

ORDINANCE NO. 2025-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING
TITLE 17 (ZONING CODE) OF THE MARINA MUNICIPAL CODE TO IMPLEMENT
PROGRAM 2.4 OF THE HOUSING ELEMENT

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

WHEREAS, the Housing Element requires the City of Marina to implement several policy and ordinance modifications to remain compliant with the Housing Element, as set forth further herein; and

WHEREAS, reducing barriers to the development of more housing is a key objective of the Housing Element; and

WHEREAS, the City's inclusionary housing ordinance currently imposes a forty percent (40%) inclusionary mandate for the parts of Marina that are located on former Fort Ord land and a twenty percent (20%) inclusionary mandate for the remainder of Marina; and

WHEREAS, the forty percent (40%) mandate applicable to the former Fort Ord area is substantially higher than the requirement in the General Plan and the City-adopted specific plans for the Dunes (University Village Specific Plans), Sea Haven and Marina Station Specific Plans; and

WHEREAS, the City's inclusionary housing ordinance currently applies to residential development of twenty (20) or more units; and

WHEREAS, Housing Element Program 2.4 requires the City to amend the inclusionary housing ordinance such that: (1) the inclusionary mandate for the former Fort Ord area is consistent with the General Plan and the twenty percent (20%) mandate applicable to other areas of the City; and (2) the ordinance applies to residential development of five (5) or more units.

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, and the findings contained in Exhibit A, attached hereto, to be true and correct and by this reference, incorporates the same herein as findings.

Section 2. Amendments.

Section 17.48.030 of the Marina City Code is hereby amended to read as follows. ~~Strikethrough~~ identifies deletions to the text; underline indicates additional language added to the text.

17.48.030 Inclusionary housing.

A. *Purpose and Intent.* It is the intent of this section to establish standards and procedures that facilitate the development of housing affordable to a range of households with varying income levels as mandated by California Government Code Section [65580](#). The purpose of this section is to encourage the development and availability of such housing by ensuring that the addition of affordable housing units to the city's housing stock is in proportion with the overall increase in housing units.

B. *Applicability and Exemptions.*

1. *Applicability.*

a. All residential developments of ~~five~~ twenty or more units;

~~b. Existing occupied housing in Marina's former Fort Ord.~~

2. *Exemptions.*

a. Residential developments proposed to contain fewer than ~~five~~ twenty units;

b. Market-rate units produced as a density bonus pursuant to Section [17.48.040](#);

c. Any housing unit or residential development which is damaged or destroyed by fire, natural catastrophes, or act of public enemy, subject to the following conditions:

i. The unit or development is damaged or destroyed to the extent to not more than seventy-five percent of the assessed value thereof, as shown on the latest Monterey County assessment roll, prior to such destruction,

ii. The use of the reconstructed building and number of housing units remain the same as prior to the damage or destruction,

iii. The square footage of the reconstructed building is not increased or reduced by more than ten percent,

iv. The unit or development is reconstructed within four years of the damage or destruction, and

v. Should the reconstructed development result in an increased number of housing units, only the net increase in units shall incur an inclusionary housing requirement.

C. *Inclusionary Housing Requirement.*

1. All new residential development of ~~five~~ twenty or more units and all existing occupied housing in Marina's former Fort Ord shall be required to provide at minimum a specified percentage of housing units affordable to specific income groups according to the affordability distribution set forth in Table 17.48.030-1.

2. Provision of affordable for-sale housing for middle income households is voluntary and incentive-based. The developer must submit a request for incentives as part of the affordable housing plan for review by the director.

Table 17.48.030-1. Inclusionary Housing Requirements

Planning Area	Percentage of Required Affordable Housing by Income				Total Affordable Requirement (Percentage of Total Units)
	Very Low	Low	Moderate	Middle	
Citywide For-Sale or Rental Housing: New Construction or Substantially Rehabilitated	6 Percent	7 Percent	7 Percent	10 Percent—Voluntary and Incentive-Based	20+ percent
Former Fort Ord: Existing Occupied Housing	<u>6</u> 15 Percent	<u>7</u> 15 Percent	<u>7</u> 10 Percent	0 Percent	<u>20</u> 40 Percent ¹

1 Inclusionary housing requirement for existing occupied housing on the former Fort Ord can be fulfilled by providing fewer moderate income housing units than required above if a greater percentage of very low and low income housing units are provided and the total number of very low, low and moderate income units is not less than twenty ~~forty~~ percent.

3. *Existing Housing on Former Fort Ord.*

c. Inclusionary housing requirements for existing occupied housing on the former Fort Ord can be fulfilled with fewer moderate income housing units than specified in Table 17.48.030-1 if a greater percentage of very low and low income housing units are provided and the total number of very low, low and moderate income units is not less than twenty ~~forty~~ percent, and the allocation of the inclusionary units is approved as part of the affordable housing agreement. The trading of units is one-way only from moderate income to low and very low income, or from low income to very low income.

Section 3. California Environmental Act (CEQA).

The proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as there is no reasonable possibility that the adoption of the ordinance will have a significant effect on the environment. Because the proposed action merely updates the Municipal Code to clarify the housing types that 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 5. 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.

The foregoing ordinance was introduced and read on the 20th day of May 2025 and was finally adopted on the 3rd day of June 2025, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Liesbeth Visscher, Mayor Pro Tem

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

FINDINGS

Consistent with the General Plan

- 1) General Plan Policy 5.4 and 5.4.6 - Zoning Ordinance Update. 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 2.4 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 – Housing Availability Ordinances. This policy requires the City to prepare and adopt certain ordinances 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 and making the City's inclusionary housing ordinance applicable to more residential development per Program 2.4 of the Housing Element, the City will be implementing General Plan Policy 5.7.