

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY OF MARINA AMENDING MARINA MUNICIPAL CODE (MMC) CHAPTER 17.38 “MH-R RESIDENTIAL MARINA HEIGHTS DISTRICT” TO MODIFY THE PARKING STANDARDS FOR TOWNHOMES IN SECTIONS 17.38.070 AND 17.38.090.

WHEREAS, on May 6, 2003, the City Council adopted the Marina Heights (Sea Haven) Specific Plan, which provides for the development 1,050 homes (the “Project”) on certain real property consisting of approximately two hundred forty-eight (248) acres, located between Imjin Road, Abrams Drive and 12th Street in the City of Marina (the “Project Site”) including 102 townhome units spread over seventeen (17) lots throughout the development;

WHEREAS, the City has approved a Specific Plan (the "Specific Plan) for the Project Site, General Plan Amendments (the "General Plan Amendments"), a Specific Plan Zoning Ordinance and Map Amendments, a Tentative Map, a statutory development agreement and certified an EIR (collectively the "Project Approvals"); and

WHEREAS, on November 25, 2003, the City certified the Final Environmental Impact Report for the Project and on March 3, 2004 the City approved a supplement to the EIR (the "Final EIR"); and

WHEREAS, on March 16, 2004, the City Council adopted the Community Design Guidelines for Marina Heights (Sea Haven). The Community Design Guidelines state the design standards for the seventeen (17) townhome lots. The design review application refines the original proposed housing type; and

WHEREAS, the Project complies with the Marina Heights Specific Plan, and the General Plan as referenced herein as **Exhibit A**; and

WHEREAS, on December 7, 2022, Wathan Castano, Peterson Homes, Inc., the developer for Project applied for the Design Review of the seventeen (17) townhome lots and for a zoning ordinance text amendment to modify the parking requirements for the townhome lots in the MH-R, Marina Heights District, Marina Municipal Code (MMC) Sec. 17.38; and

WHEREAS, on February 9, 2023, the Planning Commission adopted Resolution No. 2023-05 approving the Design Review Application SAD22-06 for the Townhomes in Sea Haven, recommended to the City Council that it approve the Second Amendment to the Development Agreement (DA) for Sea Haven pursuant to 4.04 of the Marina Municipal Code (MMC), and found that the project is consistent with the certified Environmental Impact Report. The Planning Commission recommended to the City Council that it deny the text amendment to the MH-R District zoning to modify the parking standards for the townhomes in Sea Haven; and

WHEREAS, the text amendments are necessary in order to allow for the development of all 102 townhomes on the designated townhome lots as approved in the Specific Plan and the related Project approvals and

WHEREAS, the zoning ordinance text amendments will facilitate the development of 102 Below Market Rate Housing that will provide needed ownership housing opportunities for a segment of the population that is currently unable to afford housing in the area; and

WHEREAS; The reduction in parking requirements is consistent with California legislative directions that limit cities flexibility to require parking in order to encourage the development of additional housing and

WHEREAS, the City Council on March 7, 2023 held a duly noticed public hearing on the zoning ordinance text amendment during which public hearing, the City Council received comments from members of the general public.

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

Section 1. Based on the information provided, including the information in the staff report, The City Council hereby finds and determines that no new environmental review for the project is required pursuant to CEQA Guidelines Section 15162 and that the Final EIR shall serve as the environmental review for the approval of the Second Amendment to the Development Agreement.

Section 2. Section 17.38.070 of the Marina Municipal Code shall be amended as follows with deletions shown in strikethrough and additions shown in bold, italic and underline:

“Section 17.38.070 Parking. **Excepting townhomes/condominiums, which will be governed by this Section 17.38.070, all other parking standards within the Marina Heights Residential District shall be governed by** See Section 17.44.020.
With respect to townhomes and condominiums within the Marina Heights Residential District, which shall be limited to two- bedroom units: One covered parking space for each dwelling unit shall be required.”

Section 3. Section 17.38.090 of the Marina Municipal Code shall be amended as follows with deletions shown in strikethrough and additions shown in bold, italic and underline:

“Section 17.38.090 Townhomes/condominiums. In the MHR district, development standards for townhomes/condominiums shall be those in Chapter 17.66, Development Standards for Condominium/Planned Development Projects and Condominium Conversions, ~~with the exception of parking (Section 17.66.030),~~ open space (Section 17.66.060), minimum lot area per unit (Section 17.66.120),

minimum unit size (Section 17.66.130) and setbacks (Section 17.66.140) standards
which shall be superseded by the standards of the MHR district.”

Section 4. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.

The foregoing Ordinance first read at a regular meeting of the City Council of the City of Marina duly held on 7th day of March 2023, and was passed and adopted at a regular meeting duly held on 21st day of March 2023, by the following vote:

AYES: COUNCIL MEMBERS: McCarthy, Visscher, 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

FINDINGS

Staff finds that this project:

General Plan Compliance

1) General Plan Policy 2.31.1

“In order to promote the social and fiscal well-being of the community, new housing shall be phased and shall provide for the needs of all economic groups, particularly with respect to matching the needs of the City’s current and future workforce. In addition, the development of new and substantially rehabilitated homes, other than age-restricted housing, on Armstrong Ranch and the former Fort Ord shall be linked with the creation of new jobs pursuant to a development agreement or similar mechanism stipulating requirements to help attain a citywide jobs-housing balance.”

Evidence: The proposed project will provide workforce housing that will diversify the housing types offered in the Sea Haven development. There is currently little to no housing that is for-sale for middle-income households and households who are in the workforce earning 200% or less of the median income. The text amendment ensures that each site will have all six units, which means that the applicant can build all 102 for-sale townhomes that are needed in the community.

2) General Plan Policy 2.4.2

“The City shall prevent under-utilization of land within its UGB that is appropriate for community development, in order to ensure that development proceeds in an orderly and consistent manner and to minimize the dispersal of future growth in Monterey County to outlying areas with potentially higher natural resource value. With respect to phasing and timing, whenever feasible, the City shall encourage new development to locate within the existing developed portion of Marina and Marina’s former Fort Ord in preference to the development of currently vacant, undeveloped lands located within the City’s UGB.”

Evidence: The Sea Haven development is not within the City’s Urban Growth Boundary (UGB), but it is within the former Fort Ord portion of Marina. Former Fort Ord is the preferred location for developing a diverse array of housing types. The townhomes are the final housing type to be modified so that they can be built. The one-hundred and two (102) units will be on seventeen (17) sites with six (6) units to a site. The sites are strategically spread out throughout the development, and they are all adjacent or within proximity to a park. Many of the lots are vacant and ready for construction pending the text modifications and development agreement.

Marina Heights (MH), AKA Sea Haven Specific Plan Compliance

1) MH Specific Plan 2.2 Transportation

“The Marina Heights Specific Plan portrays a residential development that provides its

residents a living environment that is not centered on the use of the automobile. While adequate infrastructure will be developed to accommodate automobiles, the overall design of the site allows for and encourages the use of alternative modes of transportation. Marina Heights will be integrated with existing and proposed (by the General Plan) land uses, and existing and planned transit infrastructure to reduce dependency on the automobile. Marina Heights is easily accessible by residents via Carmel Avenue and California Avenue linkages. ”

Evidence: Reducing the parking continues the Marina Heights Specific Plan intent to provide a housing, a neighborhood that is not focused on automobiles, and to encourage the use of alternative modes of transportation.

2) Specific Plan 2.2 Transportation

“The project utilizes a variety of block lengths, cul-de-sacs, roundabouts, and alleys to control speed and discourage through traffic, facilitate pedestrian travel, orient home fronts to streets rather than garages, and to provide a pleasant street experience. The design of the street system, along with the layout of parks, open space, and the greenbelt, all contribute to and maintain the integrity of neighborhoods within the project. The project provides the infrastructure (sidewalks, paths, bike lanes, greenbelt/trails) that allows access to and from the site to adjacent land uses via walking, bike, or auto. Parks and open space within the site, and proximity to commercial areas further encourage walking and biking. ”

Evidence: Reducing the parking ensure that the townhomes will have the access to the garages from the alleyway as required in the Specific Plan. Further, the reduced parking ensures more emphasis on utilizing the walking and biking trails throughout the project and will promote alternative modes of transportation in the future.

3) Specific Plan Policy 5.2.4 Housing and Neighborhood Goals and Policies

“The Marina Heights Specific Plan can enhance the quality of the city's existing housing stock and accommodate a fair and reasonable share of the region's growth in a variety of ways. The Marina Heights Specific Plan will provide a variety of housing options. Homes vary with regards to size and cost. With a square footage of approximately 850 to 1,350 feet, affordable townhomes within the project will provide opportunities for first time homeownership for singles and young families while also providing a housing opportunity for "empty nesters" wishing to downsize from a traditional larger family home that could be found in the surrounding community. ”

Evidence: The text amendments will ensure that the applicant is able to provide a variety of homes in size and cost. The proposed units will be approximately 967 square feet, two-bedroom attached townhome units. They will be a smaller unit type than the standard single-family homes or the cottage homes and they will provide additional for-sale options to the community.