

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING CHAPTER 17.44 (PARKING) OF THE ZONING CODE TO IMPLEMENT PROGRAM 3.1 OF THE HOUSING ELEMENT

WHEREAS, on December 5, 2023, the City Council directed city staff to file the Final Housing Element with the California Department of Housing and Community Development (State HCD); and

WHEREAS, the City of Marina is anticipating State HCD certificating the Housing Element in the near term; and

WHEREAS, City of Marina is obligated by the programs of the Housing Element to implement several policies and ordinances modifications in 2024 to remain compliant with Housing Element law; and

WHEREAS, a 2020 report by the University of California Berkley Turner Center found that building structured parking increase the cost of building housing California by \$35,000 per unit; and

WHEREAS, on September 26, 2018, AB 2162 was signed by the Governor to further reduce the impact of parking requirements on transitional and supportive housing; and

WHEREAS, Assembly Bill 139 (AB 139) was adopted in 2019 to only require parking for staffing of emergency shelters; and

WHEREAS, Program 3.1 of the Housing Element directs the City to adopt zoning text amendments to the Parking Ordinance to reduce the constraint parking has on the availability of housing in the City; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

The City Council finds and determines the recitals set forth above to be true and correct and by this reference, incorporates the same herein as findings.

Section 2. Chapter 17.44, “Parking Ordinance” of Title 17, Zoning, of the Marina City Code is hereby amended to read as follows:

Chapter 17.44 PARKING REQUIREMENTS

Sections:

17.44.010 Generally.

17.44.020 Residential.

17.44.010 Generally.

All uses permitted by this title shall provide minimum parking in accordance with the formulas in this chapter. (Ord. 2020-07 § 2, 2020; Zoning Ordinance dated 7/94, 1994)

17.44.020 Residential.

Parking requirements for residential use, excluding residential use approved by use permit as pursuant to Section [17.18.030](#) or [17.20.030](#), shall be as follows:

A. Single-family dwellings: two spaces ~~which shall be in a garage~~, except single-family dwellings in the R-4 district may as an alternative have one space or two tandem spaces, ~~one of which shall uncovered garage as determined by the planning commission and subject to obtaining a use permit;~~

B. Duplex dwellings: two spaces per dwelling unit, ~~one of which shall be covered;~~

C. Secondary dwelling units and guest houses in conformance with Section [17.42.040](#): no additional parking required;

D. Multiple Dwellings.

1. One-bedroom units and efficiencies: one space for each dwelling unit ~~which shall be covered~~ plus one additional space for each five dwelling units or fraction thereof,

2. Two-bedroom units: one and one-half spaces for each dwelling unit, ~~one of which shall be covered~~ plus one additional space for each five dwelling units or fraction thereof,

3. Three or more bedroom units: two spaces for each dwelling unit, ~~one of which shall be covered~~ plus one additional space for each five dwelling units or fraction thereof,

4. *General Note.* All required on-site parking spaces shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board,

5. *General Note.* Twenty percent of all required parking spaces, but in no case less than one space, shall be kept unreserved and available for visitor parking. Visitor parking spaces shall

be identified by a sign or other means and shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board;

E. *Dwellings Approved under Chapter 17.66 (Condominiums).*

1. One-bedroom units and efficiencies: one space for each dwelling unit ~~which shall be enclosed~~ plus two additional spaces for each five dwelling units or fraction thereof,

2. Two or more bedroom units: two spaces for each dwelling unit ~~which shall be enclosed~~ uncovered plus two additional spaces for each five dwelling units or fraction thereof,

3. *General Note.* All required on-site parking spaces shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board,

4. *General Note.* Twenty percent of all required parking spaces, but in no case less than one space, shall be kept unreserved and available for visitor parking. Visitor parking spaces shall be identified by a sign or other means and shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board;

F. Rooming and boarding houses: one ~~covered~~ uncovered parking space for each bedroom;

G. Hotel, resort hotel, motel and auto court accommodations: one space for each unit; one space for the manager and one and one-half spaces for any unit in a hotel, resort hotel, motel or auto court containing a kitchen or kitchenette. Separate parking requirements remain applicable to other uses which may be associated with such complexes, such as restaurants, conference centers or public coastal access;

H. Mobile home parks: two parking spaces for each mobile home site plus two additional spaces for each five mobile home sites or fraction thereof, except that where a mobile home park has been and continues to be certified by the United States Department of Housing and Urban Development as a mobile home park providing housing for adults fifty-five years old or older, two parking spaces for each mobile home site which may be tandem spaces plus one additional parking space for each six mobile home site or fraction thereof are required. Further, in mobile home parks with more than fifty mobile home sites, an area or areas shall be provided for the storage of boat trailers and recreational vehicles with a total area of not less than twenty square feet per mobile home site;

I. Recreational vehicle park: one parking space for each six recreational vehicle sites;

J. Transitional housing for homeless persons: parking shall be provided at the rates as required elsewhere in this section except that the planning commission or city council on appeal may grant a use permit or amendment to an existing use permit, for a lesser number of parking spaces associated with transitional housing for homeless persons under the federal McKinney Act on the basis of adequate evidence of a lesser parking demand and the application of any appropriate conditions determined necessary to meet the general purposes of the zoning ordinance as listed in Section [17.02.030](#). Among the conditions applied in each case shall be a requirement that the applicant establish and maintain a program of monitoring parking usage, including submitting periodic reports of such monitoring to the city, and that the planning commission or city council on appeal may, after a noticed public hearing, require modifications to the parking provided on the site if the city finds that such modifications are warranted. (Ord. 2020-07 § 2, 2020; Ord. 2005-02 § 1 (Exh. A), 2005; Ord. 2003-09 § 1, 2003; Ord. 99-04 § 1, 1999; Ord. 96-24 § 1, 1996; Ord. 96-7 § 1, 1996; Zoning Ordinance dated 7/94, 1994).

K. If a supportive housing development, as defined in California Health and Safety Code Section 50675.14(b)(2), is located within one half mile of a public transit stop, there is no minimum parking requirement for units occupied by supportive housing residents.

L. Emergency shelters shall provide either sufficient parking to accommodate all staff working in the emergency shelter, or an amount of parking equal to other residential or commercial uses within the same zone, whichever is less.

Section 3. California Environmental Act (CEQA).

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as the adoption of the ordinance will have no reasonable possibility that the project will have a significant effect on the environment. No further environmental review is necessary.

Section 4. Severability.

It is the intent of the City Council of the City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

Section 4. Effective Date.

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

This ordinance was introduced and read on the 19th day of March 2024 and was adopted at a regular meeting duly held on the 2nd day of April 2024, by the following vote:

AYES: COUNCILMEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

EXHIBIT A

FINDINGS

Consistent with the General Plan

- 1) General Plan Policy 5.4.6- Zoning Ordinance Update 5.4-A major revision of the City's existing zoning code is required to implement the General Plan. The initial step should be to thoroughly review and critique the existing code and identify its deficiencies. Changes are required to implement Housing Element policies and programs.

Evidence: By adopting the revisions to the parking ordinance as required by Program 3.1 of the Housing Element, the City will be implementing General Plan Policy 5.4.6 which directs city staff to review the zoning code for consistency with Housing Element Law.

- 2) General Plan Policy 5.7-Preparation and adoption of the following ordinances should be undertaken to address the General Plan objectives of matching housing to the needs of local employees and providing housing to meet the needs of households of all economic levels:

Evidence: By reducing the constraint parking has upon supportive and transitional housing per Program 3.1 of the Housing Element, the City will be implementing General Plan Policy 5.7.