

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING TITLE 17 (ZONING CODE) OF THE MARINA MUNICIPAL CODE TO IMPLEMENT PROGRAM 7.1 OF THE HOUSING ELEMENT

WHEREAS, on April 11, 2024 the California Department of Housing and Community Development (State HCD) certified the Sixth Cycle Marina Housing Element; and

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

WHEREAS, certain households, because of their special characteristics and needs, may require special accommodations or may have difficulty finding housing due to special needs. Special needs groups include seniors, persons with disabilities (including those with developmental disabilities), large households, homeless persons and persons at-risk of homelessness, and farmworkers; and

WHEREAS, Program 7.1 of the Housing Element directs the City to adopt amendments to the Title 17 (Zoning Code) to reduce the barriers to housing for special needs housing groups;

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. Title 17, Zoning, of the Marina City Code is hereby amended to read as follows.

Amended or inserted items will be underlined and in red.

17.04.292 Emergency shelter

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. This definition shall also include interim housing options such as low barrier navigation centers and bridge housing, and respite and recuperative housing.

17.06.020R-1-Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

C. Small residential care homes, including small residential care homes that do not require licensing by the State or County;

17.06.030 R-1-Conditional uses.

Uses permitted, subject to first securing a use permit in each case or in the Coastal Zone, a coastal permit, in the R-1 districts shall be as follows:

C. Large residential care homes. ~~or the elderly;~~. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.08.020 R2-Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

C. Small residential care homes, including small residential care homes that do not require licensing by the State or County.

17.08.030 R2-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-2 districts shall be as follows:

A. Large residential care homes, retirement homes, and extended care medical facilities including convalescent facilities and other skilled nursing facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.10.020 R3 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

C. Small residential care homes, including small residential care homes that do not require licensing by the State or County;

17.10.030 R3-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-3 districts shall be the following:

A. Rooming and boarding houses;

B. Extended care medical facilities including convalescent facilities and other skilled nursing facilities;

C. Day care centers and large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

D. Public and quasi-public uses and buildings, including churches, firehouses, parks and playgrounds, community or recreational centers, schools (public and parochial) or schools accredited to the state school system, and public utility buildings and uses exclusive of corporate, storage or repair yards;

E. Condominium and/or planned unit development projects subject to the provisions of Chapter [17.66](#). (Ord. 2020-07 § 2, 2020; Ord. 2006-03 § 1 (Exh. A), 2006; Zoning Ordinance dated 7/94, 1994)

17.12.020 R4-Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

D. Small residential care homes, including small [residential care homes that do not require licensing by the State or County](#);

[K. Single-room occupancy housing as defined in 17.04.612 and pursuant to 17.42.140](#)

17.12.030 R4-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-4 districts shall be as follows:

A. ~~A. Single-room occupancy housing;~~

G. Large residential care homes or facilities. [Approval shall be pursuant to Section 17.58.040 \(Use Permit\).](#)

17.16.020 CR-Permitted uses.

Uses permitted in the C-R districts shall be as follows:

E. Small residential care homes, including small [residential care homes that do not require licensing by the State or County](#);

[K. Single-room occupancy housing as defined in 17.04.612 and pursuant to 17.42.140.](#)

17.16.030-CR-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-R districts shall be as follows:

~~A. Single-room occupancy housing, hotels, and motels;~~

J. Large residential care homes or facilities. [Approval shall be pursuant to Section 17.58.040 \(Use Permit\).](#)

17.18.020 C-1-Permitted uses.

Uses permitted in the C-1 districts shall be as follows:

F. Supportive housing pursuant to Section [17.04.698](#). (Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2006-03 § 1 (Exh. A), 2006)

G. Transitional housing as defined in Section 17.04.711;

17.18.030 C1-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-1 districts shall be as follows:

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.20.020 C-2-Permitted uses.

Uses permitted in the C-2 districts shall be as follows:

C. Supportive housing as defined in Section [17.04.698](#). (Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2002-09 § 1, 2002; Zoning Ordinance dated 7/94, 1994)

D. Transitional housing as defined in Section 17.04.711;

17.20.030 C2-Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-2 districts shall be as follows:

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.22.030-PC-Permitted uses.

Uses permitted in the PC district, subject to first securing a zoning permit in each case, shall be as follows:

E. Transitional housing as defined in Section 17.04.711;

17.38.020-MHR-Permitted uses.

Uses permitted in the MHR district shall be as follows:

E. Transitional Housing as defined in Section 17.04.711.

F. Small residential care homes, including small residential care homes that do not require licensing by the State or County.

G. Supportive housing as defined in Section 17.04.698 and subject to the following review timelines per California Government Code Section 65653(b): The city shall notify the developer whether the application is complete within thirty days of receipt of an application to develop supportive housing in accordance with this section. The local government shall complete its review of the application within sixty days after the application is complete for a project with fifty or fewer units, or within one hundred twenty days after the application is complete for a project with more than fifty units;

J. Large residential care homes or facilities. Approval shall be pursuant to Section 17.58.040 (Use Permit).

17.45.040 Reasonable Accommodation Findings. The review authority shall approve the request for a reasonable accommodation if, based upon all of the evidence presented, the following findings can be made:

D.

~~1. Whether granting the accommodation would fundamentally alter the character of the neighborhood.~~

~~2. Whether granting the accommodation would result in a substantial increase in traffic or insufficient parking.~~

1. Whether granting the accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

17.58.040 Use Permit Action by appropriate authority.

A. In order to grant any use permit, the findings of the appropriate authority shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case 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; and in the Coastal Zone the use is consistent with all applicable local coastal land use plan recommendations and requirements.

C. Residential care facilities and single room occupancy uses shall be considered a residential use of property, and, except as otherwise set forth in this chapter, shall be subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zoning district.

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. Because the proposed action merely updates the Municipal Code to clarify that certain housing types are allowed in certain residential zones, subject to a use permit and project-specific environmental review as necessary, there is no possibility that the activity in question may 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 21st day of May 2024 and was finally adopted on the 4th day of June 2024, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Bruce Delgado, Mayor

ATTEST:

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 zoning ordinance as required by Program 7.1 of the Housing Element, the City will be implementing General Plan Policy 5.4.6 which directs city staff to review the Municipal 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 housing constraints for special housing needs groups per Program 7.1 of the Housing Element, the City will be implementing General Plan Policy 5.7.