

ORDINANCE NO. 2025-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING THE MARINA MUNICIPAL CODE (MMC), CHAPTER 17, ARTICLE 1, BY AMENDING SECTIONS 17.06 AND 17.08 ALLOWING DAY CARE CENTERS AS PERMITTED USES IN R-1 AND R-2 RESIDENTIAL ZONES, SECTION 17.12 ALLOWING DAY CARE CENTERS AS CONDITIONAL USES IN R-4 RESIDENTIAL ZONE, AND SECTIONS 17.18, 17.20, AND 17.22 TO ALLOW SAME IN C-1, C-2, AND PC COMMERCIAL ZONES AS PRINCIPALLY PERMITTED USES. THE ORDINANCE ALSO AMENDS SECTION 17.42.135.1 BY REMOVING THE CONCENTRATION RESTRICTION FOR SMALL AND LARGE FAMILY CHILD CARE HOMES. THE PROPOSED ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES.

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

1. The City Council of the City of Marina (City) acknowledges that childcare options in Marina are scarce and costly. As a result, the City Council requested that the Community Development Dept. (CDD) provide amendments to the Marina Municipal Code (MMC) that would increase opportunities for the development of “day care centers”, as defined in MMC Sec. 17.04.211.

2. In November, 2022, the City Council adopted amendments bringing the MMC into compliance with State law that allows small and large in-home childcare uses in all of the City’s residential zones (Ord. 2022-07). This Ordinance codified State law and allows more opportunities for in-home day care of up to 14 children.

3. On April 10, 2025, the Planning Commission recommended approval of the draft Ordinance with changes that have been incorporated below.

4. The proposed amendments include:

- a. Modifying MMC Sections 17.06.020 (Single-Family Residential or R-1) and 17.08.020 (Duplex Residential or R-2) by adding “Day care centers” as a Permitted use; and
- b. Modifying MMC Section 17.12.030 (Multiple-Family Residential or R-4) by adding “Day care centers” as a Conditional use; and
- c. Modifying MMC Sections 17.18.30 (Retail Business or C-1), 17.20.030 (General Commercial or C-2), and 17.22.030 (Planned Commercial or PC) by adding “Day care centers” as a Permitted use.

d. Modifying MMC Sections 17.42.135.1 (Large and small family child care homes) by removing the concentration restriction for small and large family child care homes.

5. The proposed amendments to Chapter 17 of the MMC are consistent with Section 17.72 (Amendments) in that the amendments are consistent with public necessity and convenience and the general welfare requires such amendments.

6. Environmental. The proposed Ordinance amendments are not subject to environmental review pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Article 5, Section 15061(b)(3) because the proposed procedural changes would not result in a direct or a reasonably foreseeable indirect physical change in the environment and the proposed ordinance is covered by the general rule that CEQA applies only to projects which have potential for causing significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

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

8. 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.

9. Posting of Ordinance. 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 was introduced at a regular meeting of the City Council of the City of Marina duly held on the 3rd day of June 2025, and was passed and adopted at a regular meeting duly held on the 24th day of June 2025, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

(New text is indicated with underlining, and deleted text is indicated with strikethrough)

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Chapter 17.06

R-1 OR SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

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17.06.020 R-1-Permitted uses.

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17.06.020 R-1-Permitted uses.

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

- A. One single-family dwelling per lot;
- B. Accessory dwelling units pursuant to the provisions of Section [17.42.040](#), except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission;
- C. Small residential care homes, including small residential care homes that do not require licensing by the state or county;
- D. Large and small family child care homes pursuant to Section [17.42.135](#);
- E. Home occupations pursuant to Section [17.42.110](#);
- F. Transitional housing pursuant to Section [17.04.711](#);
- G. Supportive housing pursuant to Section [17.04.698](#) and subject to the following review timelines per California Government Code Section [65653\(b\)](#), as may be amended: The local government 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 city 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;
- H. Employee housing pursuant to Section [17.04.296](#);
- I. Other uses accessory and incidental to residential use pursuant to Section [17.42.040](#), and those uses accessory and incidental to a residential use located within the R-1/C-P district, including but not limited to: rooming and boarding of not more than two persons; the keeping of not more than four dogs and/or cats; and the keeping of domestic chickens pursuant to Section [17.42.160](#).
- J. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as such regulations may be amended from time to time.

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Chapter 17.08

R-2 OR DUPLEX RESIDENTIAL DISTRICT

Sections:

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17.08.020 R-2-Permitted uses.

17.08.020 R-2-Conditional uses.

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17.08.020 R-2-Permitted uses.

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

- A. Single-family dwellings;
- B. Accessory dwelling units pursuant to the provisions of Section [17.42.040](#);
- C. Small residential care homes, including small residential care homes that do not require licensing by the state or county;
- D. Large and small family child care homes pursuant to Section [17.42.135](#);
- E. Home occupations pursuant to Section [17.42.110](#);
- F. Transitional housing pursuant to Section [17.04.711](#);
- G. Supportive housing pursuant to 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 city 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;
- H. Employee housing pursuant to Section [17.04.296](#);
- I. Other uses accessory and incidental to residential use pursuant to Section [17.08.040](#), including but not limited to: rooming and boarding of not more than two persons; the keeping of not more than four dogs and/or cats; and the keeping of domestic chickens pursuant to Section [17.42.160](#).
- J. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as such regulations may be amended from time to time.

17.08.020 R-2-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 action by appropriate authority).

B. 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.

~~C. Day care centers.~~

~~C. D.~~ Condominium and/or planned unit development projects subject to the provisions of Chapter [17.66](#).

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Chapter 17.12

R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sections:

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17.12.030 R-4-Conditional uses.

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17.12.030 R-4-Conditional uses.

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

A. Extended care medical facilities, including convalescent homes and other skilled nursing facilities;

B. Public and quasi-public buildings and uses 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;

C. Mobile home parks pursuant to Section [17.42.050](#);

D. Condominium and/or planned development projects subject to the provisions of Chapter [17.66](#);

E. Single-family dwellings subject to compliance with the provisions of Section [17.12.190](#); and

F. Large residential care homes or facilities. Approval shall be pursuant to Section [17.58.040](#) (Use permit action by appropriate authority).

G. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as such regulations may be amended from time to time.

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Chapter 17.18

C-1 OR RETAIL BUSINESS DISTRICT

Sections:

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17.18.020 C-1-Permitted uses.

17.18.030 C-1-Conditional uses.

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17.18.020 C-1-Permitted uses.

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

A. Retail stores conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, furniture and millinery shops when incidental to the retail sales of such items, radio sales, restaurants, shoe shops, hardware stores and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

B. Professional and medical offices;

C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;

D. Studios—art, dance, martial arts, music, etc.;

E. Fitness and health establishments; and

F. Supportive housing pursuant to Section [17.04.698](#);

G. Transitional housing as defined in Section [17.04.711](#). (Ord. 2024-06 § 2, 2024; Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2006-03 § 1 (Exh. A), 2006)

H. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as such regulations may be amended from time to time.

17.18.030 C-1-Conditional uses.

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

A. Hotels and motels;

B. Public and quasi-public uses including schools and churches, and public utility buildings and uses;

C. Animal hospitals, auto repair shops, auto sales, service stations, drive-in restaurants, refreshment stands, theaters, amusement centers, pet shops, laundrettes, undertaking establishments, used car sales, used or secondhand goods, business, specialized education, professional or trade schools, membership organization facilities, and other uses which are of a similar character;

D. Storage warehouses when incidental to a use allowed in this district;

E. Multiple-family residential dwellings when part of a mixed use development on a building site;

F. Buildings and building appurtenances extending into the required front yard or the required side yard abutting a public street consistent with a build-to line established for the building site by the planning commission or the city council on appeal. Said build-to line may entirely eliminate the said yard requirements for the location of buildings on building sites located within the retail core area identified in the general plan. Said build-to line may reduce said yard requirements for the location of buildings on building sites located outside said retail core area to no less than five feet;

~~G. Day care centers;~~

~~G.H.~~ Cannabis retailer;

~~H.I.~~ Cannabis manufacturing, cannabis distribution and cannabis testing labs;

~~I.J.~~ Large residential care homes or facilities. Approval shall be pursuant to Section [17.58.040](#) (Use permit action by appropriate authority).

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Chapter 17.20

C-2 OR GENERAL COMMERCIAL DISTRICT

Sections:

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17.20.020 C-2-Permitted uses.

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17.20.020 C-2-Permitted uses.

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

A. Retail stores and shops of light commercial character and conducted within a building, including appliance stores, bakeries (retail only), banks, barbershops, beauty parlors, bookstores, cleaner or laundry agents, dress shops, drugstores, florist shops, food stores, restaurants, furniture and millinery shops when incidental to the retail sales of such items, hardware stores, offices, radio sales, shoe shops, studios, tailor shops, personal service establishments, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located.

B. Auto laundries, auto repair shops, auto sales (except used cars), boarding kennels, bottling works, carpenter shops, dancing academies, lumber yards, pet shops, paint, paperhanging and decorator shops, plumbing shops, service stations (except those requiring a use permit under Section [17.20.030](#)), storage of household goods, tinsmith shops, undertaking establishments, wholesale stores or storage (except those requiring a use permit under Section [17.20.030](#)).

C. Supportive housing as defined in Section [17.04.698](#).

D. Transitional housing as defined in Section [17.04.711](#). (Ord. 2024-06 § 2, 2024; Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2002-09 § 1, 2002; Zoning Ordinance dated 7/94, 1994)

E. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as such regulations may be amended from time to time.

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Chapter 17.22

PC OR PLANNED COMMERCIAL DISTRICT

Sections:

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17.22.030 PC-Permitted uses.

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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:

A. Retail stores and shops of light commercial character and conducted within a building, including appliance stores, banks, barbershops, beauty parlors, bookstores, cleaner or laundry agents, dress shops, drugstores, food stores, furniture shops, millinery shops, offices, radio sales, restaurants, shoe shops, studios and tailor shops, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are located.

B. Hotels, clubs, lodges, churches, and public and quasi-public uses and buildings, public utility uses and buildings, service stations, drive-in banks, dancing academies, retail plant nurseries, drive-in restaurants, undertaking establishments, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located.

C. Supportive housing pursuant to Section [17.04.698](#).

D. In the Coastal Zone the uses permitted shall be determined by the local coastal land use plan and a coastal development permit shall be required. Such uses shall include but not be limited to visitor-oriented retail and service uses, and accommodations and public access.

E. Transitional housing as defined in Section [17.04.711](#). (Ord. 2024-06 § 2, 2024; Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Zoning Ordinance dated 7/94, 1994)

F. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as such regulations may be amended from time to time.

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Chapter 17.42

GENERAL ZONING REGULATIONS

Sections:

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17.42.135 Large and small family child care homes.

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17.42.135 Large and small family child care homes.

Large and small family child care homes shall comply with the following standards:

1. ~~*Location and Concentration.*~~ Large and small family child care homes shall have vehicular access from a public street or a private street improved to city standards. ~~No large or small family child care home shall be located within a three hundred foot radius of an existing large or small family child care home.~~ This requirement may be waived by the community development director if it can be determined that certain physical conditions exist and if the waiver would not be detrimental to the public peace, health, safety and comfort of the affected neighborhood. ~~Examples of physical conditions that may warrant granting of a waiver include the presence of major nonresidential structures or uses between child care facilities or the presence of an arterial between the facilities.~~

2. *Parking—Drop-Off Area.* At least two parking spaces for passenger loading/unloading must be available either on street or off street. If on street, there shall be at least twenty-two feet of legally permitted parking along the frontage of the parcel. If on site, an existing driveway may be used for this purpose. Such parking must not restrict access to neighboring residences. A home located on an arterial shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).

3. *Noise.* Outdoor activities shall be limited to the hours between eight a.m. and eight p.m. in residential zone districts and between seven a.m. and eight-thirty p.m. in all other zones.

4. *Health and Safety.* Each large and small family child care home shall comply with applicable building and fire codes, as well as with licensing requirements of the state department of social services. Each large family child care home shall receive fire safety clearance from the fire department prior to beginning operations. Consistent with [22 CCR Section 102371\(b\)](#), as may be amended, fire clearance shall not be required for small family child care homes.

5. *Conforming Use and Building.* The residence must be in compliance with the development standards for the zone, including, but not limited to, minimum building site area, lot coverage, parking, and fencing.

6. *Occupancy Requirement/Property Owner Authorization.* The large or small child care home shall be the principal residence of the provider. If the provider is not the owner of the principal residence, a letter authorizing the use of the residence and site for large or small family child care use shall be obtained from the property owner.

7. *Residential Use.* The facility shall be operated in a manner so as not to appear as a commercial operation. No structural changes shall be approved that will alter the character of the building as a residence.

8. *Number of Children.* The maximum number of children for whom care may be provided at any one time shall be regulated by [12 CCR Section 102416.5](#), as may be amended. (Ord. 2022-07 § 3 (Exh. A), 2022; Ord. 2020-07 § 2, 2020; Ord. 2006-03 § 1 (Exh. A), 2006)