

ORDINANCE NO. 2023-02

AN ORDINANCE AMENDING TITLE 17, ARTICLE 2 (SECTIONS 17.16, 17.18, AND 17.22) OF THE MARINA MUNICIPAL CODE

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Findings

1. On September 16, 2021, Governor Newsom signed into law Senate Bill 478 (SB 478), which requires, among other things, that local agencies provide specified minimum floor area ratios for housing development projects containing 3 to 10 dwelling units. This legislation is codified in Government Code §65585 and §65913.11.

2. An amendment to the City's Municipal Code ("MMC" or "Code") is needed to ensure compliance with State law.

3. Sections 17.16 (CR Zoning District), 17.18 (C-1 Zoning District), and 17.22 (PC Zoning District) are amended to add language to allow increased maximum floor area ratios for certain housing development projects.

4. Environmental. In accordance with the California Environmental Quality Act (CEQA), staff finds that this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

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

FOLLOWS:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Amendment of the Code.

New section 17.16.190, Increased Floor Area Ratio for Housing Developments of 3-10 Units, is added to MMC Chapter 17.16, C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT, as follows:

17.16.190 Increased Floor Area Ratio for Housing Developments of 3-10 Units

A housing development project, as defined in California Government Code Section 65589.5, that is in the C-R Zoning District shall be allowed to increase its FAR as follows:

- A. A housing development project of three to seven units shall have a minimum FAR of 1.0:1.
- B. A housing development project of eight to ten units shall have a minimum FAR of 1.25:1.
- C. This section shall not apply within a historic district or property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed on the City's historic inventory.

New section 17.18.140, Increased Floor Area Ratio for Housing Developments of 3-10 Units, is added to MMC Chapter 17.18, C-1 OR RETAIL BUSINESS DISTRICT, as follows:

17.18.140 Increased Floor Area for Housing Developments of 3-10 Units

A housing development project, as defined in California Government Code Section 65589.5, that is in the C-1 Zoning District shall be allowed to increase its FAR as follows:

- A. A housing development project of three to seven units shall have a minimum FAR of 1.0:1.
- B. A housing development project of eight to ten units shall have a minimum FAR of 1.25:1.
- C. This section shall not apply within a historic district or property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed on the City's historic inventory.

New section 17.22.150, Increased Floor Area Ratio for Housing Developments of 3-10 Units, is added to MMC Chapter 17.22, PC OR PLANNED COMMERCIAL DISTRICT, as follows:

17.22.150 Increased Floor Area for Housing Developments of 3-10 Units

A housing development project, as defined in California Government Code Section 65589.5, that is in the PC Zoning District shall be allowed to increase its FAR as follows:

- A. A housing development project of three to seven units shall have a minimum FAR of 1.0:1.
- B. A housing development project of eight to ten units shall have a minimum FAR of 1.25:1.
- C. This section shall not apply within a historic district or property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed on the City's historic inventory.

SECTION 3. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption and shall be posted within fifteen (15) days after the adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on February 7, 2023, and was passed and adopted at a regular meeting duly held on February 22, 2023, by the following vote:

AYES: COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk