCOUNT AND ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SUBCONTRACTORS TO DETERMINE PROPER CLEARANCES.

SUBSTITUTIONS FOR SPECIFIED MATERIALS:

- 6.01 SPECIFIC TRADE NAMES MENTIONED IN THE DRAWINGS ARE FOR THE PURPOSES OF ESTABLISHING MINIMUM STANDARDS OF QUALITY, STYLE OR TYPE, AND SHALL NOT BE CONSTRUED TO RESTRICT SUBSTITUTIONS. ALL SUBSTITUTIONS SHALL BE SUBMITTED TO AND APPROVED BY THE OWNER IN WRITING WITHIN A SUFFICIENT TIME FRAME AS NOT TO DELAY PROJECT COMPLETION.

CLEAN UP AND START UP RESPONSIBILITIES

- 7.01 AFTER COMPLETION OF THE WORK DESCRIBED IN THEIR RESPECTIVE CONTRACTS AND PRIOR TO ACCEPTANCE, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL THOROUGHLY CLEAN ALL EXPOSED SURFACES OF THEIR RESPECTIVE WORK COMPLETED.
- 7.02 AFTER COMPLETION OF THE WORK DESCRIBED IN THEIR RESPECTIVE CONTRACTS AND PRIOR TO PROJECT ACCEPTANCE, THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL THOROUGHLY TEST AND PROPERLY START UP ALL PROJECT EQUIPMENT AS REQUIRED TO SECURE AND MAINTAIN SPECIFIED EQUIPMENT WARRANTIES. THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL REVIEW ALL MANUFACTURER'S RECOMMENDED OPERATIONS PROCEDURE WITH THE OWNER PRIOR TO PROJECT ACCEPTANCE.
- 7.03 THE GENERAL ENGINEERING CONTRACTOR, GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL TAKE REASONABLE MEASURES TO ENSURE THAT SITE IS PREPPED AND MAINTAINED SO THAT NO EROSION TO STREET, NEIGHBORS, AND REAR LOT DRAIN OCCURS.

AREA OF WORK

- 10.01 THE GENERAL ENGINEERING CONTRACTOR SHALL REMOVE ALL EXISTING LANDSCAPE MATERIAL NOT PROTECTED, CONCRETE PATIOS/WALKWAYS, YARD FENCING AND POST FOOTINGS, GARAGE STRUCTURE AND FOUNDATION, AND ALL ABANDONED UTILITIES. THE CONTRACTOR SHALL REMOVE EXISTING SITE LIGHTING AND IRRIGATION SYSTEM WITHIN THE AREA OF WORK, TERMINATE/CAP-OFF DISCONNECTION POINTS, AND TURN OVER ALL EXISTING SYSTEM COMPONENTS TO THE OWNER FOR FUTURE USE. ALL TOP SOIL SHALL BE REMOVED AND STORED FOR USE IN FINISH GRADING.

HOURS OF CONSTRUCTION

- 11.01 NORMAL AND CUSTOMARY CONSTRUCTION ACTIVITY SHALL INCLUDE ANY CONSTRUCTION ACTIVITY CONDUCTED MONDAY THROUGH FRIDAY, 6:00 A.M. TO 8:00 P.M., AND SATURDAYS 8:00 A.M. TO 6:00 P.M., EXCLUDING FEDERAL HOLIDAYS PER CCR 6.14b.

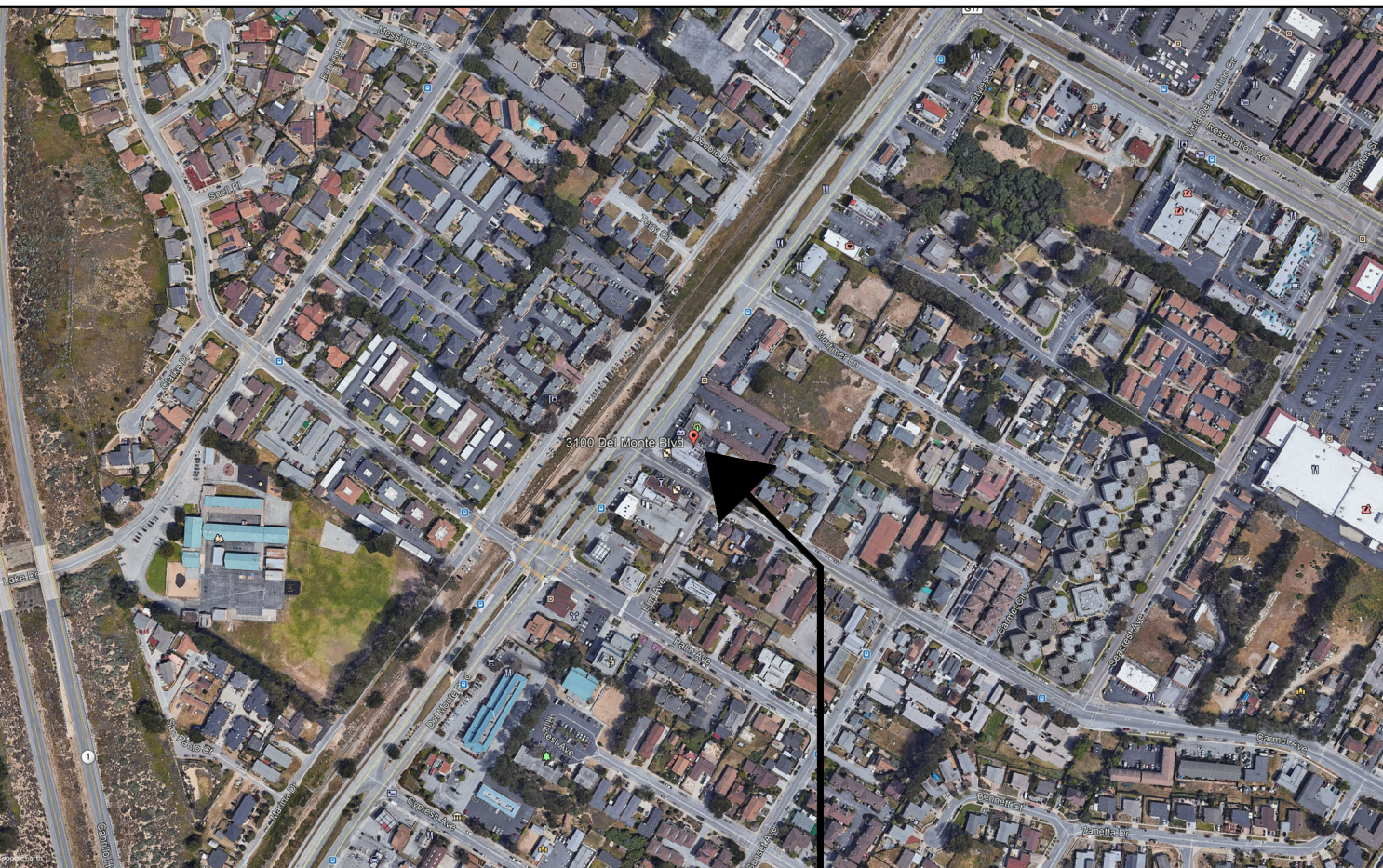
DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933



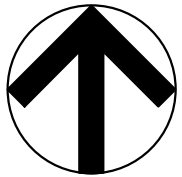
BUILDING SHEET ABBREVIATIONS

AB	ANCHOR BOLT	FF	FINISH FLOOR	N	NORTH	T	TREAD
ADJ	ADJACENT	FIX	FIXTURE	O/	OVER	TEMP	TEMPERED
ALUM	ALUMINUM	FLUOR	FLUORESCENT	OC	ON CENTER	TOC	TOP OF CONCRETE
BM	BEAM	FP	FIRE PLACE	OFCI	OWNER FURNISHED CONTRACTOR INSTALLED	TOG	TOP OF GRADE
BOW	BOTTOM OF WALL					TOF	TOP OF FLOOR
BLKG	BLOCKING	GA	GAUGE			TOP	TOP OF PAVEMENT
BRD	BOARD	GFCI	GROUND FAULT INTERRUPTER	PB	PUSH BUTTON	TOS	TOP OF SLAB
CC	CENTER TO CENTER	GALV	GALVANIZED	PH	PHONE	TOW	TOP OF WALL
CL	CENTERLINE	GL	GLASS	PL	PLATE	TV	TELEVISION
CEM	CEMENT					TYP	TYPICAL
CER	CERAMIC	GYP	GYPSPUM	POC	POINT OF CONNECTION	UCR	UNDER COUNTER REFRIG.
CJ	CONTROL JOINT	H	HIGH OR HEIGHT	PT	PRESSURE TREATED		
CLG	CEILING	HB	HOSE BIBB	R	RISER	W	WEST
CLR	CLEAR	JTS	JOIST	REF	REFRIGERATOR	W/	WITH
						WC	WATER CLOSET
CLO	CLOSET	LAV	LAVATORY	REINF	REINFORCED	WD	WOOD
CO	CLEANOUT	LB	POUND	RM	ROOM		
CONC	CONCRETE	LIN	LINEN	RWD	REDWOOD	WH	WATER HEATER
CONTIN	CONTINUOUS	LT	LIGHT	S	SOUTH	WP	WATER PROOF
						WWM	WELDED WIRE MESH
DBL	DOUBLE	MANF	MANUFACTURER	SB	SET BACK		
DF	DOUGLAS FIR	MAX	MAXIMUM	SF	SQUARE FOOT		
DI	DRAIN INLET	MC	MEDICINE CABINET	SHTHG	SHEATHING		
DIA	DIAMETER	MIN	MINIMUM	SHWR	SHOWER		
DR	DOOR	MTL	METAL	SIM	SIMILAR		
DW	DISH WASHER			SIMP	'SIMPSON'		
E	EAST			SLD	SLIDING		
EL	ELEVATION			SB&P	SHELF & POLE		
EQ	EQUAL			STRUCT	STRUCTURAL		

PROJECT VICINITY MAP



REFERENCE NORTH



PROJECT LOCATION: APN:032-192-018-000
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

SHEET INDEX

Sheet #	Sheet Title
A1.11	COVER SHEET
A2.11	SITE PLAN
A3.00	AS-BUILT/DEMOLITION PLAN
A3.01	PROPOSED FLOOR PLAN
A3.11	FLOOR PLAN SECURITY PLAN
A4.11	ELEVATIONS EXTERIOR
A4.12	ELEVATIONS EXTERIOR
A5.11	ROOF PLAN & ROOF SECURITY PLAN
A7.11	INTERIOR RENDERINGS
A7.12	INTERIOR RENDERINGS
A7.13	INTERIOR RENDERINGS
A8.11	MATERIALS & COLOR SAMPLES

PROJECT DATA

APPLICABLE BUILDING CODE:	2016 CBC, CEC, CMC, CPC, CEC, CEC (ENERGY CODE), CFC, & CGBC
OCCUPANCY GROUP:	M (MERCHANTILE) - DISPENSARY
OCCUPANCY LOAD CALCULATION: 2016 CBC, TABLE 1004.1.2	TENANT SPACE SQUARE FOOTAGE: 1977 SQFT 33 OCCUPANTS
CONSTRUCTION TYPE:	TYPE VB ONE STORY NON FIRE-SPRINKLED
REQUIRED EXIT CALCULATION:	2 REQUIRED EXITS (2 SUPPLIED)
PROJECT SCOPE:	DESIGN REVIEW FOR NEW DISPENSARY LOCATED AT 3100 DEL MONTE BLVD IN MARINA, CA. INCLUDES TENANT IMPROVEMENT.

PROPERTY PROJECT DATA TABLE

BUILDING HEIGHT:	22'-6" (MAX. BUILDING HEIGHT) - EXISTING 18'-0" (AT PROPOSED PROJECT) - EXISTING
BUILDING SITE AREA:	57,656 SQUARE FEET
SITE WIDTH:	253'-2" (MAX.) 133'-2" (MIN.)
FRONT SETBACK:	25'-8" (MIN. AT MAIN BUILDING) - EXISTING 41'-4" (AT PROPOSED PROJECT) - EXISTING 5'-6" (AT MOTEL) - EXISTING
SIDE SETBACK:	9'-0" (AT MOTEL) - EXISTING 14'-9" (AT PROPOSED PROJECT) - EXISTING
REAR SETBACK:	9'-0" (AT MOTEL) - EXISTING 35'-8" (AT PROPOSED PROJECT) - EXISTING
FLOOR AREA RATIO:	22,490 SF - (E) BUILDING / 57,656 SF - SITE = 0.39 RATIO
PARKING CALCULATION:	REQUIREMENT: 1 SPACE PER 275 SF 22,490 SF / 275 = 82 SPACES (REQUIRED) 86 SPACES (EXISTING)

NOTES

THIS PROJECT TO BE COMPLAINT WITH MONTEREY COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR CANNABIS RETAIL FACILITIES.

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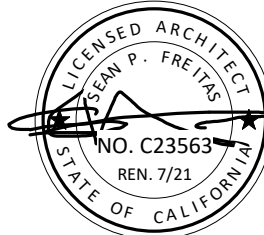
PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
COVER SHEET
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-27-2019
Revision Number:
Revision Date:

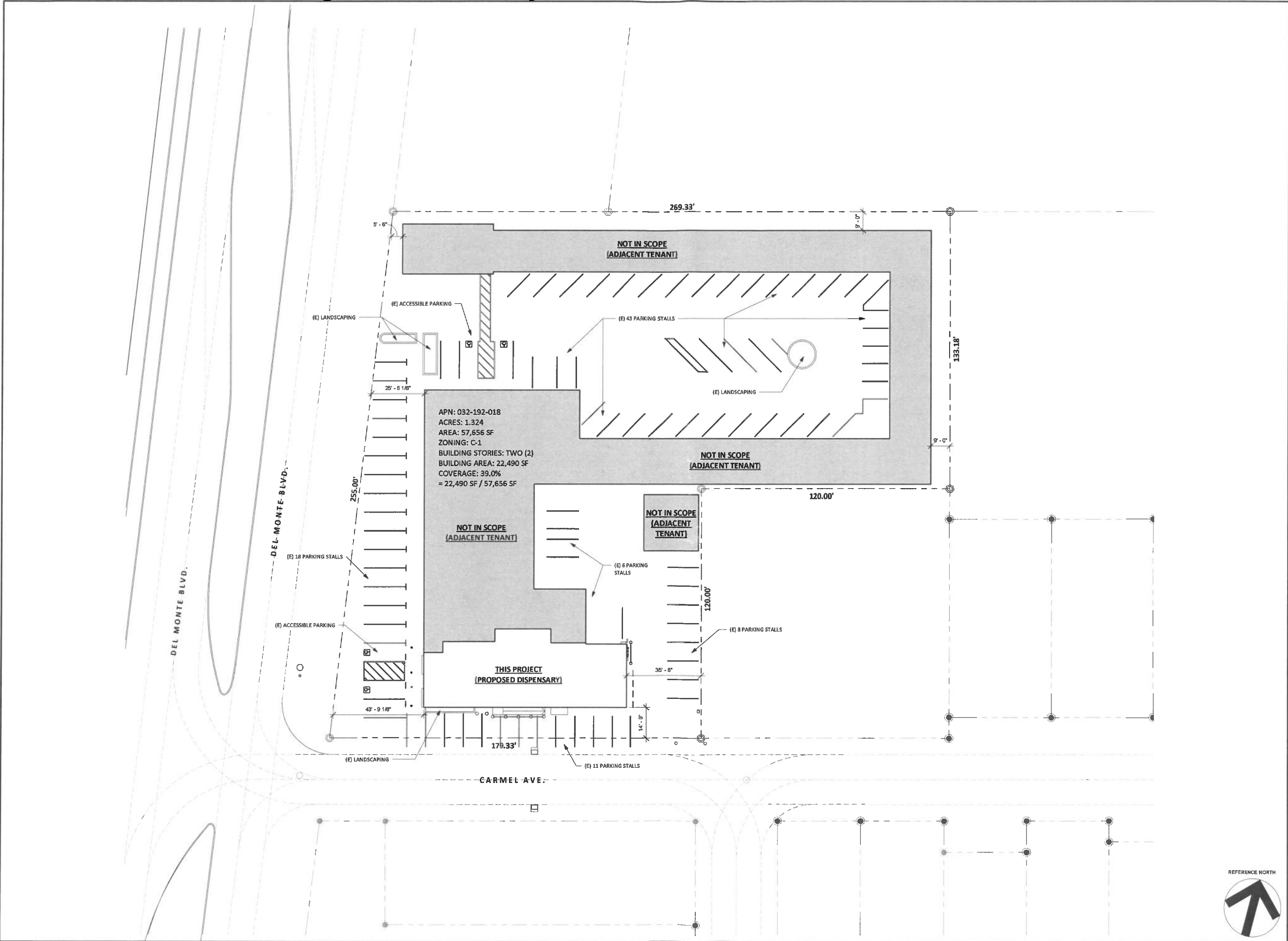
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SHEET:

A1.11
SHEET: OF SHEETS



1 SITE PLAN
SCALE: 1" = 20'-0"

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
SITE PLAN
ISSUES:
Project Issue Date: 05-27-2018
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-01-2019
Revision Number: 05-01-2019

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SHEET:
A2.11
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
SITE PLAN - ALT1
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 01/07/20
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL
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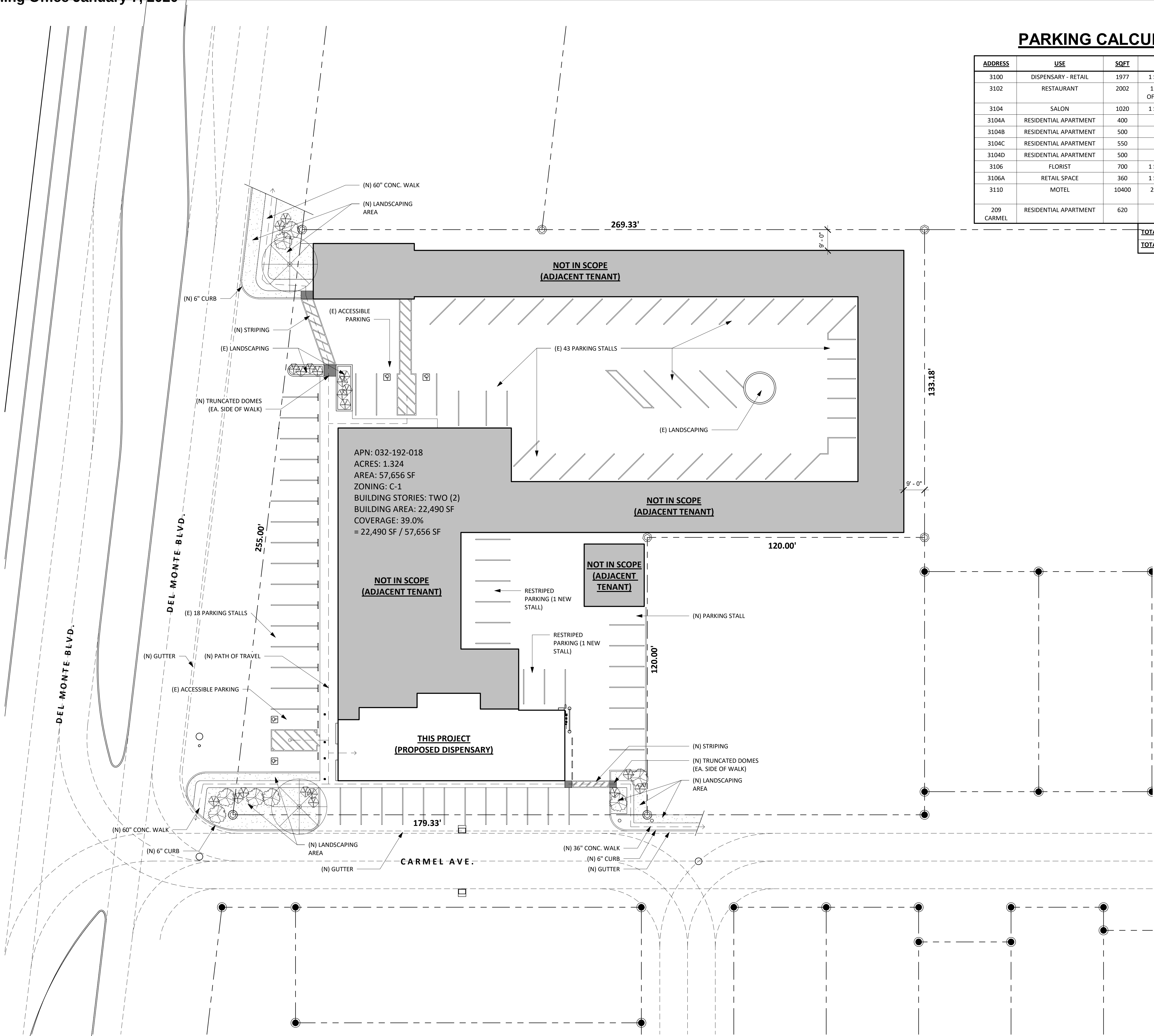
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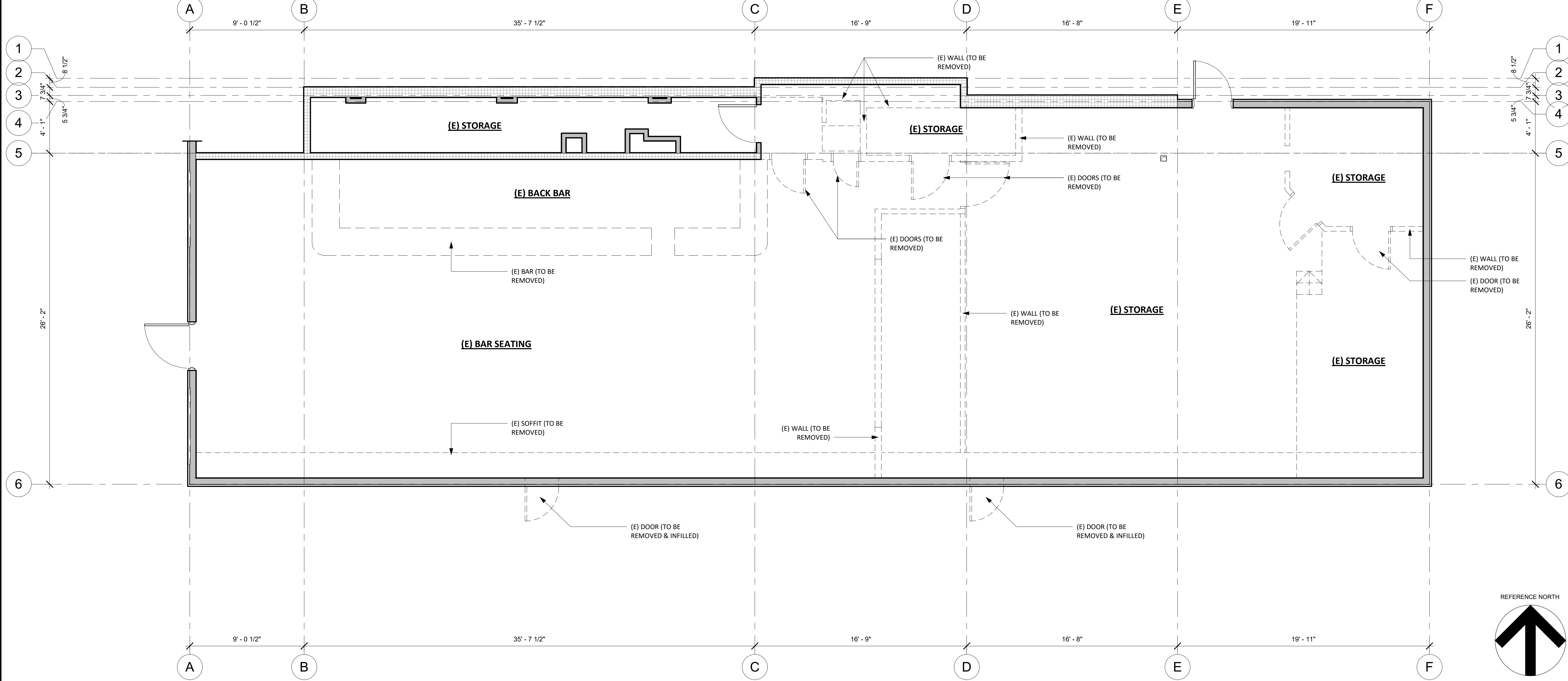
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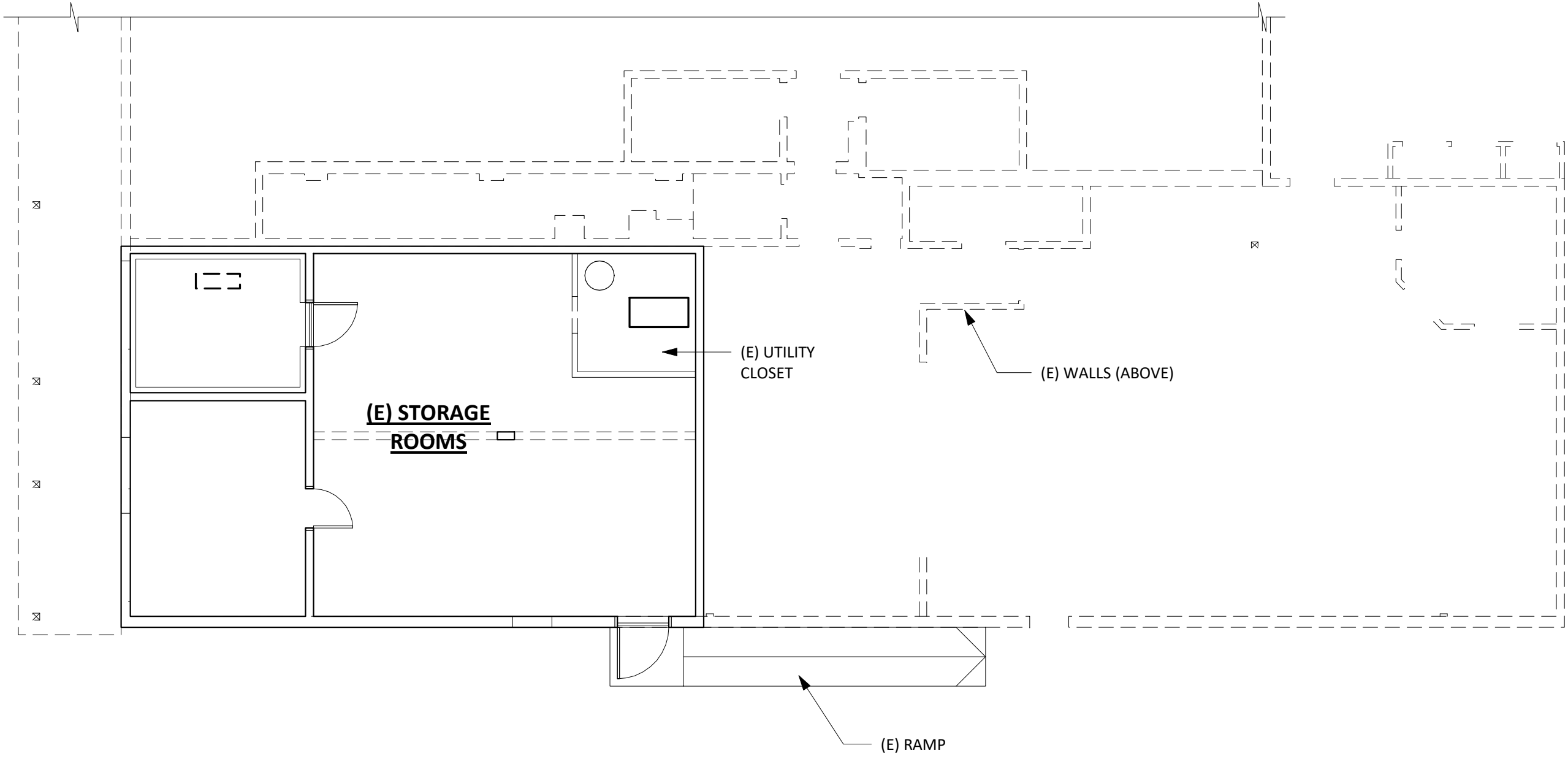
PARKING CALCULATIONS:

ADDRESS	USE	SQFT	SPACE CRITERIA	REQUIRED SPACES
3100	DISPENSARY - RETAIL	1977	1 SPACE PER 275 SQFT	7 SPACES
3102	RESTAURANT	2002	1 SPACE PER 60 SQFT OF DINING AREA (1200)	20 SPACES
3104	SALON	1020	1 SPACE PER 300 SQFT	3 SPACES
3104A	RESIDENTIAL APARTMENT	400	1 SPACE PER UNIT	1 SPACE
3104B	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3104C	RESIDENTIAL APARTMENT	550	1 SPACE PER UNIT	1 SPACE
3104D	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3106	FLORIST	700	1 SPACE PER 275 SQFT	3 SPACES
3106A	RETAIL SPACE	360	1 SPACE PER 275 SQFT	1 SPACE
3110	MOTEL	10400	2 SPACES PLUS 1 PER UNIT (25)	27 SPACES
209 CARMEL	RESIDENTIAL APARTMENT	620	1 SPACE PER UNIT	1 SPACE
TOTAL SPACES REQUIRED:				66 SPACES
TOTAL SPACES PROVIDED:				84 SPACES





1 AS-BUILT/DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



2 EXISTING AS-BUILT (BASEMENT LEVEL)
SCALE: 1/8" = 1'-0"

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
AS-BUILT/DEMOLITION PLAN
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

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SHEET:
A3.00
SHEET: OF SHEETS

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PROJECT: 20190505

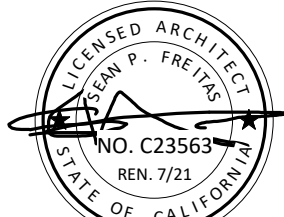
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
PROPOSED FLOOR PLAN

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

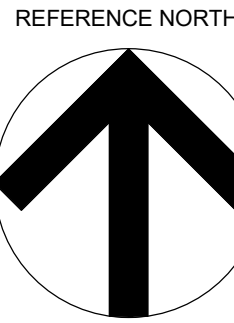
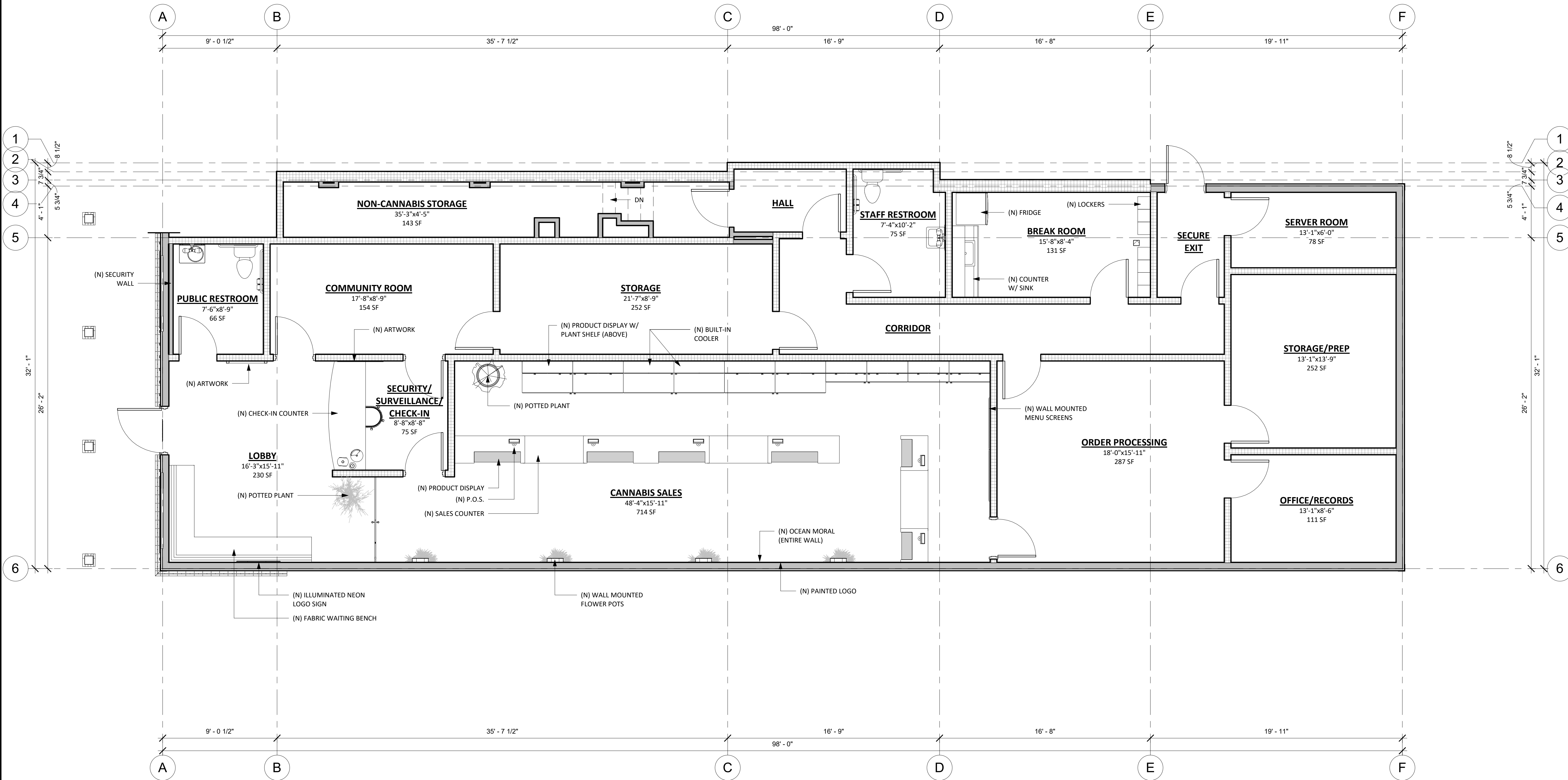


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SHEET:

A3.01

SHEET: OF SHEETS



1 PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"



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PROJECT: 20190505

CLIENT:

NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLES:
FLOOR PLAN - LEVEL 1

DATE: 5/24/2019

DESIGN REVIEW DRAWING

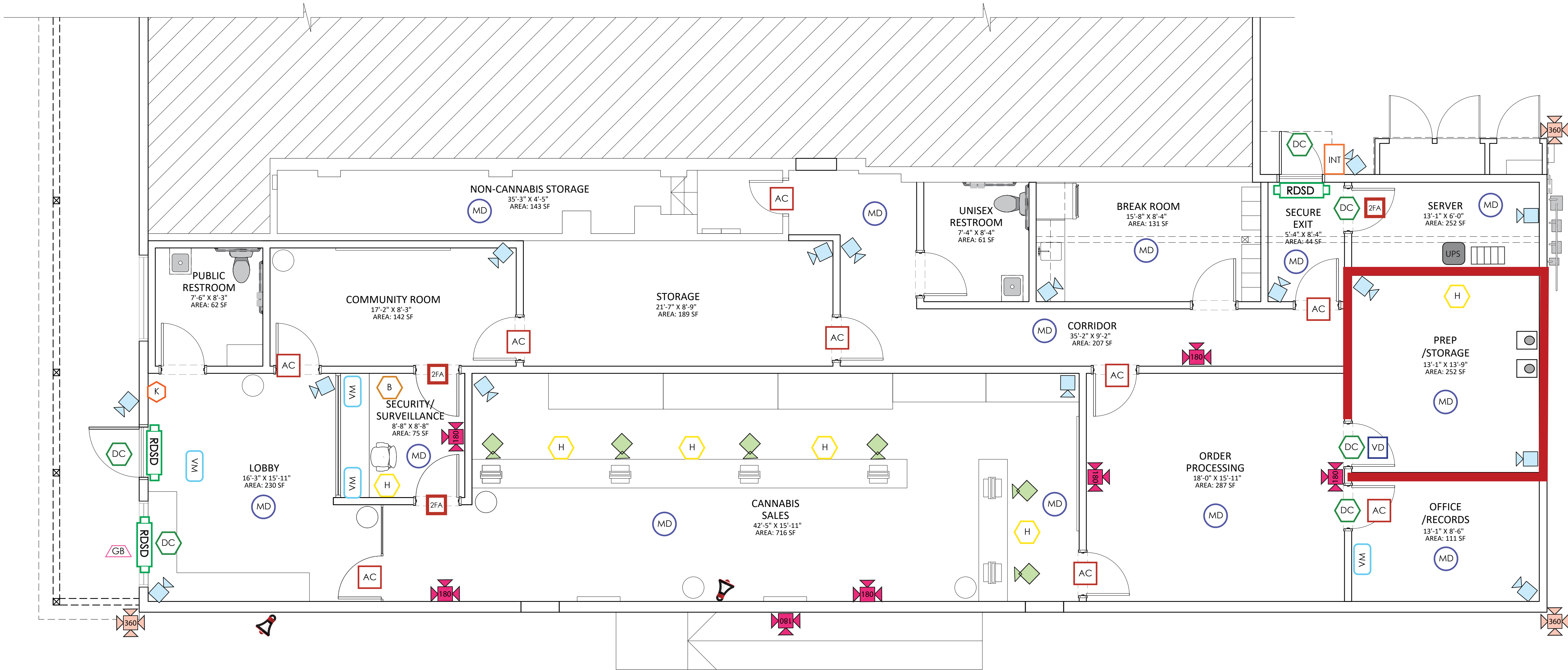
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SHEET:

A3.11

SHEET: OF SHEETS



FLOOR PLAN - LEVEL 1

SCALE: 0 4'

1

	2MP POS Overhead Camera	6
	2 MP Indoor Fixed IP/IR Camera	15
	5 MP Panoromic 180-degree IP/IR Camera	7
	5 MP Fisheye 360-degree IP/IR Camera	3
	Video Surveillance Camera Monitor	4
	Alarm Arming Keypad	1
	PIR Alarm Motion Sensor	13
	Door Buzzer for Remote Entry	1

	Two-Factor Authentication AC Device	3
	UL Rated Vault Door with Group 1 Lock	1
	UL Rated Burglary-Resistant Fireproof Safe	2
	Security Equipment Storage Rack	1
	100 Decibels Audible Interior/Exterior Siren	2
	Video/Intercom System	1
	Uninterruptible Power Supply	1

	Access Control Device (Keycard PIN Biometric)	9
	Emergency Holdup/Duress Alarm Button	6
	Magnetic Door Alarm Contact	6
	Glass Break Alarm Sensor	1
	Vault Wall	1
	Roll Down Security Door	3

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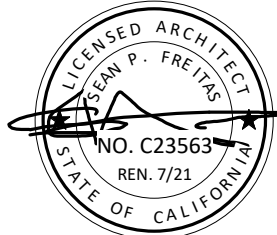
PROJECT: 20190505

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05-03-2019
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

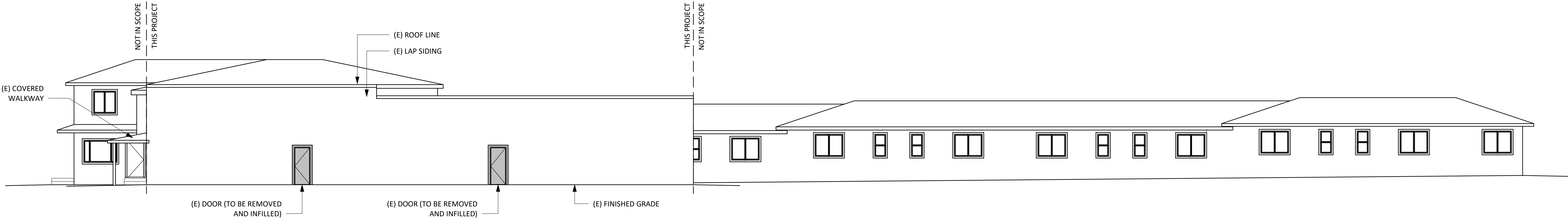


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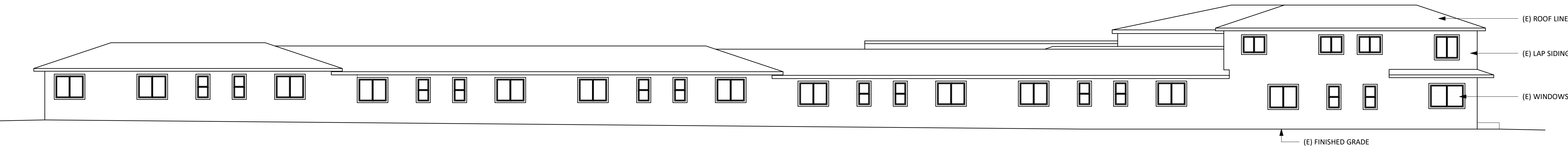
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SHEET: OF SHEETS



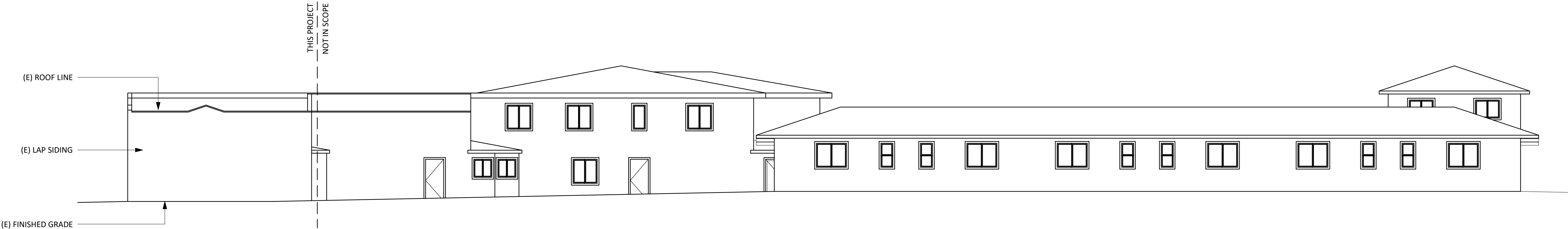
4 (E) EXTERIOR ELEVATIONS - RIGHT

SCALE: 1" = 10'-0"



3 (E) EXTERIOR ELEVATIONS - LEFT

SCALE: 1" = 10'-0"



2 (E) EXTERIOR ELEVATIONS - REAR

SCALE: 1" = 10'-0"



1 (E) EXTERIOR ELEVATIONS - FRONT

SCALE: 1" = 10'-0"

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ELEVATIONS EXTERIOR
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 10/24/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

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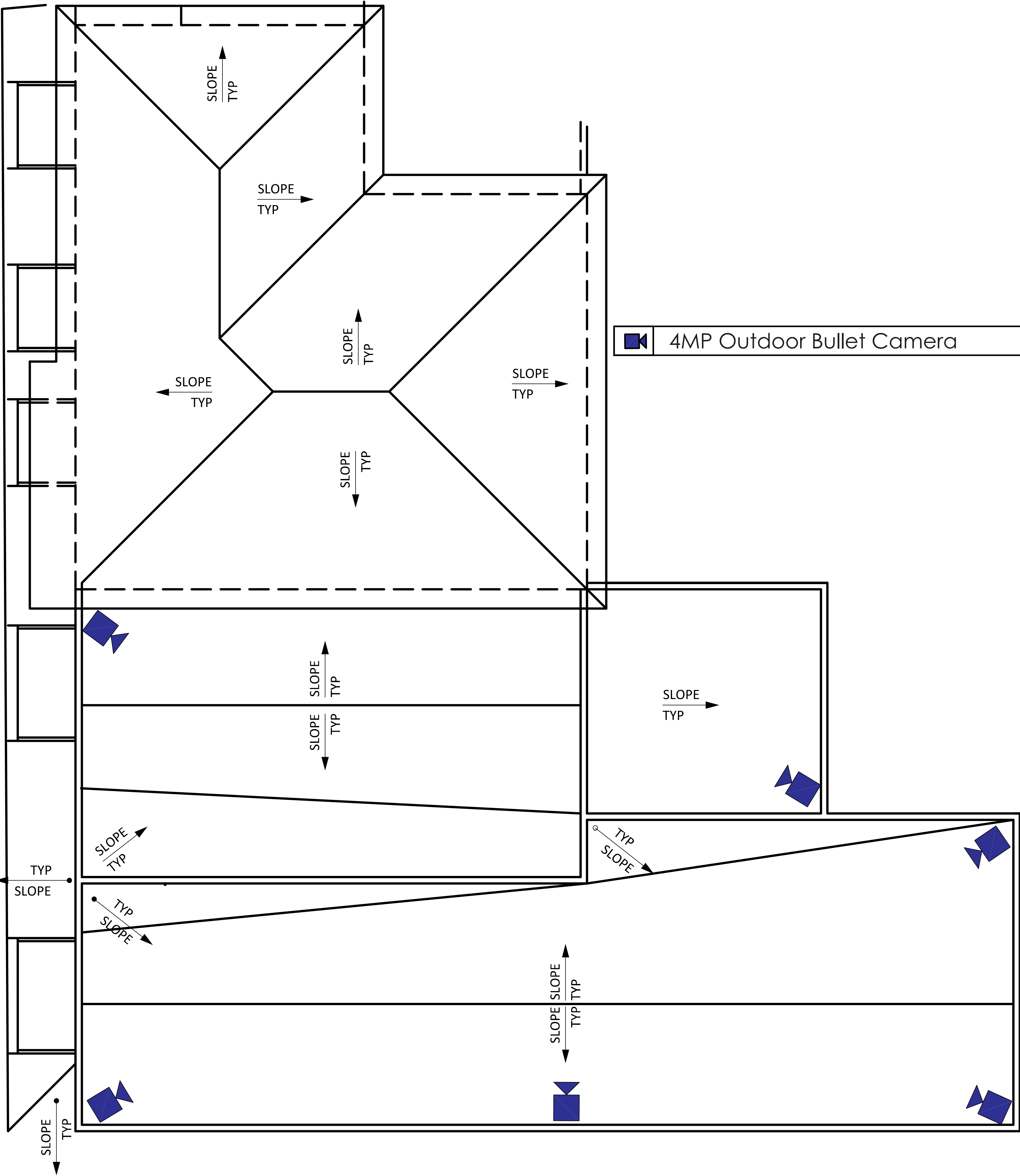
SHEET:
A4.12
SHEET: OF SHEETS



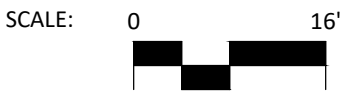
2 (N) EXTERIOR PERSPECTIVE VIEW
SCALE: 12" = 1'-0"



1 (N) EXTERIOR ELEVATIONS - FRONT
SCALE: 1" = 10'-0"



PROJECT - ROOF PLAN



1

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PROJECT: 20190505



NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLES:
PROJECT - ROOF PLAN

DATE: 5/23/2019

DESIGN REVIEW DRAWING

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SHEET:

A5.11

SHEET: OF SHEETS



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)

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PROJECT: 20190505

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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

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SHEET:
A7.11
SHEET: OF SHEETS

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PROJECT: 20190505

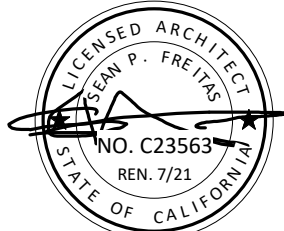
CLIENT:
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS

ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL



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SHEET:

A7.12

SHEET: OF SHEETS



SALES VIEW (TOWARDS LOBBY)



SALES VIEW (FROM SALES ENTRY DOOR)



SALES COUNTER VIEW (TOWARDS SECURITY OFFICE)



SALES COUNTER VIEW (REAR OF SALES ROOM)

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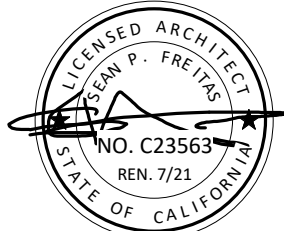
PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR RENDERINGS
ISSUES:
Project Issue Date: 05-27-2019
Project Status: DESIGN REVIEW
Sheet Issue Date: 05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

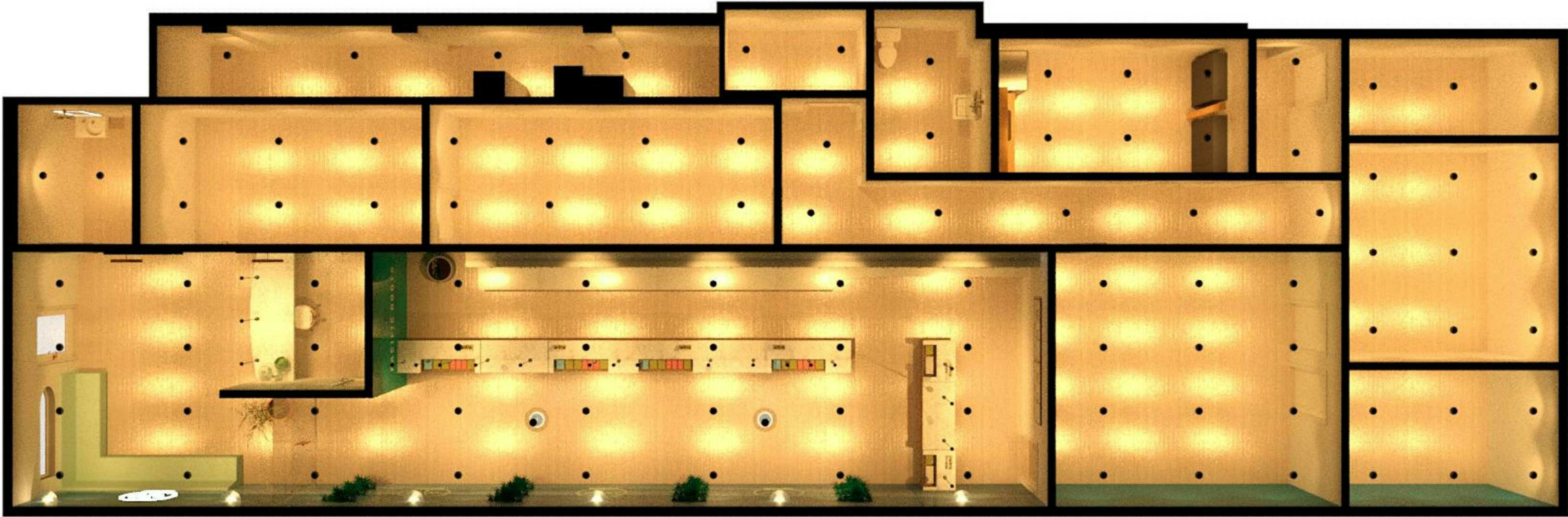


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SHEET:

A7.13

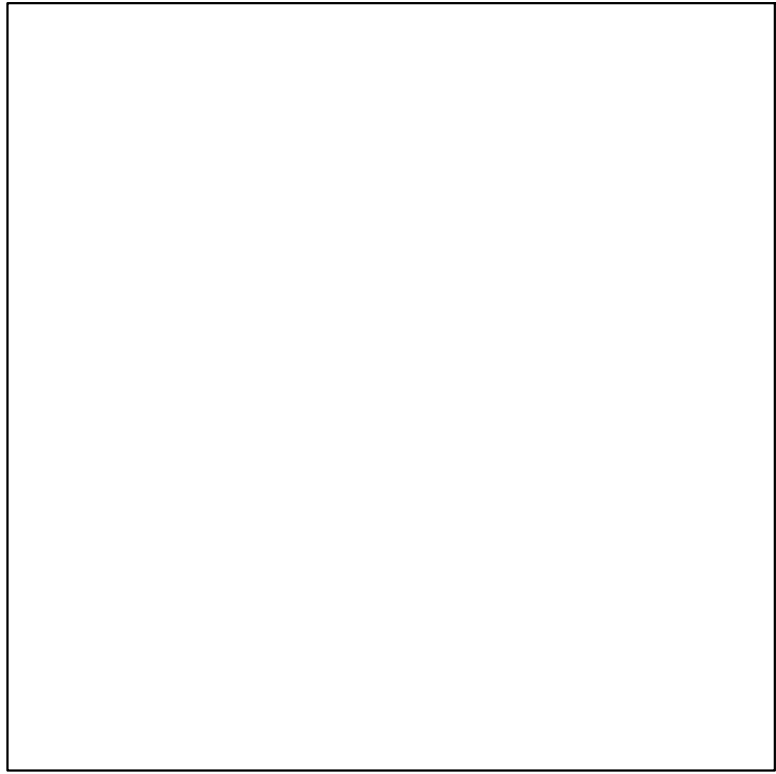
SHEET: OF SHEETS



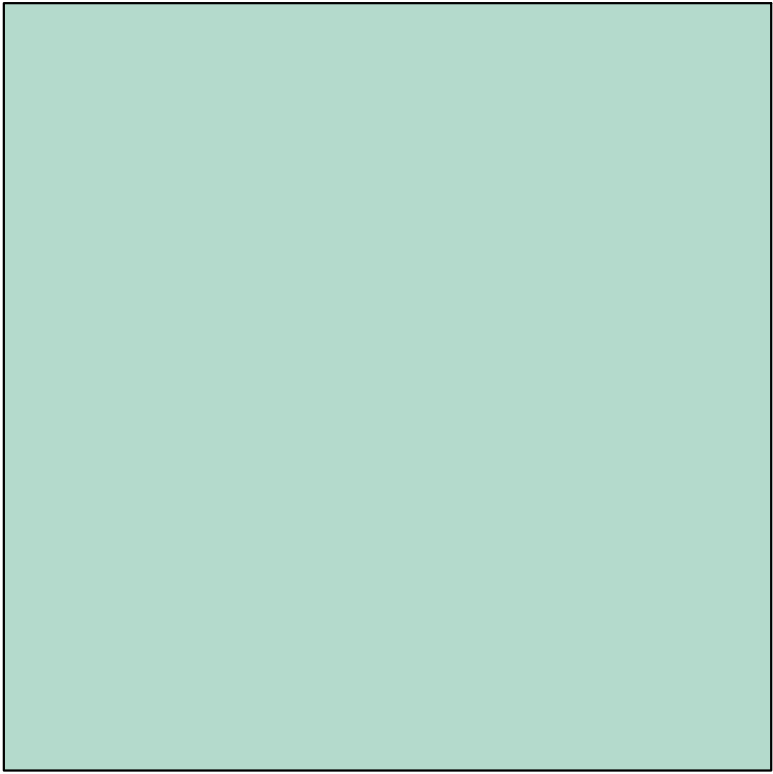
OVERHEAD PERSPECTIVE VIEW



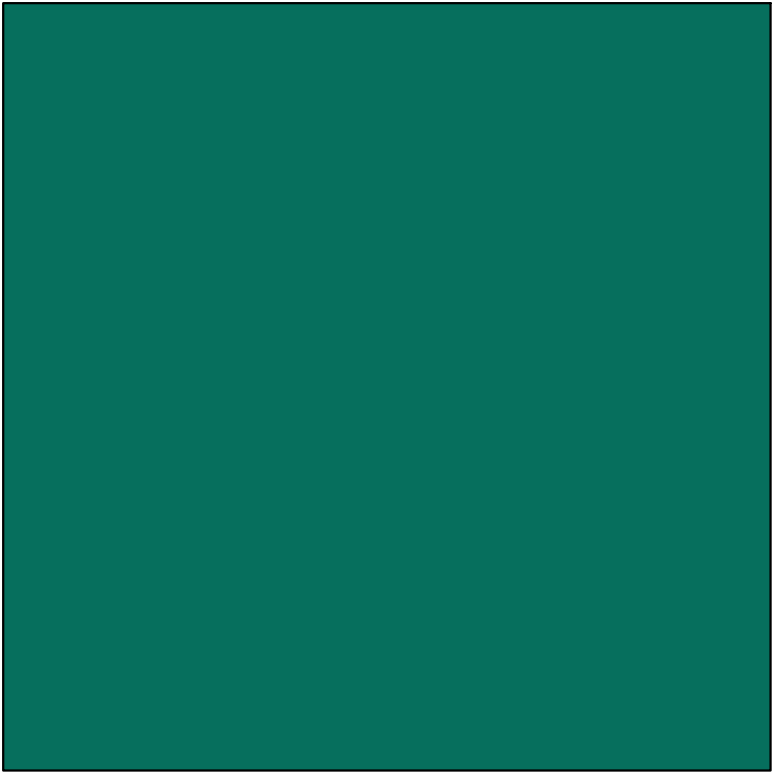
OVERHEAD PERSPECTIVE VIEW (ENLARGED SALES AND LOBBY)



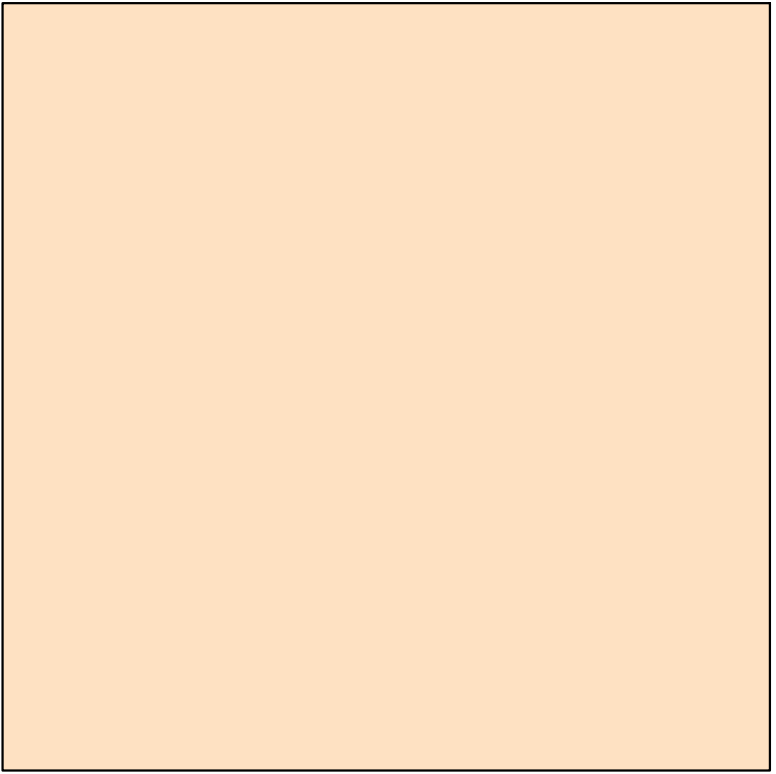
PRIMARY COLOR
(CEILING & WALLS)



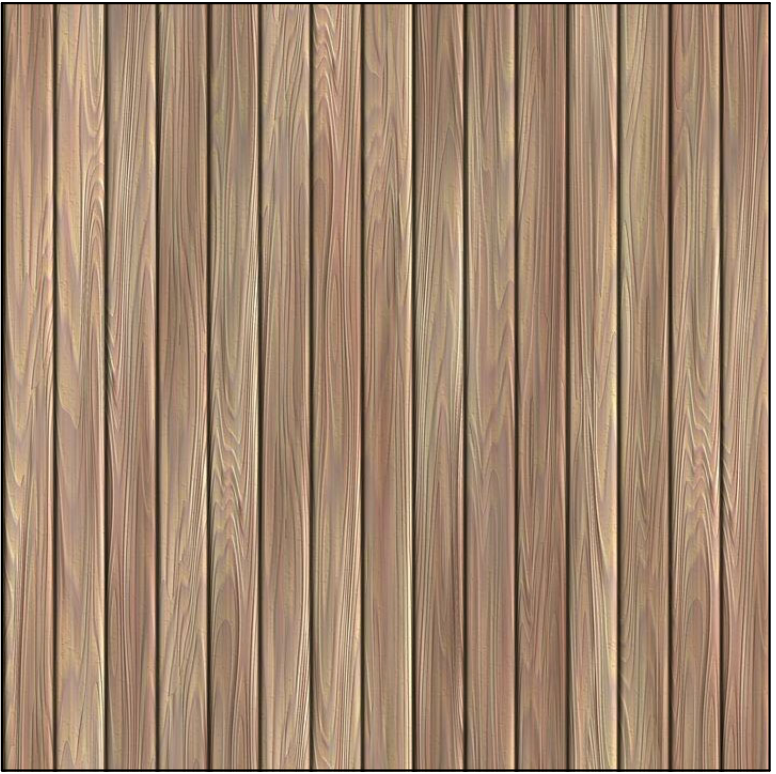
ACCENT COLOR
(OBJECTS & WALLS)



ACCENT COLOR
(OBJECTS & WALLS)



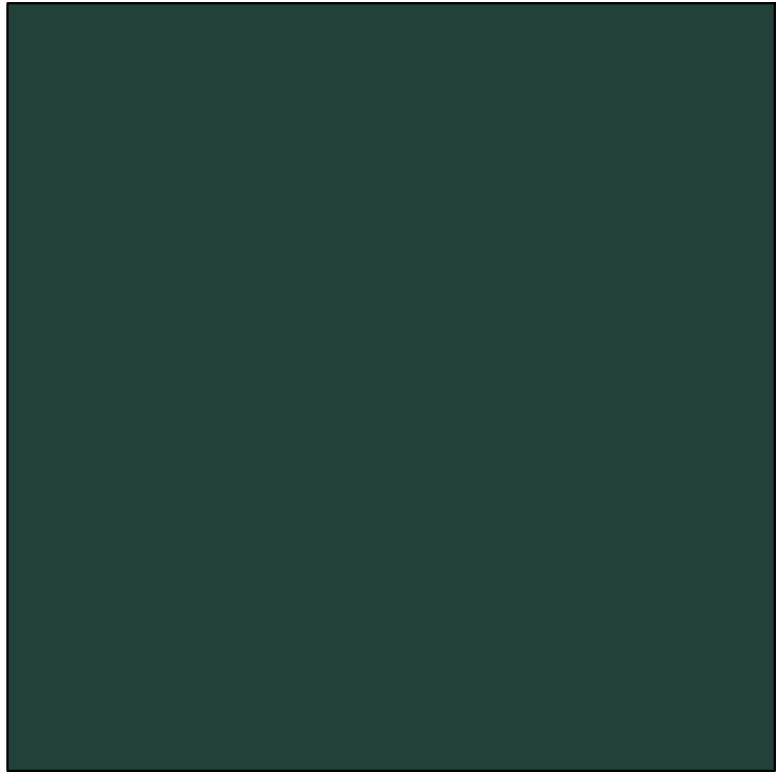
PRIMARY & ACCENT COLOR
(OBJECTS & WALLS)



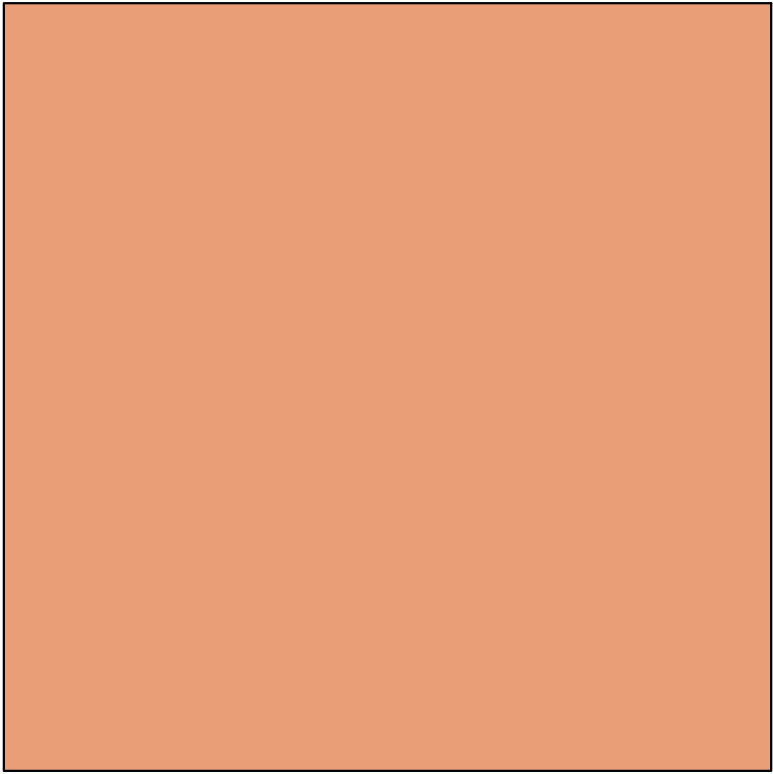
CASEWORK



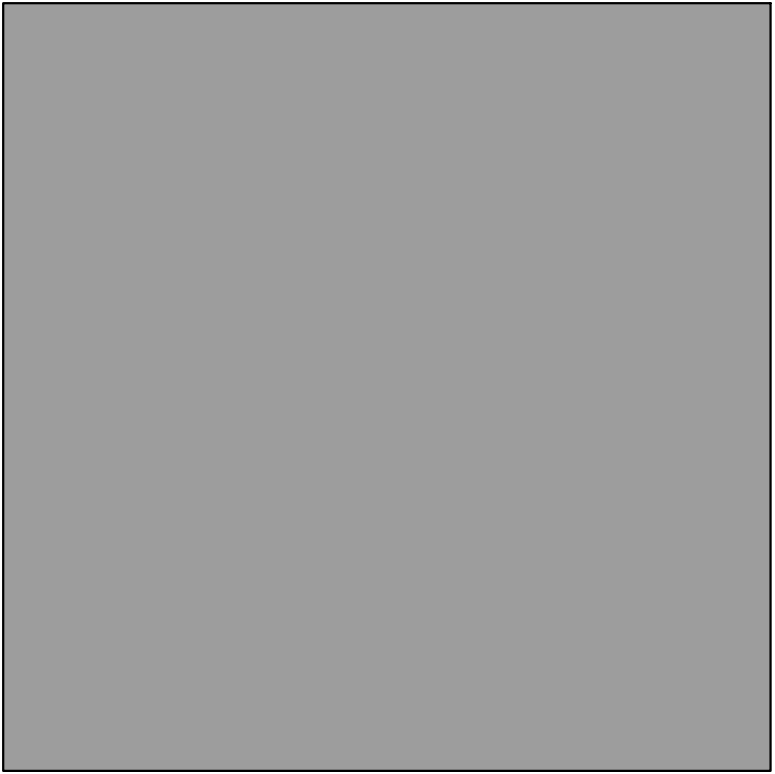
METALS



ACCENT COLOR
(OBJECTS)



ACCENT COLOR
(OBJECTS)



ACCENT COLOR
(OBJECTS)



TILE
(CHECK-IN COUNTER)



FLOORING



COUNTERTOPS



RECESSED LIGHTING



WALL SCONCE LIGHTING



PENDANT LIGHTING
(SALES ROOM)



PENDANT LIGHTING
(COUNTERS)



ART LIGHTING
(LOBBY)

SEAN
FREITAS
ARCHITECT

(916) 580-9981
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PROJECT: 20190505

CIENT:

PACIFIC ROOTS - MARINA
ATTN: AARON HERZBERG
(MANAGING PARTNER)
1149 S HILL ST, STE 425
LOS ANGELES, CA 90015
Tel: (213) 429-7071
Email: AARON@PUZZLEGROUP.LAW.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
MATERIALS & COLOR SAMPLES

ISSUES:

Project Issue Date:05-27-2019
Project Status:DESIGN REVIEW
Sheet Issue Date:05/27/19
Revision Number:
Revision Date:

ARCHITECT'S APPROVAL

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SHEET:

A8.11

SHEET: OF SHEETS

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3112-3114 DEL
MONTE BOULEVARD (APN 321-920-019) IN THE C-1 (RETAIL BUSINESS) ZONING
DISTRICT.

WHEREAS, Blake Brown of JC Marina Ventures, LLC/Marina Trading Co. submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for JC Ventures, LLC/Marina Trading Co. at 3112-3114 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning office on November 15, 2019, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications - The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Standard Cannabis Dispensary Operating Conditions

6. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on November 15, 2019.
7. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.
8. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
9. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
10. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
11. Business License - The permittee shall obtain and maintain a City of Marina business license.
12. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
13. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.

14. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
15. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
16. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
17. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
18. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
19. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

20. Site Maintenance – The permittee shall maintain the premises’ parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
21. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
22. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
23. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.
24. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
25. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

26. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state or local requirements, including conditions of approval, and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, 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

PROJECT INFORMATION

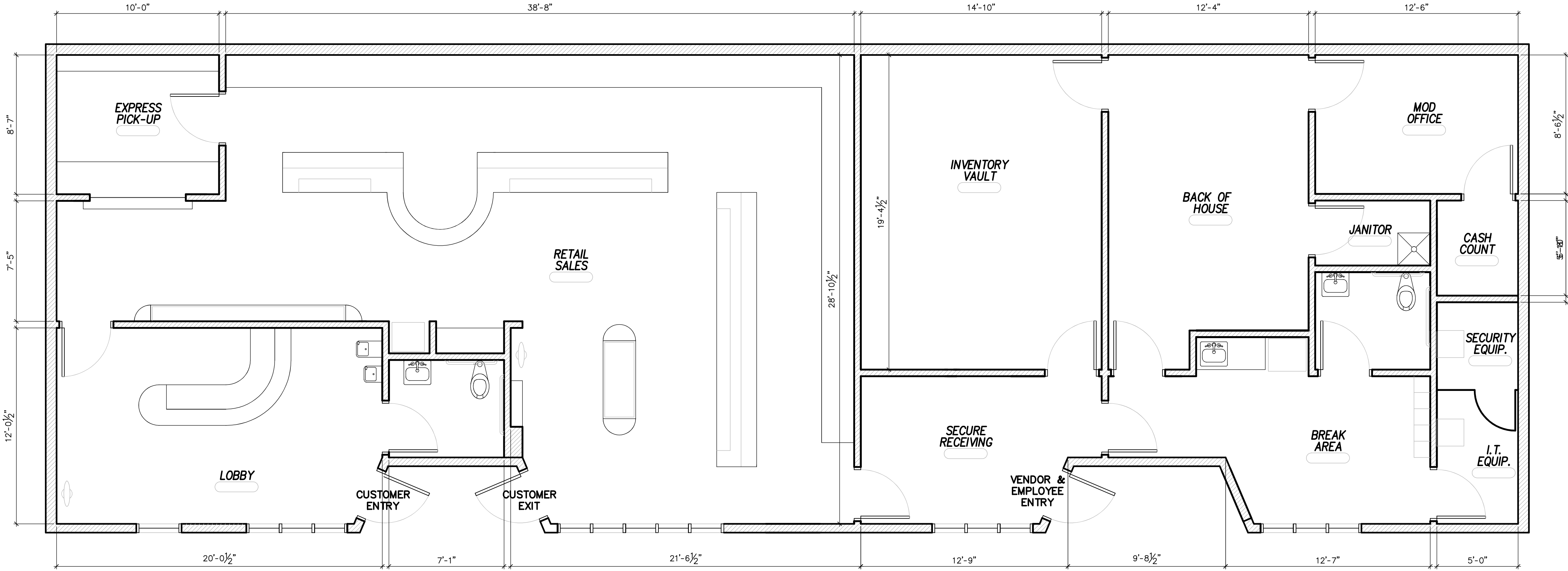
APPLICANT:
JC MARINA VENTURES, LLC / MARINA TRADING CO.
601 S. BROADWAY, SUITE H
DENVER, COLORADO 80209
513-886-8613

ASSESSOR PARCEL NUMBER & ADDRESS:
APN 032-192-019-000
3112 DEL MONTE BOULEVARD
MARINA, CALIFORNIA 93933

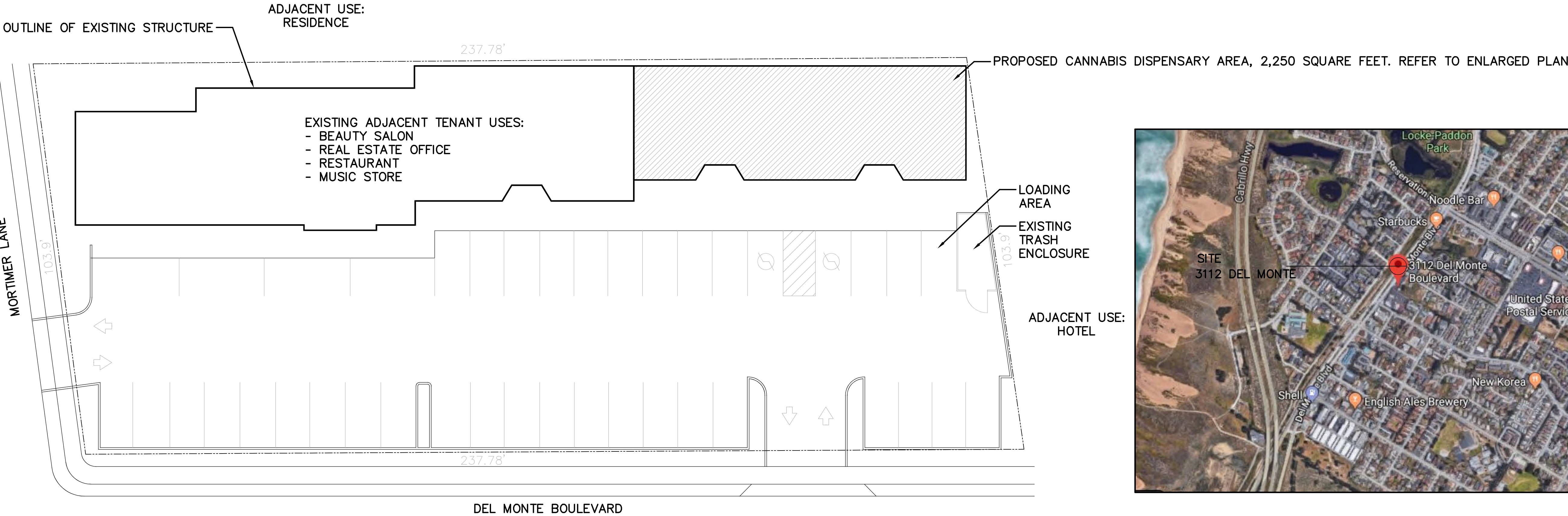
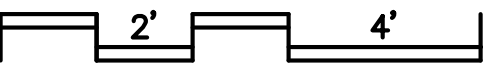
EXISTING SITE AREA:
0.60336 ACRES

EXISTING GENERAL PLAN LAND USE DESIGNATION:
RETAIL-SERVICE

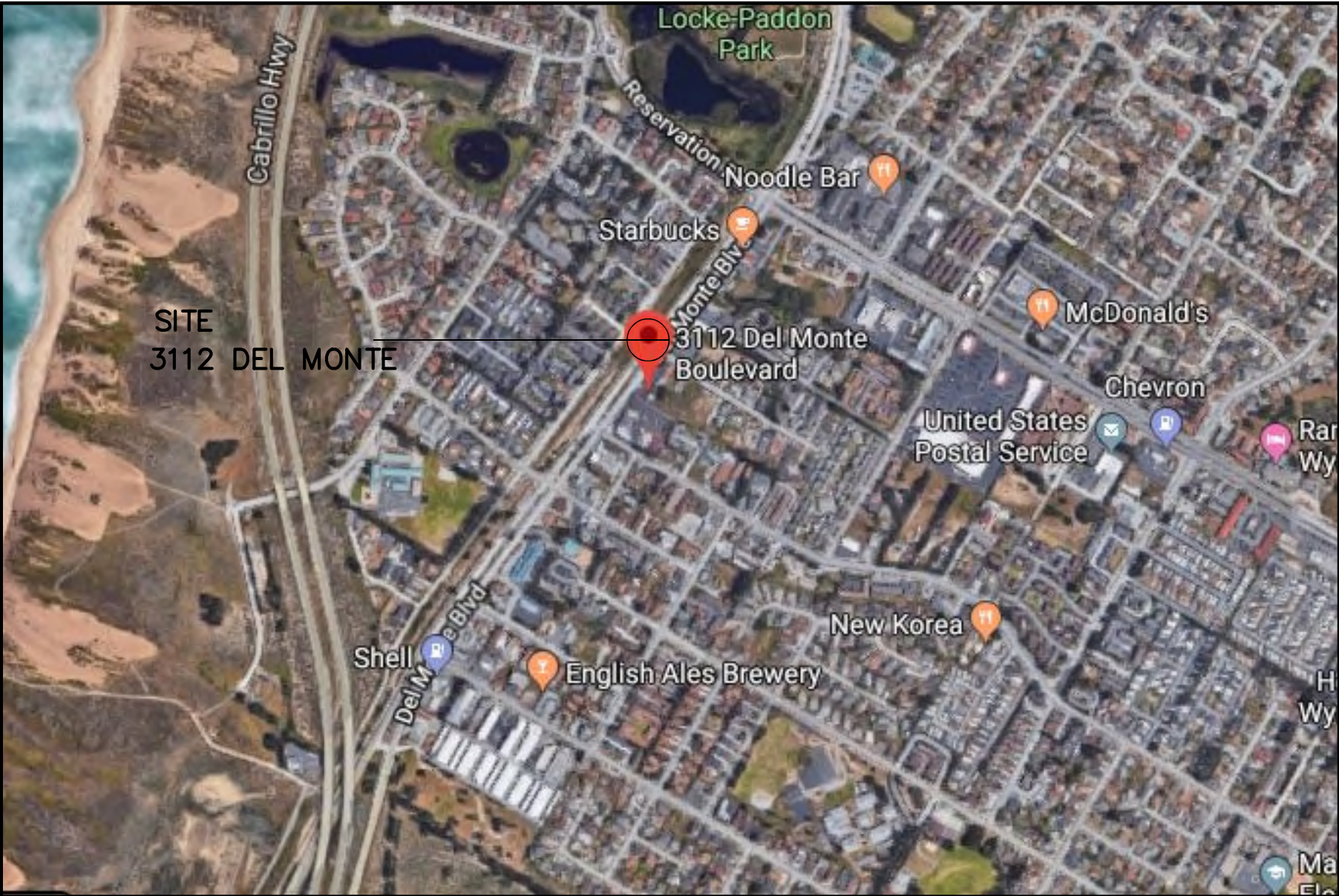
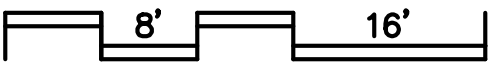
EXISTING ZONING DESIGNATION:
C-1



FLOOR PLAN - 3112 DEL MONTE - MARINA, CALIFORNIA
SCALE: 1" = 4'-0"

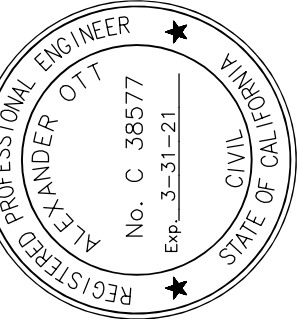


SITE PLAN - 3112 DEL MONTE - MARINA, CALIFORNIA
SCALE: 1" = 16'-0"



VICINITY MAP
SCALE: N.T.S.

ALEXANDER OTT
603 PALM AVENUE
SEASIDE, CA 93955



MANDURRAGO
&
ASSOCIATES



P.O. BOX 1504 CARMEL, CA 93921
PHONE: 831 595-0709
EMAIL: CHARLES@MANDURRAGO.NET

DRAWN BY: MANDURRAGO

DRAWING DATE: 11-14-19

REVISIONS:



PROJECT:

JC MARINA
VENTURES
3112 DEL MONTE
MARINA, CA 93933
APN: 032-192-019

OWNER:
JC MARINA VENTURES LLC
MARINA TRADING COMPANY
601 S. BROADWAY STE. "H"
DENVER, COLORADO 80209

SHEET NUMBER:

A1.0



PROJECT DESCRIPTION

Name of Project Applicant: JC Marina Ventures, LLC / Marina Trading Co.

Mailing Address: 601 S Broadway, Suite H, Denver, CO, 80209 Phone: 513-886-8613

Name of the project: Cannabis Dispensary Conditional Use Permit

Project location (address and/or Assessor's Parcel Number(s)): 3112 Del Monte Blvd, Marina, CA 93933
APN: 32192019000

Size of project site (acreage): 0.60336 Acres

Existing General Plan Land Use Designation: Retail - Service

Existing Zoning Designation: C-1

Describe the existing land use(s) of the site: Currently, the site is being used for general retail and service retail (restaurant) uses.

Describe the existing land use of properties surrounding the site: The site is part of a retail plaza and is surrounded by other general retail, service retail, and restaurant uses and is also adjacent to a hotel.

Describe the proposed land use(s)/Project: The proposed project is create an Adult Cannabis Dispensary and Medical Cannabis Dispensary Land Use to be located at 3112 Del Monte Blv, Marina, CA, 93933.

The project will not include any modifications to the exterior footprint of the property and will be focused on tenant improvements related to retail design and security.

For residential uses, indicate the number, type, and size of the units, and the estimated range of the sale and rental prices:_____

For commercial uses, indicate the type (neighborhood, city, or regional orientation), the total square footage, the estimated number of employees, and the hours of operation: City designation, 2250 Sq Ft.
We estimate that we will require 16 employees and operate between 10 AM to 10 PM, 7 days per week.

For industrial uses, indicate the type, the total square footage, the estimated number of employees, and the hours of operation:_____

For other uses, indicate the major function, the total square footage, the estimated number of employees, and the hours of operation:_____

List and describe any other permits or public approvals required for this project, including those required by city, regional, state, and federal agencies: City of Marina Cannabis Dispensary Conditional Use Permit,
State of California Bureau of Cannabis Control Type 10 License

Are there water, sewer, gas, electric, and telecommunication facilities available to the project site?

(✓) Yes () No If no, are connections to these facilities proposed?_____

Please describe any odor, noise, smoke, or dust which will result from the proposed development or use:
There will not be any odor, noise, smoke, or dust which will result from the proposed development or use.

Will there be any potentially hazardous materials, toxic substances, or flammable materials used, stored, manufactured, or disposed of at the project site? () yes (✓) no If yes, please explain: _____

Please describe the proposed scheduling and phasing of the project's construction: The construction phase entails tenant improvement to the interior only and will total 4 months. Month 1 will consist of mobilization, demolition, and framing. Month 2 will consist of mechanical, electrical, and plumbing. Month 3 will consist of drywall, flooring, and interior finishes. Month 4 will consist of painting, FF & E, and commissioning.

Please provide any additional relevant information that can assist in the processing of this application: Per the City of Marina Ordinance No. 2018-09, this property currently complies with all relevant zoning and land-use regulations related to the proposed Adult Cannabis Dispensary and Medical Cannabis Dispensary Land Use designations. Additionally, there will be no major exterior work to be done which will trigger any environmental concerns.

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3170 DEL MONTE
BOULEVARD (APN 032-055-017) IN THE PC (PLANNED COMMERCIAL)
ZONING DISTRICT.

WHEREAS, Brian Mitchell of SGI Marina LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for SGI Marina LLC at 3170 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “EXHIBIT A”, submitted to the Planning Office on January 29, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications - The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

Standard Cannabis Dispensary Operating Conditions

7. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 29, 2020.

8. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

9. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

10. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

11. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.

12. Business License - The permittee shall obtain and maintain a City of Marina business license.

13. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
14. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
15. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
16. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
17. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
18. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
19. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
20. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

21. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
22. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
23. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
24. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.

25. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.

26. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

27. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state or local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



1

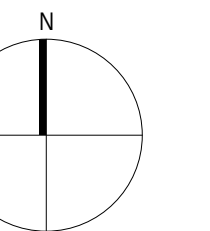
STIIZY MARINA

DRAWING INDEX / ISSUE LOG

APN NUMBER: 032-055-017-000

ISSUE LOG KEY: "X" ISSUED AS PART OF THIS SET "R" ISSUED FOR REFERENCE ONLY		DATE ISSUE 1: 11/14/2019 ISSUE 2: 11/26/2019					
SHEET NUMBER	SHEET NAME						REMARKS

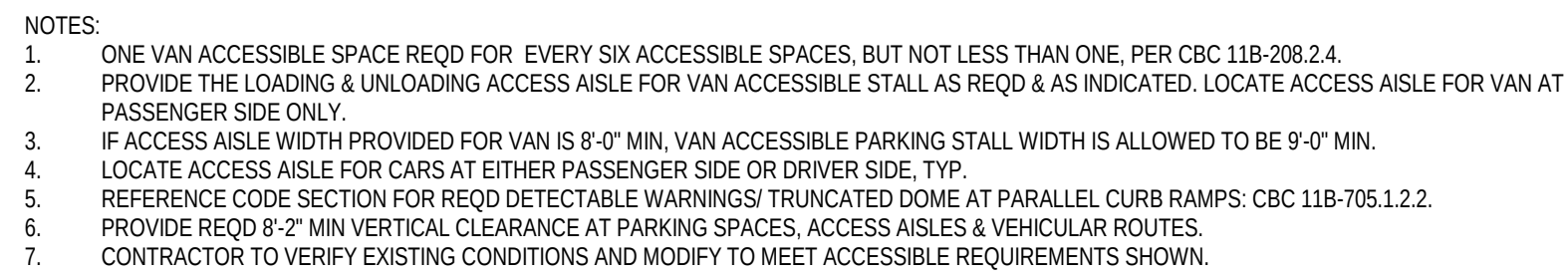
ARCHITECTURE							
A0.1	COVER SHEET	X	X				
A1.0	SITE PLAN	X	X				
A1.1	FLOOR PLAN	X	X				
A1.2	SECURITY PLAN	X	X				
A2.0	EXTERIOR ELEVATIONS	X	X				
A3.0	PERSPECTIVE	X	X				



**3170 DEL MONTE BLVD,
MARINA, CA 93933**

architecture & interiors

RMW experience
think



ACCESSIBLE PARKING STALL

$$\overline{1/4'' = 1'-0''}$$

SITE PLAN DATA

APN:	032-055-017-000
ZONING:	PC COMMERCIAL
TOTAL SITE AREA:	+/- 17,349 SF/ 0.40 AC
BUILDING AREA:	+/- 2,744 SF
BUILDING HT:	+/- 16'-0"
TOTAL LANDSCAPE COVERAGE:	+/- 7,319 SF / 0.17 AC (42%)
TOTAL HARDSCAPE COVERAGE:	+/- 7,286 SF / 0.17 AC (42%)
TOTAL BUILDING COVERAGE:	+/- 2,744 SF / 0.06 AC (16%)

PARKING

PARKING REQUIRED 1:275 SF (10 STALLS)

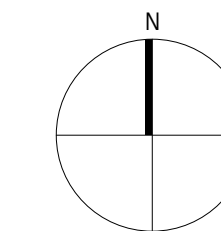
EXISTING PARKING PROVIDED:

STANDARD STALLS: 9' X 19' = 9 STALLS
(CAN BE REDUCED TO 17' 5" TO ACCOMMODATE TYP 1' 5" FRONT VEHICLE
OVERHANG WHERE CURB DO NOT EXCEED HEIGHT OF 6")

ACCESSIBLE STALLS: 1 STALL (1 REQUIRED)

PROPOSED EV PARKING STALL: 1 STALL

TOTAL : 11 STALLS



SCALE 1" = 10'-0"

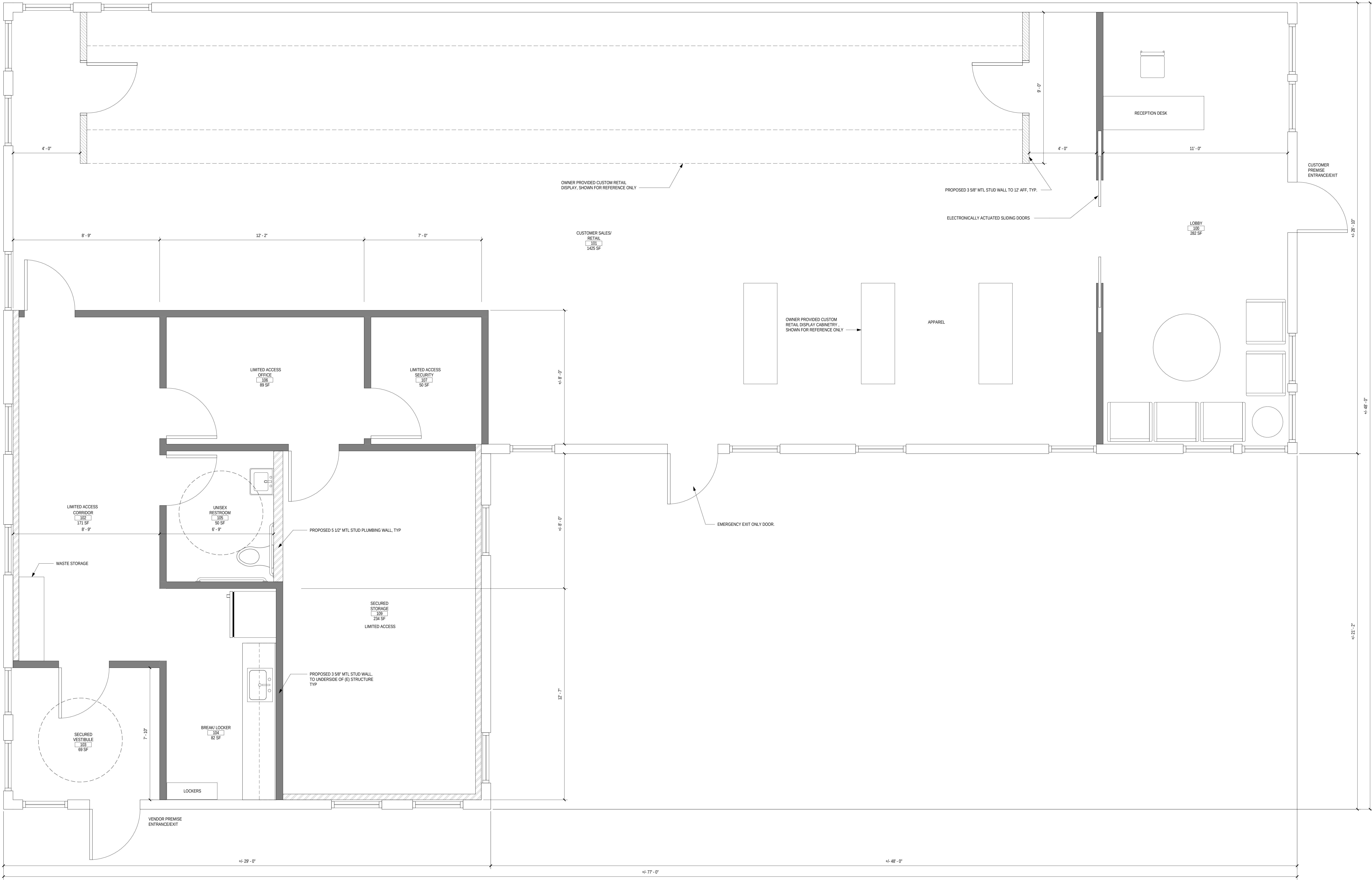
A1.0

SITE PLAN

**3170 DEL MONTE BLVD,
MARINA, CA 93933**

12/16/19

RMWthink experience
architecture & interiors

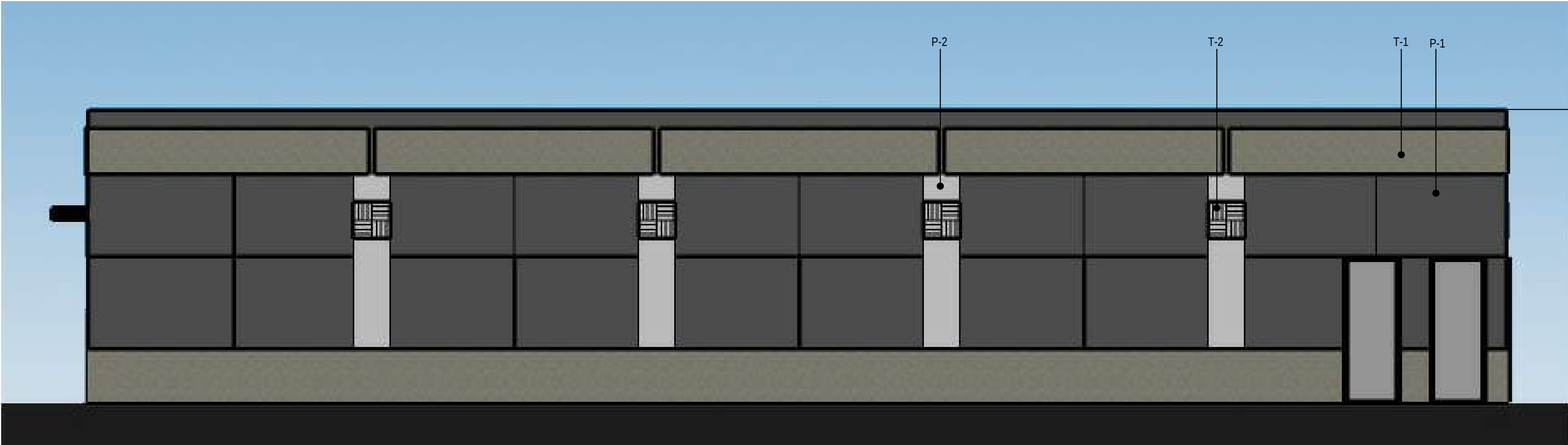


SCALE 1/2" = 1'-0"

A1.1
FLOOR PLAN

3170 DEL MONTE BLVD,
MARINA, CA 93933

12/16/19



SIDE ELEVATION

1/4" = 1'-0"

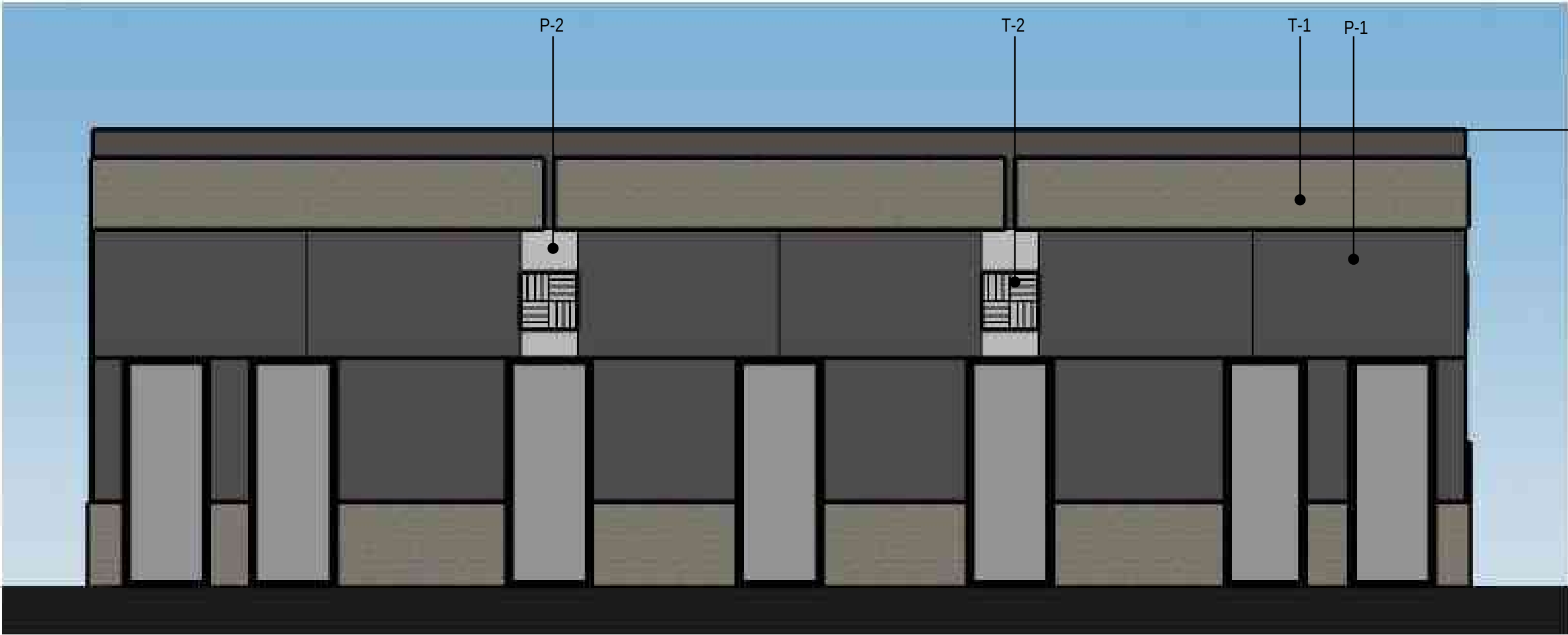
3



FRONT ELEVATION

1/4" = 1'-0"

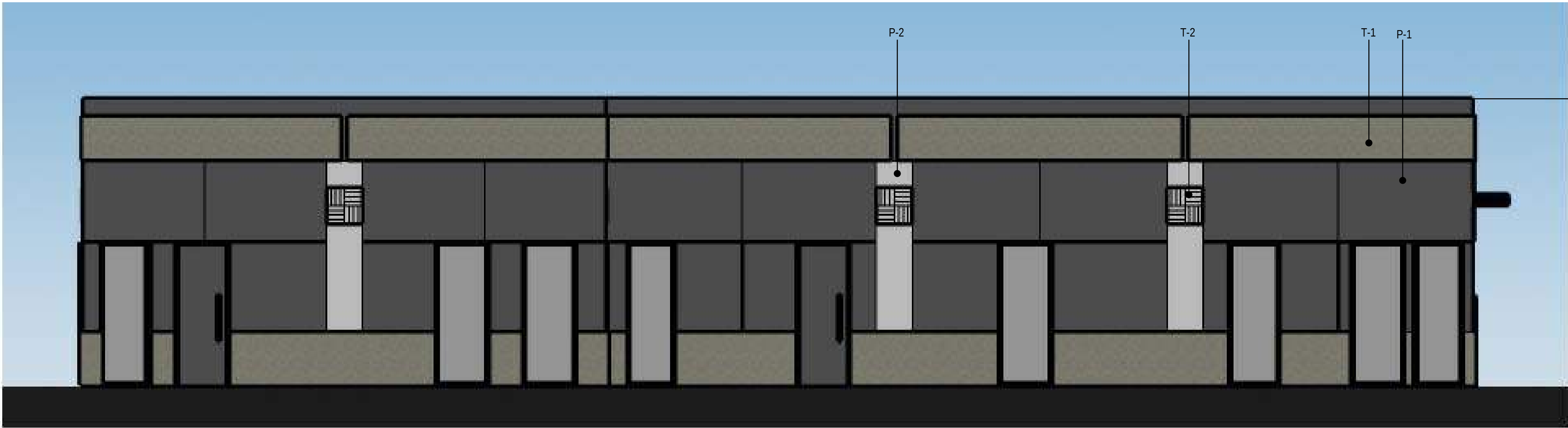
4



BACK ELEVATION

1/4" = 1'-0"

2



SIDE ELEVATION

1/4" = 1'-0"

1

FINISH SCHEDULE

P-1	GRAY PAINT
MFR:	BENJAMIN MOORE
SPEC:	WATCHING HOUR 2120-30
FINISH:	EGGSHELL
P-2	GRAY PAINT
MFR:	BENJAMIN MOORE
SPEC:	SILVER SPRING 2120-50
FINISH:	HI-GLOSS
T-1	RECTANGULAR PANELS
MFR:	DRYVIT
SPEC:	TERRA NEO BLACK 07807
INSTALL:	PER MFR
T-2	STAINLESS STEEL PANELS
MFR:	MONICORHOLS
SPEC:	17800004038
INSTALL:	PER MFR, QUARTER TURN AS SHOWN



A3.0
PERSPECTIVE

3170 DEL MONTE BLVD
MARINA, CA 93933

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting of
June 2, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
CONFIRMING THE CITY MANAGER/DIRECTOR OF EMERGENCY
SERVICES' ISSUANCE OF A SECOND SUPPLEMENT TO THE
PROCLAMATION OF A LOCAL EMERGENCY TEMPORARILY
SUSPENDING UNTIL JULY 31, 2020, THE AUTHORITY OF ANY LANDLORD
TO COMMENCE EVICTIONS ON ANY RESIDENTIAL (INCLUDING MOBILE
HOMES AND MOBILE HOME LOTS) OR COMMERCIAL PROPERTY
WITHIN THE CITY DUE TO THE TENANT'S NONPAYMENT OF RENT OR A
FORECLOSURE ARISING OUT OF A DOCUMENTED SUBSTANTIAL
DECREASE IN HOUSEHOLD OR BUSINESS INCOME CAUSED BY THE
COVID-19 PANDEMIC OR THE GOVERNMENTAL RESPONSE THERETO
AND ESTABLISHING CERTAIN EVICTION PROTECTION REQUIREMENTS.**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2020-, confirming the City Manager/Director of Emergency Services' issuance of a Second Supplement to the Proclamation of a Local Emergency temporarily suspending until July 31, 2020, the authority of any landlord to commence evictions on any residential (including mobile homes and mobile home lots) or commercial property within the City due to the tenant's nonpayment of rent or a foreclosure arising out of a documented substantial decrease in household or business income caused by the COVID-19 pandemic or the governmental response thereto and establishing certain eviction protection requirements.

BACKGROUND:

Section 2.20.060.a. of the Marina Municipal Code empowers the Director of Emergency Services, in the event of a proclamation of a local emergency by the City Manager in his role as Director of Emergency Services or by the Governor, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; however, such rules and regulations must be confirmed at the earliest practicable time by the City Council. On March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a "Proclamation of a Local Emergency Related to Covid-19 (Coronavirus)" (Proclamation of Local Emergency) and a copy is attached as **EXHIBIT A** to **Exhibit 1**.

On March 20, 2020, the Director of Emergency Services issued a First Supplement to the Proclamation of Local Emergency (First Supplement) temporarily suspending until May 31, 2020, the authority of any landlord to evict for nonpayment of rent or a foreclosure a residential or commercial tenant who documents that the inability to pay rent is caused by a substantial decrease in household or business income, or an increase in out-of-pocket medical expenses, as a consequence of the COVID-19 pandemic or by the governmental response thereto. A copy is attached as **EXHIBIT B** to **Exhibit 1**. The First Supplement was issued pursuant to the general police powers of the City to protect the health, safety, and welfare of the citizens of Marina.

On May 29, 2020, the Director of Emergency Services issued a Second Supplement to the Proclamation of Local Emergency (Second Supplement) extending until July 31, 2020, the temporary suspension of the authority of any landlord to evict for nonpayment of rent or a foreclosure a residential or commercial tenant who documents that the inability to pay rent is caused by a substantial decrease in household or business income, or an increase in out-of-pocket medical expenses, as a consequence of the COVID-19 pandemic or by the governmental response thereto and establishing certain eviction protection requirements. A copy is attached hereto as **Exhibit 1**. The Second Supplement was issued pursuant to the general police powers of the City to protect the health, safety, and welfare of the citizens of Marina.

Nothing in the First or Second Supplements relieves a tenant of the obligation to pay rent or a landlord's ability to recover rent due or to file an action against a tenant or non-tenant for damage done to a landlord's property.

The Second Supplement was effective as of June 1, 2020.

The issuance of the Second Supplement is the only formal action taken under the authority vested in the Director of Emergency Services since the City Council's confirmation of the First Supplement at a regular meeting on April 7, 2020.

Respectfully submitted,

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CONFIRMING
ISSUANCE OF A SECOND SUPPLEMENT TO THE PROCLAMATION OF A LOCAL
EMERGENCY TEMPORARILY SUSPENDING UNTIL JULY 31, 2020, THE AUTHORITY
OF ANY LANDLORD TO COMMENCE EVICTIONS ON ANY RESIDENTIAL
(INCLUDING MOBILE HOMES AND MOBILE HOME LOTS) OR COMMERCIAL
PROPERTY WITHIN THE CITY DUE TO THE TENANT’S NONPAYMENT OF RENT OR
A FORECLOSURE ARISING OUT OF A DOCUMENTED SUBSTANTIAL DECREASE IN
HOUSEHOLD OR BUSINESS INCOME CAUSED BY THE COVID-19 PANDEMIC OR
THE GOVERNMENTAL RESPONSE THERETO AND EXSTABLISHING CERTAIN
EVICTION PROTECTION REQUIREMENTS

WHEREAS, Section 2.20.060.a. of the Marina Municipal Code, in the event of a proclamation of a local emergency by the City Manager in his role as Director of Emergency Services or by the Governor, empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a “Proclamation of a Local Emergency Related to Covid-19 (Coronavirus)” (Proclamation of Local Emergency). A copy is attached hereto as **Exhibit A** to **Exhibit 1**; and

WHEREAS, on March 20, 2020, the Director of Emergency Services issued a First Supplement to the Proclamation of Local Emergency (First Supplement) temporarily suspending until May 31, 2020, the authority of any landlord to evict for nonpayment of rent or a foreclosure a residential or commercial tenant who documents that the inability to pay rent is caused by a substantial decrease in household or business income, or an increase in out-of-pocket medical expenses, as a consequence of the COVID-19 pandemic or by the governmental response thereto. A copy is attached hereto as **Exhibit B** to **Exhibit 1**; and

WHEREAS, on May 29, 2020, the Director of Emergency Services issued a Second Supplement to the Proclamation of Local Emergency (Second Supplement) extending until July 31, 2020 the temporary suspension of the authority of any landlord to evict for nonpayment of rent or a foreclosure a residential or commercial tenant who documents that the inability to pay rent is caused by a substantial decrease in household or business income, or an increase in out-of-pocket medical expenses, as a consequence of the COVID-19 pandemic or by the governmental response thereto and establishing certain eviction protection requirements. A copy is attached hereto as **Exhibit 1**; and

WHEREAS, the First and Second Supplements were issued pursuant to the general police powers of the City to protect the health, safety, and welfare of the citizens of Marina; and

WHEREAS, Nothing in the First of Second Supplements relieves a tenant of the obligation to pay rent or a landlord’s ability to recover rent due or to file an action against a tenant or non-tenant for damage done to a landlord’s property; and

WHEREAS, the Second Supplement was effective as of June 1, 2020; and

WHEREAS, the City Council hereby finds that the conditions described in the Proclamation of Local Emergency related to the COVID-19 outbreak did warrant and necessitate the issuance of the Second Supplement by the Director of Emergency Services.

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The Second Supplement to the Proclamation of Local Emergency, as issued by the Director of Emergency Services/City Manager and attached as **Exhibit 1** to this Resolution is hereby confirmed.
- B. The Second Supplement shall be deemed to continue in force until July 31, 2020.
- C. As required by law, the City Council shall continue to review the need for continuing the state of emergency every sixty (60) days until the state of emergency is terminated by the City Council and, as directed by the City Council on March 17, 2020, and accordingly the City Manager has and will continue to report to the City Council on the COVID-19 pandemic as it affects the City of Marina and actions taken under his authority as Director of Emergency Services at every regular meeting of the City Council until the termination of the local emergency shall be proclaimed by the City Council.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 2nd day of June 2020, 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

**SECOND SUPPLEMENT TO THE PROCLAMATION OF A LOCAL
EMERGENCY BY THE CITY OF MARINA CITY MANAGER RELATED
TO COVID-19 (CORONAVIRUS)**

WHEREAS, since early 2020 health and governmental authorities worldwide have been and continue to be involved in a concerted response to an outbreak of respiratory disease caused by a novel coronavirus named COVID-19; and

WHEREAS, I, as Director of Emergency Services and City Manager for the City of Marina, have on March 13, 2020 issued a Proclamation of a Local Emergency by City of Marina City Manager Related to COVID-19 (CORONAVIRUS), and have on March 20, 2020, issued a First Supplement to the Proclamation of a Local Emergency by the City Manager Related to COVID-19 (CORONAVIRUS), both following the proclamation of emergency by the Governor, and as authorized by and in accordance with subsection 6.a. of Section 2.20.020 of the City of Marina Municipal Code; and

WHEREAS, both said proclamations have been confirmed and ratified, as required by said Section 2.20.020, by the City of Marina City Council though, respectively by Resolution No. 2020-29 and Resolution No. 2020-32, and the Proclamations and Resolutions are attached hereto as Exhibits A and B, and incorporated herein by this reference; and

WHEREAS, the First Supplement proclamation (that expires by its terms on May 31, 2020) following recitation and explanation of conditions and consequences of the COVID-19 crisis/pandemic and their effect on the public health and safety of residents and businesses in the City of Marina, includes and concludes with an order pursuant to City's general police power to protect health, safety, and welfare of its citizens, and as authorized by Section 2.20.020 of the Municipal Code, suspending the authority of landlords to commence evictions under specified circumstances, and more particularly set out in the First Supplement proclamation; and

WHEREAS, on March 27, 2020, the Governor of the State of California issued Executive Order 37-20, attached hereto as Exhibit C and incorporated herein by this reference, recognizing many Californians will experience a substantial loss of income related to COVID-19 and therefore minimizing evictions is critical to reducing the spread of COVID-19 in vulnerable populations and establishing certain eviction protection requirements; and

WHEREAS, the conditions and consequences of COVID-19 extant at the time of issuance and ratification/confirmation of the First Supplement proclamation and at the time of the issuance of Executive Order N-37-20 remain at or near those being endured by residents and businesses as of the date of this Second Supplement proclamation; and

WHEREAS, it is therefore my considered opinion that in the interest of health, safety, and welfare of the residents and businesses of the City of Marina, it is necessary to exercise my authority to issue this proclamation related to protection of life and property, to extend the order issued in the First Supplement proclamation through July 31, 2020; and

WHEREAS, the City Council is not in session on the date written below, therefore as required by subsection 6.a. of Section 2.02.020, the City Council shall be convened at the earliest possible date to confirm this proclamation.

IT IS HEREBY ORDERED THAT:

All provisions of that certain order found at 1.a. through 1.d. in First Supplement to the Proclamation of a Local Emergency by the City of Marina City Manager Related to COVID-19 (CORONAVIRUS), are hereby extended through July 31, 2020, provided that the date of termination noted therein shall be amended to the extension date in this paragraph.

Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens, all provisions found at paragraphs 1 and 2 of Executive Order N-37-20 establishing certain eviction protection requirements, are hereby incorporated as if set forth fully herein by this reference and are hereby to remain in force and effect through July 31, 2020, provided that the date of termination noted therein shall be amended to July 31, 2020.

This Order shall become effective on June 1, 2020.

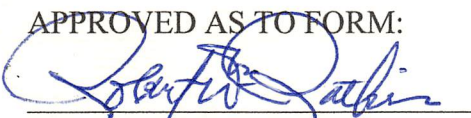
ADOPTED this 29th day of May 2020.


Layne Long
Director of Emergency Services

ATTEST:


Anita Shepherd-Sharp
Deputy City Clerk

APPROVED AS TO FORM:


Robert W. Rathie
for the City Attorney



**PROCLAMATION OF A LOCAL EMERGENCY BY
CITY OF MARINA CITY MANAGER RELATED TO COVID-19 (CORONAVIRUS)**

WHEREAS, Section 2.20.060 of Chapter 2.20 entitled "Disaster Council" of the Marina Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, section 2.20.050 of the Marina Municipal Code designates the City Manager to be the Director of Emergency Services; and

WHEREAS, the City Manager as the Director of Emergency Services of the City of Marina hereby finds that:

1. The novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and
2. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and
3. Conditions of extreme peril to the safety of persons have arisen within the City caused by the COVID-19 pandemic. On March 4, 2020, Governor Newsom proclaimed State of Emergency to exist in California as a result of the threat of COVID-19. There presently exists a public health emergency, as further addressed in Governor Newsom's Executive Order N-25-20 dated March 12, 2020, and by a National State of Emergency declared by President Trump on March 13, 2020; and
4. The efforts required to prepare for, respond to, mitigate and recover from the spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations; and
5. In addition to the above facts, conditions or threatened conditions caused by COVID-19 including but not limited to potential isolation and quarantine of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within the City; and
6. These conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the City of Marina; and
7. The City Council of the City of Marina is not in session and cannot immediately be called into session.

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, existing ordinances and resolutions, the City's Emergency Plan, as well as this resolution and any subsequent emergency orders of the City Council in order to mitigate the effects of the Local Emergency.

BE IT FURTHER PROCLAIMED AND ORDERED, pursuant to Government Code sections 8634 and 8568, during the period of this emergency, the following procedures and formalities otherwise required of the City by ordinance or other local regulation shall be waived, where strict compliance would hinder or delay the mitigation effects of the emergency:

1. Entering into contracts;
2. Incurring obligations;
3. Employment of permanent and temporary workers;
4. Utilization of volunteer workers;
5. Appropriation and expenditure of public funds; and
6. Waiver of public funds when in the public interest.

IT IS FURTHER PROCLAIMED AND ORDERED that said Local Emergency that said Local Emergency shall continue by ratification of the City Council, until its termination is proclaimed by the City Council of the City.

March 13, 2020
Date and Time 4:30 pm

Layne Long
Layne Long, City Manager and
Director of Emergency Services

RESOLUTION NO. 2020-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA RATIFYING THE
CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES PROCLAMATION OF A
LOCAL EMERGENCY RELATED TO COVID-19 (CORONAVIRUS)

WHEREAS, Section 2.20.060 of the Marina Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, section 2.20.050 of the Marina Municipal Code designates the City Manager to be the Director of Emergency Services; and

WHEREAS, the City Manager as the Director of Emergency Services of the City of Marina on March 13, 2020 issued a Proclamation finding that:

1. The novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and
2. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and
3. Conditions of extreme peril to the safety of persons have arisen within the City caused by the COVID-19 pandemic. On March 4, 2020, Governor Newsom proclaimed State of Emergency to exist in California as a result of the threat of COVID-19. There presently exists a public health emergency, as further addressed in Governor Newsom's Executive Order N-25-20 dated March 12, 2020, and by a National State of Emergency declared by President Trump on March 13, 2020; and
4. The efforts required to prepare for, respond to, mitigate and recover from the spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations; and
5. In addition to the above facts, conditions or threatened conditions caused by COVID-19 including but not limited to potential isolation and quarantine of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within the City; and
6. These conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the City of Marina; and
7. The City Council of the City of Marina is not in session and cannot immediately be called into session; and

WHEREAS, the City Council hereby finds that the above-described conditions related to the COVID-19 outbreak did warrant and necessitate the proclamation of the existence of a local emergency in the City of Marina.

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The Proclamation of a Local Emergency, as issued by the Director of Emergency Services/City Manager and attached as **Exhibit A** to this Resolution is hereby ratified and confirmed.
- B. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Marina
- C. As required by law, the City Council shall review the need to continue the state of emergency every thirty (30) days until this resolution is terminated.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 17th day of March 2020, by the following vote:

AYES: COUNCIL MEMBERS: Berkley, Urrutia, O'Connell, Morton, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**FIRST SUPPLEMENT TO THE PROCLAMATION OF A LOCAL EMERGENCY BY
THE CITY OF MARINA CITY MANAGER RELATED TO COVID-19
(CORONAVIRUS)**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on Friday, March 13, 2020, the City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Chapter 2.20 of the Marina Municipal Code to ensure an effective response by the City to the COVID-19 pandemic; and

WHEREAS, in accordance with subsection 6.a. of section 2.20.020 of Chapter 2.20 of the Marina Municipal Code, in the event of the proclamation of a local emergency or the proclamation of a state of emergency by the Governor, the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued an Executive Order, attached hereto as **Exhibit A** and by this reference incorporated herein, recognizing the economic impacts of COVID-19 have been significant and could threaten to undermine the housing security for California residents and the continued viability of California commercial enterprises and suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions through May 31, 2020; and

WHEREAS, at a regular meeting of the City Council of the City of Marina held on March 17, 2020, by Resolution 2020-29, the City Manager/Director of Emergency Services' Proclamation was ratified by the City Council of the City of Marina, the local emergency was deemed by the City Council to continue to exist until its termination is proclaimed by the City Council, and direction was given to take action as soon as practicable on measures to protect renters and prevent eviction or rent increase of persons adversely affected by loss of work or income due to COVID-19; and

WHEREAS, on March 17, 2020, the Health Officer of the County of Monterey issued an Order directing all individuals living in the County to shelter in their place of residence, except that they may leave to provide or receive certain essential services or engage in certain essential activities, and work for essential businesses and governmental services; exempting individuals experiencing homelessness from the shelter in place Order but urging them to find shelter and government agencies to provide it; directing all businesses and governmental agencies to cease nonessential operations at physical locations in the County; prohibiting all nonessential gatherings of any number of individuals; and ordering cessation of all nonessential travel; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants and commercial enterprises in Marina have experienced or expect soon to experience sudden and unexpected income loss, layoffs, and business closure, thereby placing increased demands on already strained regional and local health and safety resources; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock and to prevent housed individuals from falling into homelessness; and

WHEREAS, school closures require parents to adjust work schedules leading to time off work, whether paid or unpaid, and an inability to work will economically strain families; and

WHEREAS, due to the Order for County residents to shelter in their places of residence and the Governor's call for certain businesses to close, businesses that rely on customer patronage will experience a significant loss of business opportunity, loss of indirect spending, an impact on their operations and a loss of revenue for those that cannot continue to operate; and

WHEREAS, in the interest of health and safety, as affected by the emergency caused by the COVID-19 pandemic, it is necessary to exercise my authority to issue this regulation related to the protection of life and property; and

WHEREAS, as required by subsection 6.a. of section 2.20.020 of the Marina Municipal Code this regulation must be confirmed by the City Council at the earliest practicable time.

IT IS HEREBY ORDERED THAT:

1. A temporary moratorium on eviction for nonpayment of rent by residential and commercial tenants impacted by the COVID-19 pandemic is imposed as follows:

a. Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens the authority of any landlord to commence evictions on any residential (including mobile homes and mobile home lots) or commercial property within the City of Marina for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended: (1) the basis for the eviction is nonpayment of rent or a foreclosure arising out of a substantial decrease in household or business income, including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand, or substantial out-of-pocket medical expenses; and (2)

the decrease in household income or business income or the out-of-pocket medical expenses described in subparagraph (1) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented. Nothing in this Order shall relieve the tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due. Nothing herein shall be deemed to interfere with the right of a landlord to file an action against a tenant or non-tenant for damage done to a landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

b. This Order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date written below. This Order shall be liberally construed so as to provide the broadest possible protection.

c. This Order shall be punishable as set forth in Section 2.20.100 of the Marina Municipal Code. In addition, this Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Order.

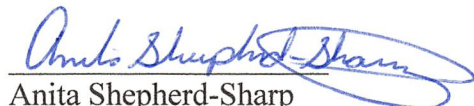
d. This Order shall be superseded by a duly enacted Ordinance or Resolution of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order.

2. This Order shall become effective immediately.

ADOPTED this 20th day of March 2020.


Layne Long
Director of Emergency Services

ATTEST:


Anita Shepherd-Sharp
Deputy City Clerk

APPROVED AS TO FORM:


Robert W. Rathie
for the City Attorney

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXHIBIT B
Part 2 to Exhibit 1

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 16th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CONFIRMING
ISSUANCE OF A FIRST SUPPLEMENT TO THE PROCLAMATION OF A LOCAL
EMERGENCY TEMPORARILY SUSPENDING UNTIL MAY 31, 2020, THE AUTHORITY
OF ANY LANDLORD TO COMMENCE EVICTIONS ON ANY RESIDENTIAL
(INCLUDING MOBILE HOMES AND MOBILE HOME LOTS) OR COMMERCIAL
PROPERTY WITHIN THE CITY DUE TO THE TENANT'S NONPAYMENT OF RENT OR
A FORECLOSURE ARISING OUT OF A DOCUMENTED SUBSTANTIAL DECREASE IN
HOUSEHOLD OR BUSINESS INCOME CAUSED BY THE COVID-19 PANDEMIC OR
THE GOVERNMENTAL RESPONSE THERETO.

WHEREAS, Section 2.20.060.a. of the Marina Municipal Code, in the event of a proclamation of a local emergency by the City Manager in his role as Director of Emergency Services or by the Governor, empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a "Proclamation of a Local Emergency Related to Covid-19 (Coronavirus)" (Proclamation of Local Emergency). A copy is attached hereto as Exhibit A; and

WHEREAS, on March 20, 2020, the Director of Emergency Services issued a First Supplement to the Proclamation of Local Emergency (First Supplement) temporarily suspending until May 31, 2020, the authority of any landlord to evict for nonpayment of rent or a foreclosure a residential or commercial tenant who documents that the inability to pay rent is caused by a substantial decrease in household or business income, or an increase in out-of-pocket medical expenses, as a consequence of the COVID-19 pandemic or by the governmental response thereto. A copy is attached hereto as Exhibit B; and

WHEREAS, the First Supplement was issued pursuant to the general police powers of the City to protect the health, safety and welfare of the citizens of Marina; and

WHEREAS, Nothing in the First Supplement relieves a tenant of the obligation to pay rent or a landlord's ability to recover rent due or to file an action against a tenant or non-tenant for damage done to a landlord's property; and

WHEREAS, the First Supplement was effective as of March 20, 2020; and

WHEREAS, the City Council hereby finds that the conditions described in the Proclamation of Local Emergency related to the COVID-19 outbreak did warrant and necessitate the issuance of the First Supplement by the Director of Emergency Services.

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The First Supplement to the Proclamation of Local Emergency, as issued by the Director of Emergency Services/City Manager and attached as **Exhibit B** to this Resolution is hereby confirmed.
- B. The First Supplement shall be deemed to continue in force until May 31, 2020.

- C. As required by law, the City Council shall continue to review the need for continuing the state of emergency every thirty (30) days until the state of emergency is terminated by the City Council and, as directed by the City Council on March 17, 2020, the City Manager shall continue to report to the City Council on actions taken under his authority as Director of Emergency Services at every regular meeting of the City Council until the termination of the local emergency shall be proclaimed by the City Council.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 7th day of April 2020, by the following vote:

AYES: COUNCIL MEMBERS: Berkley, Urrutia, O'Connell, Morton, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-37-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:



ALEX PADILLA
Secretary of State

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
REVISING THE LOAN PROGRAM FOR RESIDENTS AND BUSINESSES
OF THE CITY IN RESPONSE TO THE COVID-19 PANDEMIC, VESTING
DISCRETION IN THE CITY MANAGER, CITY FINANCE DIRECTOR AND
CITY ATTORNEY TO MAKE REQUIRED CHANGES TO THE PROGRAM
GUIDELINES NECESSARY TO IMPLEMENT AND ADMINISTER THE
PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY
AGREEMENTS AND PROMISSORY NOTES NECESSARY TO
IMPLEMENT THE PROGRAM, AND AUTHORIZING THE FINANCE
DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY
ENTRIES**

REQUEST:

It is requested that the City Council revise its COVID-19 residential and business:

1. The loan program will continue until August 31, 2020 or until the funds are exhausted.
2. The income requirements for the business loans will be modified as follows:
 - For businesses open during March and April 2020 increase the income requirement by 25%, allowing incomes up to 112.5% of Monterey County Median to be eligible for the business loans.
 - For closed businesses for March and April 2020 increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median to be eligible for the business loans.
3. Decrease the total funding for the residential loan program from \$100,000 to \$50,000 and increase the total funding for the business loan program from \$100,000 to \$150,000.

BACKGROUND:

Current Results. At the City Council's April 21, 2020 meeting, a City COVID-19 support loan program for businesses and resident was authorized, providing \$100,000 for each program. The loan program was authorized to run until May 31, 2020. At this writing, the statistics for the loan program are shown on Table I, Loan Status.

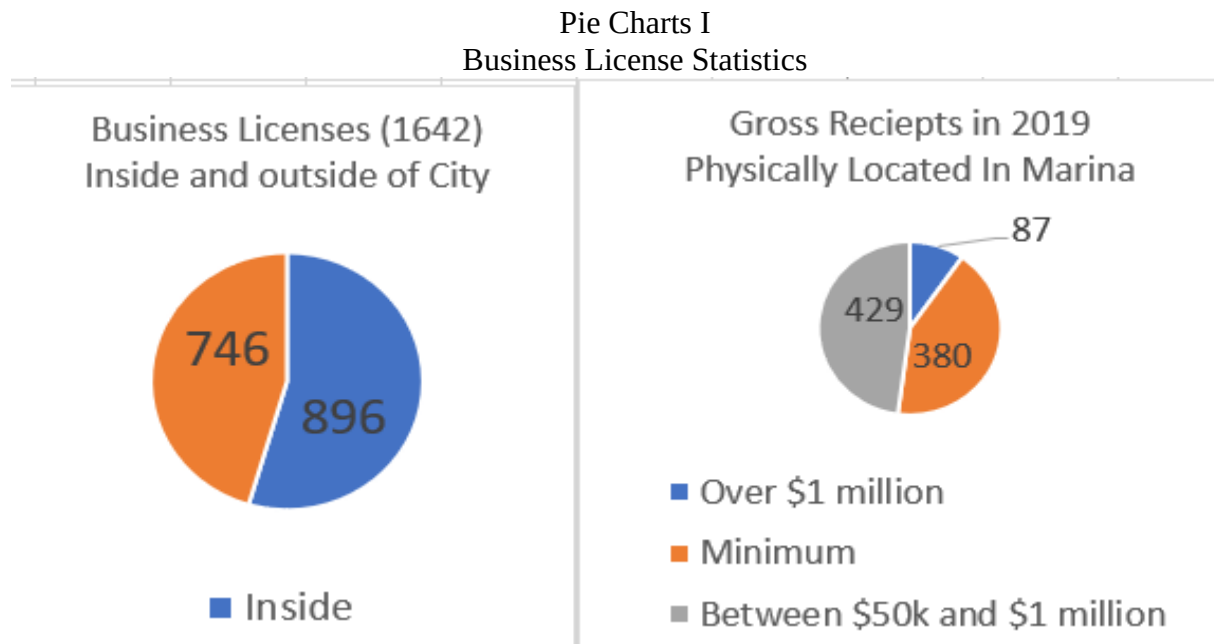
City of Marina								
Loan Status Report								
				Review Status				
Loan Type	Program authorization	Received	Potential Funding Request	Approved	Declined	Loans awaiting review	Approval Rate	Loan Amount Funded
Residential	100,000	5	10,000	4	1	0	80%	6,500
Business	100,000	14	140,000	7	5	2	50%	62,300
Total	200,000	19	150,000	11	6	2		68,800

Loan summary information is attached as **EXHIBITS A** and **B** but generally, the loans required:

- The business or resident to be in Marina;
- Have had some economic loss due to COVID 19; and,
- Be available to residents or business owners with incomes less than the County of median.

Residential Loans were available up to \$2,000 and Business Loans were available up to \$10,000 until May 31, 2020. Loan evaluations were done by Supervising Accountant Marisol Gomez and presented to the loan review committee of Councilman O'Connell, Assistant City Manager Mogensen and Finance Director Frost.

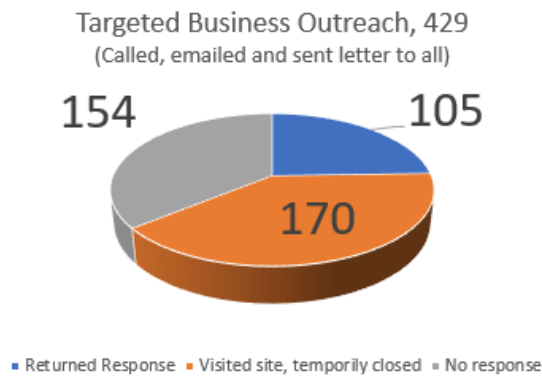
Business Outreach. The City has made significant efforts to reach out to our local businesses. The City of Marina has 1,642 registered business licenses. 896 of these businesses are within Marina and 430 businesses pay the minimum payment, meaning that their gross receipts are less than \$50,000 a year. 87 Marina businesses had gross receipts in excess of \$1 million and were not targeted beyond the 5 business support letters issued by the Business Support Committee. Pie Charts I, Business License Statistics, recaps the make-up of Marina's business licenses. This left 429 businesses with receipts between \$50,000 and \$1,000,000 a year which the City targeted for personal outreach.



The assigned 429 small business to the City's Business Outreach Worker, Monica Kim. Monica was hired by the City on April 22, 2020 to focus on small businesses. The outreach list was prioritized, with an emphasis of contacting businesses with gross receipts under \$1 million, but above \$50,000. Thus, businesses that made over \$1 million in gross receipts a year were not contacted unless they directly called into the office.

The results so far are (numbers updated as of May 28, 2020), Pie Chart II, Targeted Outreach Results.

Pie Chart II
Targeted Outreach Results



<u>Responding Businesses</u>	
Closed	1
Did Not Require Assistance	43
Received Assistance	61
Total	105

Consultation provided included any of the following:

- PPP/disaster loan applications;
- Cal coastal loan information;
- Marina Local loans;
- nonprofits grant applications;
- for-profit grant applications;
- filing unemployment on Employment Development Department; and,
- general information.

Monica has been able to reach English-limited business owners because she has some foreign language skills and is able to access other language resources to contact businesses. She will continue reach out to small businesses, at least until the City ends its small business loan program. **Residential Loan Outreach.** The residential loan outreach has not had a dedicated worker but has been presented through the following methods:

- Television reports of the two loan programs were aired
- City's website explains the program
- Police Facebook has discussed the program
- All residents received COVID-19 card from Council which included a loan program reference
- Council members have regularly shared the loan information at various community forums.

ANALYSIS:

Residential Program. Of the five residential loan program application, one has been declined. The loan was declined due to the individual living just outside the City's limits in the County. Otherwise, all loans were approved. It is also worth noting that the four that were funded were for some reason or other not able to access the enhanced unemployment benefits, at least at the time the individual applied for the City loan.

Monica Kim, our Business Outreach Worker, did work with some of business individuals who could apply for unemployment benefits which were not normally available except for the COVID-19 event. Further, from various newspaper reports about the enhanced unemployment benefits and individual stimulus checks, it is apparent that some lower income wage earners are receiving more in unemployment benefits than when working. Thus, they may not need the residential loans. This may change when the current Federal enhanced unemployment benefits which provides an extra \$600 per week ends as of July 31, 2020.

Potential Program Modification: The demand for the program may increase after the extra \$600 a week in unemployment benefits ends in July. If the Council wanted to continue this program, they may want to continue to program until August 31, 2020 in case there was demand for the loan program after the \$600 per week enhanced unemployment benefits ended.

Business Loan Program. Fourteen applications have been presented to the City and seven have been approved. Two more required additional information awaiting a final determination. Five of the loans were declined. Table II, Example of Business Loan Review Spreadsheet illustrates the type of information gathered and considered by the loan committee.

The five loan applications that were declined were all declined because they exceeded the allowed household income of 90% of Monterey's median income. Some exceed this amount by a small amount. Others exceed the amount substantially. Further, some businesses were closed at the time of application. Others were at least partially open.

Table II
Example of Business Loan Review Spreadsheet

Number	Date Initiated	Business Name	Status	Notes	Bus License Verified
3301	4/24/2020		application completed 5/11/2020	emailed 4/28/20 for documentation called 4/29 for follow up - 6 kids 2 adults, will send over supporting docs soon 5/11 supporting docs show household income is too high	Yes

(Continued)

Open for business?	Household Income	90% limit based on sz	(Over limit)	Applied for EIDL/PPP or other?	Requested Amount	Award Amount 5/6
No	#####	\$ 96,930	#####	EIDL	\$ 10,000	not at this time

Potential Program Modification: If Council wanted to continue this program, it may want to consider relaxing the income qualifications which currently are:

3. Must have a household income (which includes business income) of less than 90% of the Monterey County Median, adjusted for household size as evidenced from Federal Tax returns from 2018 or 2019 or sufficient alternate data.

Staff would recommend relaxing the requirement at different levels based upon whether the business was closed or open during the Shelter in Place order as follows:

- ***For open businesses, increase the income requirement by 25%, allowing incomes that are 112.5% of Monterey County Median.***

- ***For closed businesses for March and April, increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median.***

If this new threshold was the standard in May, 3 of the five declined loans would have been approved. The remaining loans that were declined exceeded the income requirements by over \$100,000 each.

Summary

The City's loan program to support businesses and residents began approximately 6 weeks ago. Those receiving the loans, although not many, have expressed their gratitude for the City's help. If the Council wished to modify the loan process to encourage more usage, staff would recommend the following for Council's consideration:

- 1) Residential loans – extend the availability period until August 31, 2020 to allow those no longer receiving the enhanced unemployment Federal unemployment benefits to apply.
- 2) Business loans – relax the income requirements for business loans to be as follows:
 - For businesses open during March and April, increase the income requirement by 25%, allowing incomes that are 112.5% of Monterey County Median.
 - For closed businesses for March and April, increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median.
- 3) Finally, the City Council may wish to move \$50,000 from the residential support program to the business support loan program, funding business loans at \$150,000 total and residential loans at \$50,000 total.

FISCAL IMPACT:

The loan program is being funded from General Fund Fund Balance. The current forecast for this year's ending General Fund fund balance is as follows:

	<u>Available Reserves</u>		
	Amounts in Millions		
<i>Reserves</i>			
	Emergency	4.50	
	Undesignated Fund Balance 6/30/19	7.50	
	<i>6/30/19 Reserves</i>		<i>12.00</i>
	COVID Support Loans	(0.20)	
	Use of reserves 6/30/20	(1.80)	
			(2.00)
	<i>Estimated 6/30/20</i>		<i>10.00</i>

CONCLUSION:

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

Respectfully submitted,

Eric Frost
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

SOURCE OF FUNDING:

General Fund

RESOLUTION NO. 2020-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
REVISING THE LOAN PROGRAM FOR RESIDENTS AND BUSINESSES
OF THE CITY IN RESPONSE TO THE COVID-19 PANDEMIC, VESTING
DISCRETION IN THE CITY MANAGER, CITY FINANCE DIRECTOR AND
CITY ATTORNEY TO MAKE REQUIRED CHANGES TO THE PROGRAM
GUIDELINES NECESSARY TO IMPLEMENT AND ADMINISTER THE
PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY
AGREEMENTS AND PROMISSORY NOTES NECESSARY TO
IMPLEMENT THE PROGRAM, AND AUTHORIZING THE FINANCE
DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY
ENTRIES

WHEREAS, on March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a “Proclamation of a Local Emergency Related to COVID-19 (Coronavirus) pandemic; and

WHEREAS, the impacts from the COVID-19 virus; the associated measures to protect public health; and local, regional, and national orders for residents to shelter in their places of residence has had a dramatic negative effect on many resident’s financial resources; and

WHEREAS, many residents face destabilized housing situations due to the impacts of the COVID-19 pandemic which has created undue hardship for residents due to a lack of alternative housing; and

WHEREAS, individuals most impacted may need a very rapid response from local agencies, lenders, and support providers to survive these impacts; and

WHEREAS, it is in the community interest to support residents of the City of Marina by ensuring adequate access to capital while other sources of state and federal funding are pending; and

WHEREAS, the City has One Hundred Thousand dollars available in its Emergency Fund which could be budgeted to fund the Stabilizing Loan Program for Residents; and

WHEREAS, the Stabilizing Loan Program for Residents is necessary to protect the health, safety, and welfare of the citizens of Marina; and

WHEREAS, the Stabilizing Loan Program for Residents was effective as of April 21, 2020; and

WHEREAS, COVID-19 therefore has and will continue to cause conditions of peril to the health, safety, and welfare of City of Marina residents.

WHEREAS, the City Council has reviewed the results of the City’s COVID-19 loan program and determine it needs to change certain provisions of the program to better serve the businesses and residents of Marina;

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The City Council hereby finds that the above-described conditions and as described in the Proclamation of Local Emergency related to the COVID-19 outbreak warrant and necessitate the creation of the Stabilizing Loan Program for Residents and the establishment of this Program is in the best interest of the public.
- B. Direct that the underwriting requirements of these two loans be revised as follows:
 1. The loan program will continue until August 31, 2020 or until the funds are exhausted.
 2. The income requirements for the business loans will be modified as follows:
 - For businesses open during March and April 2020 increase the income requirement by 25%, allowing incomes up to 112.5% of Monterey County Median to be eligible for the business loans.
 - For closed businesses for March and April 2020 increase the income requirement by 50%, allowing incomes that are 135% of Monterey County Median to be eligible for the business loans.
 3. Decrease the total funding for the residential loan program from \$100,000 to \$50,000 and increase the total funding for the business loan program from \$100,000 to \$150,000.
- C. The Finance Director is authorized to make necessary accounting and budgetary entries.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 2nd day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk



City of Marina Business Loan Program Summary

Program

Total Funding: \$100,000
 Source: General Fund
 Decision Authority: City Determination is final. Additional applications based upon on changed circumstances are allowed.

Loan Terms

Maximum Loan: \$10,000 per business.
 Limitation: May not receive residential loan also.
 Basis of Loan Amount: Documented delinquent bills for rent, employee wages and health benefits, utilities, or mortgage on business located in Marina if not closed during COVID event. If closed, any unpaid business expense during the COVID event.
 Interest Rate: 0% in repaid by May 31, 2021; or,
 3% from loan's funding date to be repaid by May 31, 2022.

Qualifications

1. Must have a business license of the City Marina as of January 1, 2019
2. Business must have had 10 or fewer employees before March 1, 2020. The requirement for restaurants is 20 or fewer employees.
3. Must have a household income (which includes business income) of less than 90% of the Monterey County Median, adjusted for household size as evidenced from Federal Tax returns from 2018 or 2019 or sufficient alternate data.

Median Income for Monterey County	As of 4/16/2020 (90% of HCD Published AMI)	Calculation	Example
Household Size	Income	2019 or 2018 Federal Business Tax income from tax forms	20,000
1	\$46,665	Business Depreciation	10,000
2	\$53,370	Household income including any business salary taken as a business expense	30,000
3	\$60,030	Adjusted business income	\$ 60,000
4	\$66,690	Note: If the household size is three people, the business qualifies for business loan.	
5	\$72,045		

4. Must have had applied for SBA Economic Injury Disaster Loan (EIDL) or Payroll Protection Program Loan (PPP) due to the COVID 19 event or explain why unable to apply.
5. **Applications to be submitted to the City with supporting documentation on or before May 31, 2020,** or award of loans totaling \$100,000.00, whichever occurs first. ***The first round of funding will consider all applications received by May 1, 2020.*** Thereafter, completed applications will be processed on a first come, first served basis.

Applications are available at the City's website: CityofMarina.org under "Help for Businesses" button



City of Marina Residential Loan Program Summary

Program

Total Funding: \$100,000
Source: General Fund
Decision Authority: City Determination is final. Additional applications based upon changed circumstances are allowed.

Loan Terms

Maximum Loan: \$2,000 per household
Basis of Loan Amount: Documented delinquent bills for rent, utilities, or mortgage on property located in Marina for a primary residence.
Interest Rate: 0% in repaid by May 31, 2021; or,
3% from loan's funding date to be repaid by May 31, 2022.

Qualifications

1. Must be a resident of the City Marina as of January 1, 2020
2. Must have a household income of less than 80% of the Monterey County Median, adjusted for household size; or, non-discretionary debt (mortgage, one car payment, etc.) more than 25% of monthly income.
3. Must have had economic damage due to the COVID 19 event due to unemployment or reduction of hours in excess of 50% of work income.

Due Dates

Applications to be submitted to the City with supporting documentation on or before May 31, 2020, or award of loans totaling \$100,000.00, whichever occurs first. The first round of funding will consider all applications received by May 1, 2020. Thereafter, completed applications will be processed on a first come, first served basis.

Applications are available at the City's website: CityofMarina.org under "Help for Residents" button

For More Information, call Eric Frost, Finance Director, 831-884-1221

Date: May 28, 2020

Item No: **11b(ii)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 2, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
AUTHORIZING AN ABATEMENT OF BUSINESS LICENSE PENALTIES
UNTIL OCTOBER 2020 AND OFFERING TO WAIVE PAST PENALTIES
FOR UNREGISTERED BUSINESSES WHICH REGISTER AND PAY THEIR
PAST DUE TAXES BY OCTOBER 31, 2020.**

REQUEST:

That the City Council consider a resolution:

- 1) Abating all penalties for business license taxes until Oct. 1, 2020;
- 2) Offering to waive all past due penalties for unregistered business who pay all past due business taxes by Oct. 1, 2020

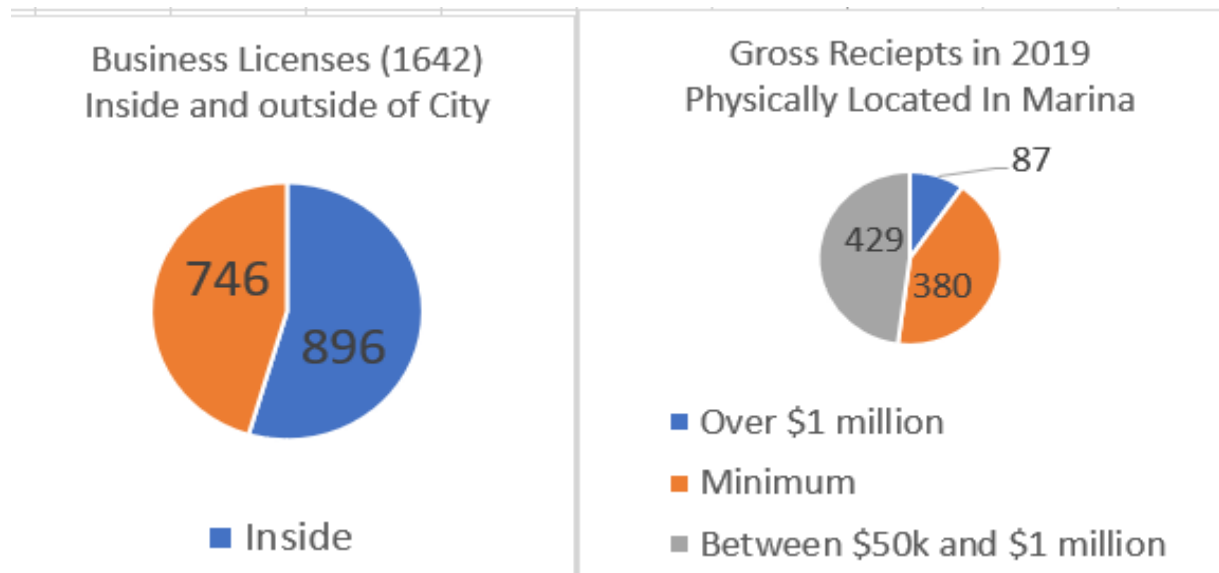
BACKGROUND:

Business License Background. The Marina voters in November of 2016 passed the current business tax law. The City of Marina has 1,642 registered business licenses. These businesses pay 0.2% business license tax, with the minimum tax being \$100 or \$50,000 in receipts. The tax in past years has generated annually about \$1.5 million. The business license is paid in advance for the full year. The City sends the following notices to businesses:

April	Request for businesses to declare their gross receipts
June	Business License, due by the end of July
August	10% penalty if not paid before this month
Sept.	10% + 25% penalty, if not paid before this month
October	10% + 25% + 15% penalty, total 50%, if not paid before this month

A substantial number of business located outside Marina pay the business license tax when they conduct business inside Marina, a little less than ½ of the businesses. Inside the City, Marina has a total of 896 businesses. Of this number, 430 businesses pay the minimum payment, meaning that their gross receipts are less than \$50,000 a year. 87 Marina businesses have gross receipts more than \$1 million. Pie Charts I, Business License Statistics, recaps the make-up of Marina's business licenses. Thus, 429 businesses have receipts between \$50,000 and \$1,000,000 a year.

Pie Charts I
Business License Statistics



ANALYSIS:

Potential Council Action. In response to the COVID 19 event, many cities have modified their business license process to allow some relief to businesses. The biggest relief might be to give the business a little more time to determine if they will continue as a business. Thus, if a business could assess its situation, it would feel better about paying its business license, although .002% of a business' revenue is typically a nominal amount.

One approach would be to abate the business license tax penalties until October 31, 2020, providing 3 months for a business to assess their situation and be properly be charged for their license based upon their COVID 19 adjusted gross receipts. (It should be noted that if a business has had its receipts decline dramatically, their tax should also decline proportionally. Finance estimates a 13 - 25% decline in business license receipts for next year.)

Thus, for this year, penalties would be abated until the following dates:

November	10% penalty if not paid before this month
December	10% + 25% penalty, if not paid before this month
January	10% + 25% + 15% penalty, total 50%, if not paid before this month

As an alternative, the Council does have the power to adjust the rate below .002%. However, Business Tax receipts will down this next year due to reduced economic activity. Thus, businesses will be paying smaller business tax fees already. The tax represents .002% of their gross receipts, \$200 per \$100,000 of sales. Staff does not recommend this option.

Optional Program. Some cities have used this time to allow businesses which have previously been unregistered to register and pay their past due business tax without incurring penalties. Each year, the City will discover businesses that have not obtained a business license. The City will assess them three years of business taxes in such case, including penalties of 50% for the past years.

Finance recommends letting businesses that have gone unregistered that the Council will waive past penalties if the business pays all past due business tax fees before November 1, if Council abates the business tax fees until then.

FISCAL IMPACT:

Business license tax is deposited into the General Fund. It is expected to drop this next year due to the general downturn in economic activity. An abatement of the tax penalty does not change the expect receipts and the economic loss of interest income on penalty revenue will be less than \$1,500.

The amnesty program could potentially generate \$10,000 to \$20,000 in additional revenue.

CONCLUSION:

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

Respectfully submitted,

Eric Frost
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

SOURCE OF FUNDING: General Fund

RESOLUTION No. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING AN ABATEMENT OF BUSINESS LICENSE PENALTIES UNTIL OCTOBER 2020 AND OFFERING TO WAIVE PAST PENALTIES FOR UNREGISTERED BUSINESSES WHICH REGISTER AND PAY THEIR PAST DUE TAXES BY OCTOBER 31, 2020.

WHEREAS, the City of Marina authorized a business tax measure in November of 2016; and

WHEREAS, the City of Marina Council has some discretion on the administration of that tax; and

WHEREAS, the COVID-19 event has greatly depressed business activity in order to maintain the health of the community; and,

WHEREAS, the City Council actively seeks to support local businesses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council does abate business tax penalties until October 31, 2020

SECTION 2. For unregistered businesses, the City will waive penalties from prior years if the business registers and pays its past taxes by October 31, 2020.

PASSED and ADOPTED by the City Council of the City of Marina at a special meeting duly held on this 2nd day of June 2020 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

DRAFT

DRAFT

General Outdoor Dining Standards During COVID-19 Pandemic for the City of Marina

The COVID-19 Industry Guidance: Dine-In Restaurants, published by the State Departments of Public Health and of Industrial Relations, should be used as a resource for dine-in restaurant establishments during the current COVID-19 Pandemic. Additionally, the following guidelines are established by the City of Marina in order to provide social distancing in eating establishments located within the City. These guidelines, which allow for outdoor seating, shall be in place until rescinded by the City.

Outdoor dining facilities must be limited to private property.

Ideally, tables and chair should be located in designated, raised pedestrian walkways, located immediately adjacent the building where the business is located.

Outdoor dining shall be designed to maintain clear, existing legal exits from the building to designated parking or the public way. A minimum five foot exit path is required to be maintained. A designated pedestrian path into the building should be identified that is separated from the outdoor seating area

Parking spaces may be utilized to provide opportunities for outside dining, provided the area is clearly marked with a visible barrier defining the dining area.

Social distancing of at least six feet must be located between adjacent table and chair grouping and exterior customer pathways or queuing.

Alcoholic beverages may be served outside, provided City laws and regulations are met.

DRAFT