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Zoom Meeting Telephone Only Participation: 1-669-900-9128 -

Webinar ID: 869 258 83638

. AGENDA

AGENDA

**REGULAR MEETING OF THE MARINA PLANNING COMMISSION
THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY
(HYBRID)**

**Marina City Council Chambers
211 Hillcrest Avenue, Marina, CA**

6:30 PM Regular Session

Zoom Meeting URL:

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Participation

You may participate in the Planning Commission meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to MARINA@CITYOFMARINA.ORG with the subject line "Public Comment Item #_" (insert the item number relevant to your comment) or "Public Comment – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Planning Commission will have the option to modify their action on items based on comments received.

Persons Addressing the Legislative Body. Any person making impertinent, slanderous or profane remarks, or who becomes boisterous while addressing the legislative body, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer be barred from further audience before the legislative during that meeting, unless permission to continue be granted by a majority of the body.

Members of Audience. Any person in the audience who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the Presiding Officer, shall be guilty of an infraction, and upon instructions from the Presiding Officer, it shall be the duty of the Sergeant at Arms or Peace Officer to remove any such person from the room and place him under arrest or otherwise cause him to be prosecuted under the law.

Agenda Materials

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina's website WWW.CITYOFMARINA.ORG. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet will be made available on the City of Marina website WWW.CITYOFMARINA.ORG subject to City staff's ability to post the documents before the meeting.

Vision Statement

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 – May 2, 2006)**

Mission Statement

The Planning Commission as an appointed body of the City Council will provide the leadership in protecting Marina's natural setting while developing the City on a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. (Resolution No. 2006-112 – May 2, 2006)

Land Acknowledgement

The City recognizes that it was founded and is built upon the traditional homelands and villages first inhabited by the Indigenous Peoples of this region - the Esselen and Ohlone/Costanoan, their ancestors and allies - and honors these members of the community, both past and present.

1. Call To Order

2. Roll Call & Establishment Of Quorum

Chair Glenn Woodson, Vice Chair Audra Walton, Surinder Rana, Victor Jacobsen, Galia Baron, Richard St. John, Paul Cheng

3. Moment Of Silence & Pledge Of Allegiance

4. Special Announcements And Communications From The Floor

Announcements of special events or meeting of interest as information to Board and Public. At this time any person may comment on any item, which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of three (3) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.

5. Ex Parte Communications For Quasi-Judicial Matters

On quasi-judicial matters, Councilmembers shall verbally disclose off the record contacts relating to the item, after the item is called and before Council consideration of the matter. Disclosure shall include the identity of an individual(s) with whom the Council Member had contact and the nature of the contact.

Written ex parte communications must be forwarded to the City Clerk so they can be provided to the entire Council and to the public.

6. Consent Agenda

Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be

routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the Planning Commission may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.

• **A. Approval Of Minutes**

Planning Commission to approve the April 10, 2025, Meeting Action Minutes. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.

Documents:

MINUTES PLANNING COMMISSION APRIL 10 2025.PDF

7. Public Hearings

Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. Planning Commissioners will disclose any ex parte communication before making comments on each project. The applicant will then have the opportunity to make a presentation. The public will then be invited to approach the podium to provide up to three (3) minutes of public testimony and then the applicant will have a chance for a short rebuttal of any issues raised by the public.

• **A. Medical Facility Site-Tree Removal Permit**

The Planning Commission shall open a public hearing and adopt PC Resolution 2025- determining that approximately eleven trees within Opportunity Area 4.3 (Op 4.3) may be removed to make the site suitable for medical facility use in the near term.

Find that any environmental impacts from the recommended action have been previously reviewed in the environmental impact report for the University Village Specific Plan EIR (EIR NO. 2004091167. Project Planner: Guido F. Persicone, AICP, Community Development

Director; GPERSICONE@CITYOFMARINA.ORG; 831-884-1289

Documents:

DRAFT STAFF REPORT MEDICAL FACILITY USE (SDP EDITS 6-2-25_ RAO REVIEW 6-4-25)(1924060.2).PDF

ATTACHMENT 4-SHEA HOMES LETTER, OP TREE REMOVAL BIFURCATION REQUEST.PDF

ATTACHMENT 5-FIGURE 2A TREE SURVEY RESULTS.PDF

ATTACHMENT 6-CUT AND FILL SUMMARY.PDF

ATTACHMENT 7-STOCKPILING OF DIRT ON CAR DEALERSHIP SITE.PDF

ATTACHMENT 8- APRIL 18, 2025-ARBORIST REPORT FOR THE DUNES ON MONTEREY BAY PROJECT, PHASE 3 (OP3, OP4, AND L5.5.1) 4-21-25_R 1.PDF

. B. Public Hearing-Accessory Structure/Fence Ordinance

The Planning Commission will hold a public hearing and consider adopting Resolution No. 25-07 recommending that the City Council adopt an ordinance to amend Title 17 adding Section 17.04.305 (Garden Structures), Section 17.42.060 (Fences), and Chapter 17.55 (Staff Approvals and Procedures) and amending Sections 17.42.020 (Use Regulations), 17.42.055 (Height), and 17.42.070 (Yards) with corresponding updates to residential districts (17.06, 17.08, 17.10, and 17.12) in the Marina Municipal Code. The proposed amendments are exempt from environmental review per Section 15061(b)(3) of the CEQA Guidelines. Project Planner: Nicholas McIlroy, AICP, Senior Planner | 831-884-1217 | NMCILROY@CITYOFMARINA.ORG

Documents:

PC SR AND RESO - FENCE AND ACC STRUCTURES
ORDINANCE.PDF
EXHIBIT A - PROPOSED DRAFT ORDINANCE.PDF

8. Informational Items

. A. Informational Item – 219-221 Hillcrest Ave Objective Design Review

The City of Marina Planning Commission to receive an informational update from staff on the ministerially approved Downtown Vitalization Specific Plan (DVSP) Objective Design Review (ODR25-001) for 219-221 Hillcrest Ave (APNs 032-303-035 & -036). Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061. Project Planner: Nicholas McIlroy, AICP, Senior Planner | 831-884-1217 | NMCILROY@CITYOFMARINA.ORG

Documents:

INFORMATIONAL ITEM - ODS ODR25-001 SR 219-221 HILLCREST
AVE.PDF

9. Staff & Major Projects Updates

10. Correspondence

11. Adjournment



Thursday, April 10, 2025

6:30 PM Regular Session

DRAFT MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION

1. **Call to Order:** 6:37 PM
2. **Roll Call & Establishment of Quorum**
Present: Woodson, Walton, St. John, Cheng
Absent: Baron, Jacobsen, Rana
3. **Moment of Silence & Pledge of Allegiance**
4. **Special Announcements and Communications from the Floor**
 - A. **Inclusive Playground Community Build Announcement**
The Planning Commission and members of the public received an announcement on the City's efforts to develop an all-inclusive playground.
5. **Ex Parte Communications for Quasi-Judicial Matters**
6. **Consent Agenda**
 - A. **Approval of Minutes**
Woodson motions (2nd Cheng) to approve the minutes from March 13, 2025. On a 4-0 vote the motion was approved (4-0-0-3).

Ayes (4): Woodson, Walton, St. John, Cheng
Noes (0): None
Recuse (0): None
Absent (3): Baron, Jacobsen, Rana
7. **Public Hearings**
 - A. **3344 Paul Davis Dr. Conditional Use Permit**
Cheng made a motion (2nd: Walton) to adopt PC Resolution 2025-05 approving Conditional Use Permit (CUP) CU25-001 allowing light manufacturing for wine production with incidental wine sales, wine tastings by appointment, and wine events by appointment at 3344 Paul Davis Drive, Units 3 and 4 (APN: 033-281-020), subject to findings, conditions of approval, and a Class 1, Sec. 15301 CEQA Exemption for Existing Facilities. On a 4-0 vote the motion was approved (4-0-0-3).

Ayes (4): Woodson, Walton, St. John, Cheng
Noes (0): None
Recuse (0): None
Absent (3): Baron, Jacobsen, Rana

B. Proposed Changes to the Municipal Code - Inclusionary Housing

St. John made a motion (2nd: Walton) to adopt PC Resolution 2025-06 recommending that the City Council adopt an ordinance amending the Zoning Code (Title 17) and a resolution amending Section 5.7.2 of the 2000 General Plan, both to implement Program 2.4 of the Housing Element. The recommended action is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines. On a 4-0 vote the motion was approved (4-0-0-3).

Ayes (4): Woodson, Walton, St. John, Cheng
Noes (0): None
Recuse (0): None
Absent (3): Baron, Jacobsen, Rana

C. Proposed Changes to the Municipal Code – Child Care Zoning

Walton made a motion (2nd: Cheng) to adopt PC Resolution 2025-04 recommending that the City Council adopt the proposed amendments to Title 17, Article 1, by amending Sections 17.06 and 17.12 allowing Day care centers as Conditional uses in residential zones and Sections 17.18, 17.20, 17.22, and 17.24 to allow same in certain 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. On a 4-0 vote the motion was approved (4-0-0-3).

Ayes (4): Woodson, Walton, St. John, Cheng
Noes (0): None
Recuse (0): None
Absent (3): Baron, Jacobsen, Rana

8. Informational Items

A. Targeted Amendments to the Zoning Ordinance

The Planning Commission received an informational presentation on proposed targeted amendments to Marina Municipal Code Title 17.

B. Community Development Block Grant (CDBG) Summary

The Planning Commission received a presentation on the summary of Planning Commission's dot voting.

9. Staff & Major Projects Update

10. Correspondence

11. Adjournment: 9:05 PM

PLANNING COMMISSION SHALL OPEN A PUBLIC HEARING AND ADOPT RESOLUTION 2025- APPROVING REMOVAL OF APPROXIMATELY ELEVEN TREES WITHIN OPPORTUNITY AREA 4.3 OF THE DUNES DEVELOPMENT AND FIND THIS ACTION WAS ADEQUATELY ADDRESSED IN EIR NO. 2004091167, CERTIFIED FOR THE UNIVERSITY VILLAGES SPECIFIC PLAN.

RECOMMENDATION

1. The Planning Commission shall open a public hearing and adopt PC Resolution 2025- determining that approximately eleven trees within Opportunity Area 4.3 (Op 4.3) may be removed to make the site suitable for medical facility use in the near term.
2. Find that any environmental impacts from the recommended action have been previously reviewed in the environmental impact report for the University Village Specific Plan EIR (EIR NO. 2004091167).

BACKGROUND

On May 15, 2025, the Tree Committee made a recommendation to the Planning Commission to approve the removal of approximately fifty-two trees within Phase 3 of the Dunes, including Opportunity Area 4.3 (Future Medical Use) and Opportunity Area 3.2 (Future Car Dealership Site).



Exhibit 1-Aerial Summary of Tree Removal Permit

After the Tree Committee meeting, Shea Homes submitted a letter (see Attachment 4) requesting that the City expediate the removal of some trees so that grading work on the Medical Use site (Opportunity Area 4.3) can be completed in an expeditious manner. Specifically, Shea requests that the tree removal permit be bifurcated into two key components: the first would be to remove the trees from the Medical Use site and to then temporarily stockpile the dirt associated with the

proposed tree removals onto the Car Dealership property (Opportunity Area 3.2). The stockpiling of the dirt is summarized in Exhibit 2 below.¹

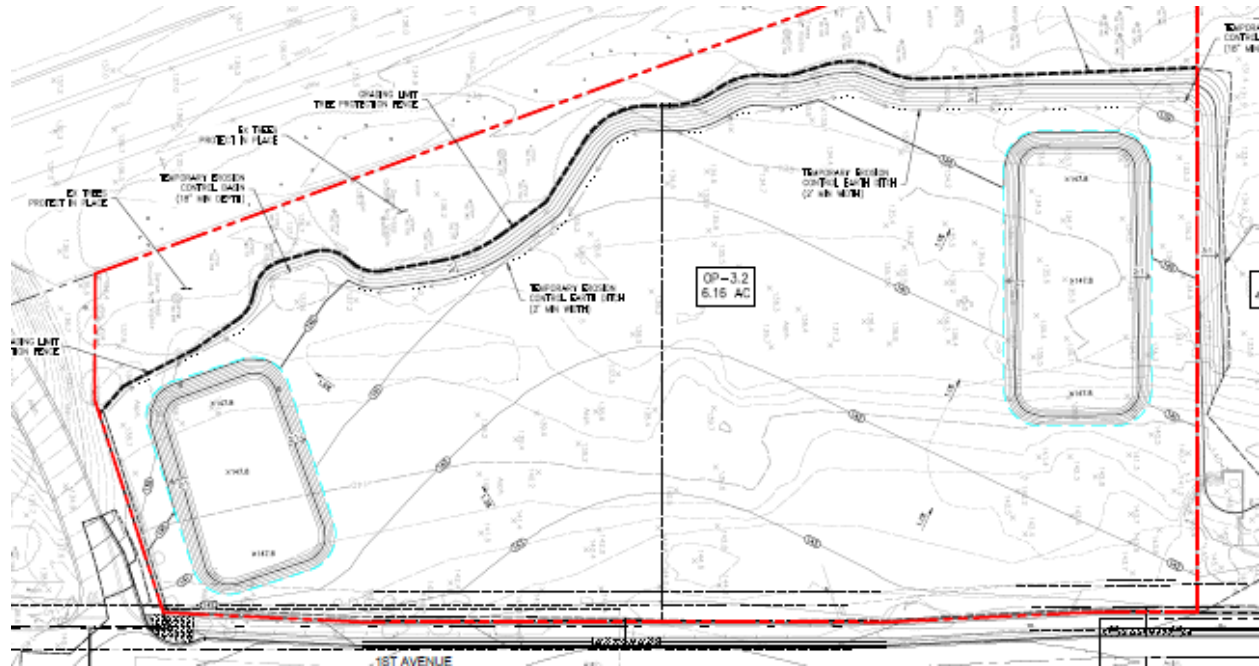


Exhibit 2-Car Dealership Site-Stockpile of dirt.

The second part, which is not the subject of this agenda item, would be to have the Commission review the tree removal permit for the car dealership site along with the design review permit for the actual car dealership building. The Planning Commission cannot act on the trees on the car dealership site at this time, because a formal design review application has not been submitted and per the City's Zoning Code the Commission is required to review the tree removal permit along with the design review application.²

ANALYSIS

Due to the expedited nature of preparing the medical facility site and the utility of public comment, city staff are recommending that the Planning Commission conduct a public hearing on the proposed tree removal permit for the medical facility site, separate from the tree removal permit for the car dealership site and design review of the car dealership building, to ensure greater transparency in the development review process per Chapter 17.59 of the Zoning Code.³

¹ It should be noted that Exhibit 2 shows a black dashed cut and fill line. Cut and fill on the car dealership site is not allowed with this Planning Commission approval. This has been conveyed to the applicant and included as condition of approval COA #8 to this report.

² **17.62.060 of the Marina Municipal Code.** Review Process. The community development director or designee, upon review and recommendation by the tree committee, may approve, deny or conditionally approve a request for removal. If the request is a part of a development proposal that requires review by the site and architectural design review board, the minor subdivision committee, and/or the planning commission, the community development director or designee shall refer the application together with a recommendation for action thereon to the appropriate reviewing body.

³ "The purpose of this chapter is to clarify the Community Development Director's discretion in the interest of the public; the Director shall be granted the ability to require a review of a permit by the Planning Commission. This

Exhibit 3 shows that the cut (identified in red) and the fill of the dirt (identified as green) necessitate the removal of the eleven trees on the medical facility site. All eleven trees in question are in the red or “cut” portion of the draft grading plan, meaning saving them is unlikely. The cut soil from the areas in red will then be transferred to the car dealership site. Per the conditions of approval, this action does not constitute the issuance of a grading permit for Opportunity Area 4.3 (Medical Facility Site). This will be a separate approval granted to the applicant by the City of Marina. This action likewise does not constitute approval of a grading permit for Opportunity Area 3.2 (Car Dealership Site) nor does it authorize any cut and fill on that site. This will be a separate approval granted to the applicant by the City of Marina. The current permit is only to temporarily stockpile dirt associated with the removal of trees on Opportunity Area 4.3 onto Opportunity Area 3.2 (Car Dealership) in a manner that does not negatively impact the trees on the property.

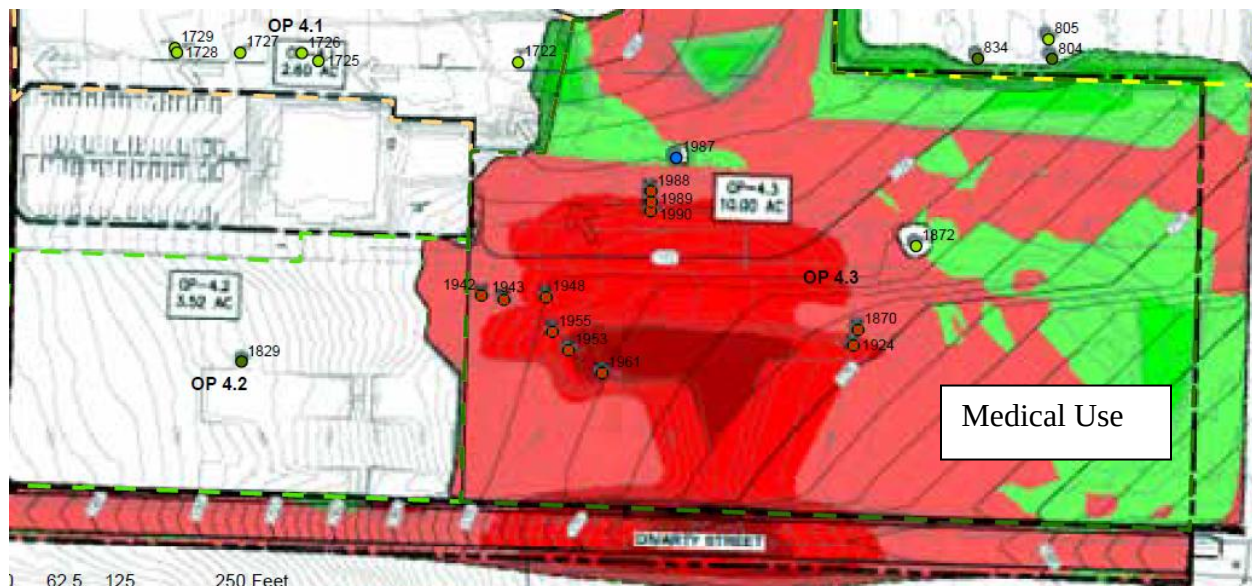


Exhibit 3-Summary of Cut and Fill on Medical Use Site

TREE ANALYSIS REGULATORY FRAMEWORK

City of Marina Municipal Code

City of Marina Municipal Code (MMC) Section 17.62.030 requires a tree removal permit to remove, damage, or relocate, or cause to be removed, damaged, or relocated, any tree on any property within City limits, unless exempted by MMC Sections 17.62.040 or 17.62.050. MMC Section 17.62.030 also prohibits construction activities within the dripline of any tree, unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission.

MMC defines “tree” as any living woody perennial plant having a single stem of six (6) inches or more diameter at breast height (DBH; measured at 4.5 feet above ground) or a multi-stemmed plant having an aggregate diameter of ten inches or more measured at DBH, and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the City. MMC defines “Dripline”

discretion is to increase transparency and public participation in the permit review process for items deemed to be in public interest or having broad effect on the community.”

as the greater of the outermost edge of the tree’s canopy, or fifteen times DBH measured from the center point of the tree.

University Village Specific Plan UVSP Tree Standards

UVSP Tree Standards call for the preservation of as many healthy Monterey cypress trees and oak trees as practicable. In accordance with the UVSP Tree Standards, Monterey cypress trees and oak trees that are in good or fair condition must be protected during construction and preserved wherever practicable. If relocation is possible, Monterey cypress and oak trees shall be removed by machinery, be immediately replanted at a new site, and be watered and fertilized. Existing healthy trees determined to be in good or fair condition that are removed shall be replaced on-site at a ratio of two (2) replacement trees for every one (1) removed (2:1). UVSP classifies tree health based on the following definitions:

- *Good.* Tree is healthy and vigorous as indicated by color of foliage and density, has no apparent signs of insect, disease, structural defects or mechanical injury. Tree has good form and structure.
- *Fair.* Tree is in average condition and vigor for the area, but may show minor insect, disease, or physiological problems. Trees rated as fair may be improved with correctional pruning.
- *Poor.* Tree that is in a general state of decline and may show severe structural or mechanical defects which may lead to failure, may have insect or disease damage, but is not dead.
- *Dead/Snag.* Dead standing tree.

As a result of project activities, 11 Monterey pine trees are proposed for removal within Dunes Parcel OP 4.3 (Medical Use Site). A tree removal permit from the City is required for all living trees. Only one (1) tree proposed for removal within Dunes Parcel OP 4.3 is dead. Therefore, a tree removal permit is required for the remaining 10 trees. Of the 11 trees planned for removal within these parcels, seven (7) are in good condition, three (3) are in fair condition, and one (1) is dead (Appendix A.3). As a result, 20 replacement plantings are required to mitigate for the removal of 10 healthy trees.

Tree Removal Numbers	
Tree Identified within Opportunity Area 4.3	11
Dead Trees	11-1=10 remaining
Healthy Trees	10 of 11 are healthy and require replacement
City of Marina’s Tree Replacement Ratio (2:1)	10X2=20 Trees To Be Replanted

As addressed in the overall request to remove 52 trees (including from the car dealership site) heard by the Tree Committee on May 15, 2025, Shea will replace the removal of 10 healthy trees from the medical facility site with 20 replacement plantings.



GENERAL PLAN CONSISTENCY

General Plan Policy 2.74-Industrial and Commercial Services 2.74-Approximately 290 acres of land are reserved for industrial and commercial uses. Each of the designated areas has a distinctive role based on its respective locational characteristics. The intent is to accommodate a broad range of industrial and commercial-service activities within the City, thereby enhancing local opportunities for employment and economic development and providing for the service needs of other uses within the City.

By removing trees from the Opportunity Area 4.3, thereby allowing the medical office use to be built, this permit will support employment and economic development within the City of Marina directly implementing General Plan Policy 2.74.

General Plan Policy 4.79 To promote the City's objective of creating a demographically and economically balanced community, a wide range of housing options shall be provided, the cost and mix of which shall be approximately proportional to the housing needs of existing and future employed persons within the City. Housing shall be balanced with commercial uses, providing for retail and services and for office, research, commercial-service and industrial uses.

By removing trees within Opportunity Area 4.3 for a future medical facility, this will provide a site that allows for the balanced land use identified in General Plan Policy 4.79.

CONFLICT OF INTEREST

Council members or Planning Commissioners are subject to all aspects of the Political Reform Act. Council members or Planning Commissioners must not make, participate in making, or attempt to influence in any manner a governmental decision which they know, or should know, may have a material effect on a financial interest.

EX PARTE COMMUNICATION DISCLOSURES

On quasi-judicial matters, Planning Commissioners shall verbally disclose off the record contacts relating to the item, after the item is called and before Commission consideration of the matter. Disclosure shall include the identity of an individual(s) with whom the Commissioner had contact,

and the nature of the contact. Written ex parte communications must be forwarded to the Community Development so they can be provided to the entire Commission and to the public.

ENVIRONMENTAL DETERMINATION

The City of Marina Planning Division has determined that this project will not result in new significant environmental impacts or effects or a substantial increase in the severity of significant effects previously identified in EIR No. 2004091167, which was certified for the University Villages Specific Plan.

CONCLUSION

This request is submitted for Planning Commission consideration and recommendation.

Respectfully submitted,

Guido F. Persicone, AICP
Community Development Director
City of Marina

Attachments

Attachment 1-Planning Commission Resolution

Attachment 2-Project Conditions of Approval

Attachment 3-Project Findings

Attachment 4 -Letter from Shea Homes

Attachment 5-Figure 2A-Tree Survey Results

Attachment 6-Summary of Cut and Fill for Medical and Car Dealership Site

Attachment 7-Stockpiling of Dirt on Car Dealership Site

Attachment 8-April 18, 2025 Arborist Report, Denise Duffy and Associates

Attachment 1-DRAFT PLANNING COMMISSION RESOLUTION NO. 2025-

A PLANNING COMMISSION RESOLUTION APPROVING THE REMOVAL OF APPROXIMATELY ELEVEN TREES WITHIN PHASE 3 OF THE DUNES DEVELOPMENT, AND SPECIFICALLY OPPORTUNITY AREA 4.3 LOCATED AT THE NORTHWEST CORNER OF SECOND AVENUE AND DIVARTY STREET, FOR A POTENTIAL MEDICAL FACILITY, AND FIND THE ACTION WAS ADEQUATELY ADDRESSED IN EIR NO. 2004091167, CERTIFIED FOR THE UNIVERSITY VILLAGES SPECIFIC PLAN.

WHEREAS, on April 30, 2025, at a duly noticed public hearing held on the property located at the northwest corner of First Avenue and Divarty Street, the Tree Committee considered a tree removal permit request to remove fifty-two trees within Phase 3 of the Dunes Development and specifically within opportunity areas 3.2, 4.2 and 4.3; and

WHEREAS, at the conclusion of the April 30, 2025 meeting the item was continued for further review to the May 15, 2025 Tree Committee meeting; and

WHEREAS, on May 15, 2025 the Tree Committee recommended that the Planning Commission approve the removal of the fifty-two (52) trees; and

WHEREAS, after the May 15, 2025 Tree Committee meeting a request was made by Shea Homes to separate the tree removal permit for Planning Commission review into two separate actions to expediate the feasibility of Opportunity Area 4.3 for a future medical facility; and

WHEREAS, pursuant to Chapter 17.59 of the Marina Municipal Code, the Community Development Director has the authority to have the Planning Commission review permits if doing so increases transparency and public participation in the permit review process for items deemed to be in public interest or having broad effect on the community; and

WHEREAS, removal of eleven (11) trees within Opportunity Area 4.3 for a future medical facility is necessary to accommodate the completion of the Dunes Development Project (formerly the University Village Specific Plan); and

WHEREAS, by removing trees from the site and making it a viable medical office use property, the tree removal permit will be implementing the 2000 General Plan via policies 2.74 and 4.79; and

WHEREAS, applicant shall replace all qualifying trees at a 2:1 ratio per Marina Municipal Code (MMC 17.62.060.D.2) based upon the combined DBH of the replacement trees equal to the combined DBH of the healthy trees to be removed; and

WHEREAS, the City of Marina is a lead agency under the California Environmental Quality Act (CEQA) and has determined that project will not result in new significant environmental impacts or effects or a substantial increase in the severity of significant effects previously identified in EIR No. 2004091167, which was certified for the University Villages Specific Plan; and

WHEREAS, this does not constitute approval of removal or disturbance of trees on Opportunity Area 3.2, the location of a car dealership site, as this permit will be reviewed by the Planning Commission in the near term; and

WHEREAS, this approval does not constitute approval of a grading permit within Opportunity Area 3.2 (Car Dealership site) or Opportunity Area 4.3 (Medical Facility Site); and

NOW THEREFORE BE IT RESOLVED that the Planning Commission, based on findings, conditions of approval, and the CEQA determination referenced herein, does hereby:

- 1- Incorporate by reference the recitals listed above.
- 2- Approve the removal of eleven (11) trees within Opportunity Area 4.3 (Medical Facility Use) subject to Chapter 17.62 of the Marina Municipal Code.
- 3- Require that the applicant (Marina Community Partners) replant replacement trees at a 2:1 ratio for every tree that is removed.
- 4- Require that the applicant comply with the conditions of approval and the recommendations in the arborist reports submitted by Denise Duffy and Associates on April 18, 2025 and May 12, 2025, incorporated by reference into this resolution.
- 5- Determine that this approval does not constitute approval of the removal of any trees identified in the April 18, 2025 arborist report except those within Opportunity Area 4.3 (Medical Facility Site).

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a duly noticed special on the 12th day of June 2025, by the following vote:

AYES, MEMBERS:

NOES, MEMBERS:

ABSENT, MEMBERS:

ABSTAIN, MEMBERS:

Glenn Woodson, Chair

ATTEST:

Guido F. Persicone
Community Development Director
City of Marina

Attachment 2-Conditions of Approval

1. **Arborist Report.** Removal of the eleven trees within Opportunity Area 4.3 shall be in accordance with the arborist report submitted to the City of Marina by Denise Duffy and Associates, dated April 18, 2025. The Planning Commission approval does not constitute approval of removal of any other trees identified in the April 18, 2025 arborist report.
2. **Special Surveys.** Prior to the removal of trees, a qualified biologist shall survey the trees for presence of roosting bats. If special-status bat species are present, the following measures shall be implemented:
 - a. Tree removal shall not occur if maternity bat roosts are present (between April 15 and August 1) in the trees to be removed.
 - b. No tree removal may occur within 300 feet of the maternity roost until all young bats have fledged, as determined by a qualified biologist.
 - c. If special-status bats are present but there is not an active maternity roost, a Memorandum of Understanding (MOU) with the California Department of Fish and Wildlife (CDFW) must be obtained in order to remove the animals prior to tree removal. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics must be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that mitigates for loss of bat roosting habitat must be prepared by a qualified biologist and approved by CDFW prior to tree removal.
3. **Display of Tree Removal Permit.** Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.
4. **Replacement Trees.** Upon completion of the development at Opportunity Area 4.3 (OP 4.3), existing trees in good or fair condition which are removed shall be replaced on site at a ratio of two replacement trees for each tree removed (2:1), which is at least twenty (20) trees. If said replacement trees will not be planted at Opportunity Area 4.3 (Medical Facility Site) the applicant (Marina Community Partners) shall submit a written plan for planting replacement trees within another property within the Dunes Development for approval by the Community Development Director.
5. **Replacement Planting.** Replacement plantings shall be fifteen-gallon trees in locations with the greatest openings to minimize competition and maximum sunlight. (If fifteen-gallon sizes are unavailable, smaller sizes may be substituted.) The spacing between trees shall be at least eight (8) feet. Watering for establishment within the first two (2) months shall be at least once (1) per week, then every two (2) weeks during the late spring, summer, and fall for two (2) years.
6. **Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and

filling of any holes left by the removal.

7. **New Trees.** Tree starts that are less than six inches in diameter and that grow larger than six inches in diameter prior to the grading of the site must be replaced at 2:1 ratio, subject to the approval of the Community Development Director.
8. **No Grading Permit Opportunity Area 4.3.** This approval does not constitute issuance of a grading permit for Opportunity Area 4.3 (Medical Facility Site). This will be a separate approval granted to the applicant by the City of Marina.
9. **No Grading Opportunity Area 3.2.** This approval does not constitute approval of a grading permit for Opportunity Area 3.2 (Car Dealership Site) nor does it authorize any cut and fill on the site. This will be a separate approval granted to the applicant by the City of Marina. The permit is only to temporarily stockpile dirt on Opportunity Area 3.2 (Car Dealership) in a manner that does not negatively impact the trees on the property.
10. **Not a Tree Removal Permit-Opportunity Area 3.2.** No disturbance of trees shall occur on Opportunity Area 3.2 (Car Dealership Site) as this will be reviewed by the Planning Commission at a meeting in the near term along with a design review permit for the property pursuant to Section 17.62.060 of the Marina Municipal Code.

Attachment 3-Tree Removal Permit Findings

MMC 17.62.060.C. *Required Findings for Approval of Tree Removal Permit.* The finding is in standard font with Staff's response following in *italics*.

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or

A qualified arborist assessed the eleven (11) trees proposed for removal and found the majority to be in fair condition. When final grading plans are prepared, it may be possible to retain trees that are not needed for construction. In this event, these trees will be retained and protected. [Note that the Planning Commission is not required to make this finding because the Committee can instead make findings 5-8; see MCC § 17.62.060C.]

2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or

A qualified arborist assessed the 11 trees proposed for removal and found the majority to be in fair condition. [Note that the Planning Commission is not required to make this finding because the Committee can instead make findings 5-8; see MCC § 17.62.060C.]

3. The location of more than three (3) trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or

Infrastructure improvements and the development of Opportunity Area 4.3 (Medical Facility Site) conflict with the health of the trees on the site. The location of multiple trees proposed for removal would interfere with these improvements, as documented on the Site Plan and in the Arborist Report.

4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or

A qualified arborist assessed the health of individual trees within the project area but did not offer an opinion on the number of healthy trees the site is able to support. [Note that the Tree Committee is not required to make this finding because the Planning Commission can instead make findings 5-8; see MCC § 17.62.060C.]

5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and

All eleven trees proposed for removal, including the ten trees that are in fair or good condition, directly impede the grading and construction of the site for commercial development.

6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

Most of the trees proposed for removal were found by an arborist to be in good or fair condition. The trees do not serve as part of a windbreak system. Mitigation measures described in the Arborist Report and in the Conditions of Approval above will reduce impacts of tree removal related to drainage, soil erosion, and wildlife habitat. Trees will be replaced at a 2:1 ratio ensuring preservation of the City's urban forest.

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

Although aesthetic judgements are subjective, the City has established a process for designating aesthetically significant trees as landmark trees (MMC Section 17.62.070). None of the trees proposed for removal have been designated as a landmark tree. Because the trees are generally in good or fair condition, located within an existing transportation corridor or on vacated land within the former Fort Ord, and located more than 200 feet away from commercial and residential properties, removal of the trees is unlikely to have a substantial detrimental effect on neighboring property values.

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

To accommodate the required infrastructure, 11 trees must be removed. The trees will be replaced at a 2:1 ratio or an in-lieu fee provided consistent with the requirements of MMC Section 17.62.060.

May 28, 2025

Guido Persicone
Community Development Director
City of Marina



RE: Request for Bifurcation of Tree Removal Permit

Dear Guido,

On behalf of the Shea Homes/MCP team, we respectfully request the bifurcation of the pending Tree Removal Permit for Parcel OP 4.3 (future Medical Use) and Parcel OP 3.2 (future Auto Dealer).

Working alongside our certified arborist and civil engineer, we submitted a comprehensive tree removal application, including all relevant documents and exhibits, to facilitate the removal of trees on these two parcels. This removal is essential to meeting grading obligations required for site delivery to future owners.

Parcel OP 4.3 is designated for future medical use, while Parcel OP 3.2 is planned for an auto dealership. These parcels are interdependent: OP 4.3 requires an export of dirt (cut), while OP 3.2 requires an import of dirt (fill). The material removed from OP 4.3 is intended to fill OP 3.2, making their grading processes directly linked.

Following the May 15, 2025 Tree Committee meeting, the committee formally recommended approval of our tree removal request. However, at the May 20, 2025 City Council meeting, a condition was introduced requiring further investigation into the trees at OP 3.2 to determine if viable candidates exist for relocation. While we acknowledge this condition, it presents a timing challenge that could impact parcel delivery to future owners. If critical timelines are not met, potential agreements with future owners may be at risk.

To address this, we propose bifurcating the tree removal permit into two phases:

1. **Phase One** – Immediate removal of trees at OP 4.3 to allow for necessary grading (cut). Modified grading operations at OP 3.2, restricting excavation to areas outside the tree drip lines along the western portion of the site. This approach ensures the trees at OP 3.2 remain undisturbed while enabling the delivery of cut material from OP 4.3.
2. **Phase Two** – Tree Removal at OP 3.2 subject to future City Council approval. Completion of the balance of grading activities at OP 3.2 within the drip line of the trees.

We believe this approach is a practical solution that balances compliance with the council's conditions while maintaining project timelines. Therefore, we kindly request the City's prompt consideration and approval of this proposed bifurcation.

Thank you for your time and attention to this matter. We appreciate your support.

Best regards,

A handwritten signature in blue ink, appearing to read "Doug McArdle", is written over the "Best regards," text.

Doug McArdle,
Community Development Manager
Enclosed: Modified Grading Exhibit for Parcel OP3.2



Tree Survey Results
Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

Date
4/18/2025
Scale
1 in = 208 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
2a



Source: Whitson Engineering

Tree Survey Results - Plan Set Overview Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

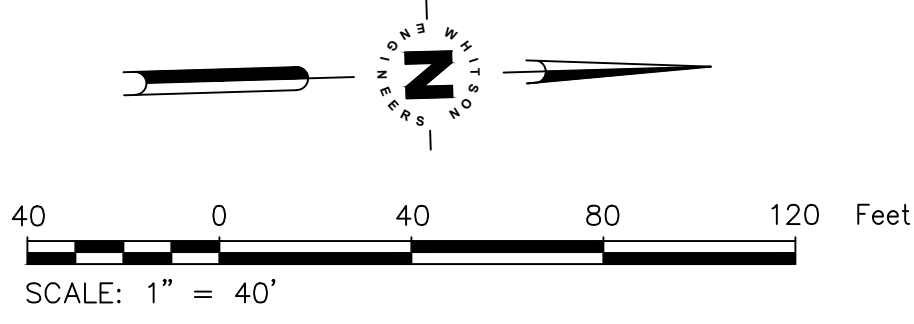
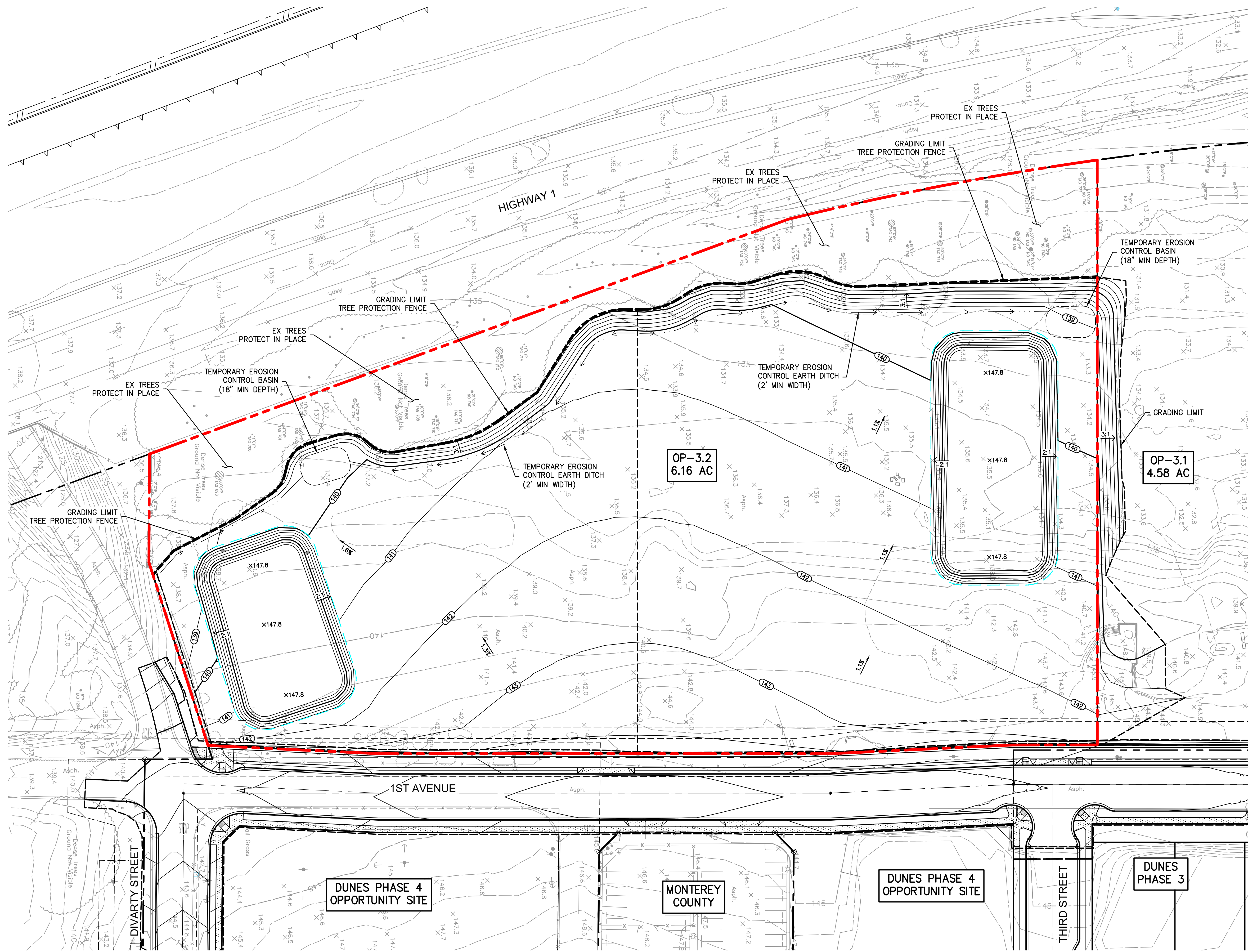
Date	4/18/2025
Scale	1 in = 208 ft

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\\monterey\projects\3140\GIS\DWG\3140-01-4-OPPORTUNITY-PLAN2.dwg c:\users\j... Jan 02, 2025 - 1:09pm



Know what's below.
Call before you dig.



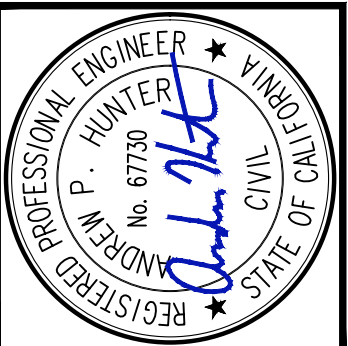
THE DUNES ON MONTEREY BAY - PHASE 3 NORTH
ROUGH GRADING PLANS

INTERIM ROUGH GRADING PLAN

APN 031-221-021

SCALE:	1" = 40'
DRAWN:	APH
JOB No.:	3140.46
SHEET	17A
	OF 28

SUBMITTAL / REVISION	APPROVED PLANS
3	5/31/2024
APH	OP-3.2 AND OP4.3 GRADING
APH	5/9/2025
APH	



Civil Engineering
Land Surveying
4 Heald Court
Monterey, California
831.649.5225
whitsonengineers.com



DENISE DUFFY & ASSOCIATES, INC.

PLANNING AND ENVIRONMENTAL CONSULTING

Date: April 18, 2025

To: Doug Yount, Project Director
Shea Homes

CC: Doug McArdle, Community Development Manager
Shea Homes

From: Patric Krabacher, ISA Certified Arborist 11759
Denise Duffy & Associates, Inc.

RE: **Arborist Report for the Dunes on Monterey Bay Project, Phase 3 (OP3, OP4, and L5.5.1)**

Denise Duffy & Associates, Inc. (DD&A) is contracted by Shea Homes (SH) to provide environmental consulting services for the Dunes on Monterey Bay Project, Phase 3 (project), located in the City of Marina (City) in Monterey County, California. The project site consists of mass grading and prepping multiple development areas: Dunes Parcel Opportunity 3.1 & 3.2 (Dunes Parcel OP 3.1 & 3.2), Dunes Parcel Opportunity 4.1, 4.2, & 4.3 (Dunes Parcel OP 4.1, 4.2, & 4.3), and City Parcel L5.5.1 (**Figure 1**). Tree removal within the project site is regulated by the University Villages Specific Plan (UVSP) Existing Tree Removal, Relocation, and Replacement Standards (Tree Standards), approved on May 31, 2005; the project's Final Environmental Impact Report (FEIR) and Resolution; the project's Mitigation Monitoring and Reporting Program (MMRP); and Marina Municipal Code (MMC or City Code) Chapter 17.62 (Tree Removal, Preservation, and Protection). Removal of any living tree, as defined by the City, requires a tree removal permit.

To inform the development of project design plans that preserve as many healthy trees as practicable, DD&A conducted multiple field inventories of protected trees per MMC (trees) within the project site between 2021 and 2025. In addition, DD&A ISA Certified Arborist Patric Krabacher conducted an inventory of trees within the project site on January 27, 2025. This report documents the trees which must be removed to facilitate construction of the project per the existing plans and recommended actions to mitigate potential impacts to the trees and other sensitive biological resources in the area. Removal of trees, as defined below, requires a tree removal permit from the City; this report includes the necessary components for a tree removal permit application.



Tree Survey Areas
Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

Date
2/10/2025

Scale
1 in = 200 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
1

METHODS

Limitations

It is not the intent of this report to provide a monetary valuation of the trees or provide risk assessment for any tree on this parcel, as any tree can fail at any time. Only a visual assessment of each tree was conducted, no clinical diagnosis was performed on any pest or pathogen that may or may not be present within the site. In addition to an inspection of the property, DD&A relied on information provided by SH (such as survey data, property boundaries, and property ownership information) to prepare this report, and must reasonably rely on the accuracy of the information provided. DD&A shall not be responsible for another's means, methods, techniques, schedules, or procedures, or for contractor safety or any other related programs, or for another's failure to complete the work in accordance with the approved plans and specifications.

Regulatory Framework

City of Marina Municipal Code

City of Marina Municipal Code (MMC) Section 17.62.030 requires a tree removal permit to remove, damage, or relocate, or cause to be removed, damaged, or relocated any tree on any property within City limits, unless exempted by MMC Sections 17.62.040 or 17.62.050. MMC Section 17.62.030 also prohibits construction activities within the dripline of any tree, unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission.

MMC defines “tree” as any living woody perennial plant having a single stem of six (6) inches or more diameter at breast height (DBH; measured at 4.5 feet above ground) or a multi-stemmed plant having an aggregate diameter of ten inches or more measured at DBH, and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the City. MMC defines “Dripline” as the greater of the outermost edge of the tree’s canopy, or fifteen times DBH measured from the center point of the tree.

UVSP Tree Standards

UVSP Tree Standards call for the preservation of as many healthy Monterey cypress trees and oak trees as practicable. In accordance with the UVSP Tree Standards, Monterey cypress trees and oak trees that are in good or fair condition must be protected during construction and preserved wherever practicable. If relocation is possible, Monterey cypress and oak trees shall be removed by machinery, be immediately replanted at a new site, and be watered and fertilized. Existing healthy trees determined to be in good or fair condition that are removed shall be replaced on-site at a ratio of two (2) replacement trees for every one (1) removed (2:1). UVSP classifies tree health based on the following definitions:

- *Good.* Tree is healthy and vigorous as indicated by color of foliage and density, has no apparent signs of insect, disease, structural defects or mechanical injury. Tree has good form and structure.
- *Fair.* Tree is in average condition and vigor for the area, but may show minor insect, disease, or physiological problems. Trees rated as fair may be improved with correctional pruning.
- *Poor.* Tree that is in a general state of decline and may show severe structural or mechanical defects which may lead to failure, may have insect or disease damage, but is not dead.
- *Dead/Snag.* Dead standing tree.

Survey Methods

DD&A biologists, led by Certified Arborist Patric Krabacher, conducted a tree survey of the project site on January 27, 2025. The survey area encompassed the project's construction limits. Protected trees (trees that require a tree removal permit from the City and/or are defined in the UVSP) were inventoried in accordance with the following protocol, which was designed to meet the requirements of both MMC Chapter 17.62 and USVP Tree Standards:

- Excluding acacias (*Acacia* sp.)¹, all trees (including dead snags) 6" DBH or greater were tagged with a GPS location and a numbered aluminum marker (on the most feasible/visible location possible).
- Tree diameter was recorded at breast height (4.5 feet above ground) or (for multi-stemmed trees) at the most representable location.
- Multi-stemmed trees were recorded as one tree if the root crown (the point where the trunk meets natural grade) was contiguous. Multi-stemmed tree DBH was calculated by taking the square root of the squared sum of all stems measured ($\sqrt{[\text{Stem 1 DBH}^2 + \text{Stem 2 DBH}^2 + \text{Stem 3 DBH}^2 \dots]}$). This equation returns the diameter at the base of the tree (Chojnacky, 1999).
- Species, size, and health class were recorded for each tree. Tree health was based on the UVSP classification system and was evaluated by visually inspecting each tree from its root crown to its foliar canopy for signs of decay, disease, or insect infestations. Per UVSP Tree Standards, page 118, eucalyptus (*Eucalyptus* sp.) health was not recorded.

GPS data were collected using a Trimble® TDC600 GPS and were then digitized using Trimble® TerraFlex and ESRI® ArcGIS 10.4. GPS data were collected using geographic coordinate system Universal Transverse Mercator (UTM) Zone 10 North and the World Geodetic System 1984 (WGS84) datum. The Trimble® TDC600 GPS has a GNSS accuracy of 1.5 meters.

RESULTS

Survey Results

Dunes Parcel OP 3.1

DD&A inventoried 44 trees within Dunes Parcel OP 3.1 (**Figure 2a & 2b; Appendix A.1**). Dominant tree species include 33 Monterey cypresses (*Hesperocyparis macrocarpa*), and six (6) Monterey pines (*Pinus radiata*). Other species observed include three (3) Torrey pines (*Pinus torreyana*), one (1) Eucalyptus, and One (1) coast live oak (*Quercus agrifolia*). 59% of the trees inventoried within this parcel were determined to be in fair condition (**Figure 3a & 3b**); these are in average vigor for the area but are showing signs of diseases and insect infestations, including pitch canker, foamy bark canker, beetle evidence (i.e. saw dust and small symmetrical holes), sooty mold, and *Phytophthora* root and crown rot. No symptoms of sudden oak death were observed.

Dunes Parcel OP 3.2

DD&A inventoried 42 Monterey cypress trees within Dunes Parcel OP 3.2 (**Figure 2a & 2b; Appendix A.2**). 52%² of the trees inventoried within this parcel are in fair condition; they are in average vigor for the area but are showing the signs of diseases and insect infestations described above for Dunes Parcel OP 3.1 (**Figure 3a & 3b**). No symptoms of sudden oak death were observed.

¹ Per UVSP Tree Standards, page 118, acacias (6" DBH or greater) were mapped with a GPS location but were not tagged or inventoried.

² Two (2) trees, tree tag number 728 and 730 were included in this calculation due to their proximity to Parcel OP 3.2

Dunes Parcel OP 4.1, 4.2, & OP 4.3

DD&A inventoried six (6) Monterey cypress trees within Dunes Parcel OP 4.1 all in good health. One (1) Monterey pine was inventoried within Dunes Parcel OP 4.2 which was found to be in poor health and is currently uprooting. 14 trees were inventoried within Dunes Parcel OP 4.3 (**Figure 2a & 2c; Appendix A.3**), these include 11 Monterey pines, five (5) Monterey cypresses, and one (1) Torrey pine. 57% of the trees inventoried within this parcel are in good condition; they are healthy and vigorous with no apparent signs of insect infestations, disease, or structural defects (**Figure 3a & 3c**). No symptoms of sudden oak death were observed.

City Parcel L5.5.1

DD&A inventoried seven (7) trees within City Parcel L5.5.1 (**Figure 2a & 2c; Appendix A.4**). Trees inventoried include four (4) Monterey cypresses, two (2) Monterey pines, and one (1) coast live oak. All trees within this parcel are in good condition (**Figure 3a & 3c**); they are healthy and vigorous with no apparent signs of insect, disease, or structural defects. No symptoms of sudden oak death were observed.

DISCUSSION

Tree Preservation

To date, 21 trees have been preserved and protected in place throughout Phase 3. These preserved trees have been monitored on a weekly basis to ensure tree protection remains in place during construction activities, and on-going design changes (e.g., installation of retaining walls with holes to allow roots to pass through) have been implemented to avoid impacts. In addition, these trees have been pruned to improve health and stability. An additional 56 saplings have been transplanted from impacted areas. Of these 56 saplings, seven (7) died due to root loss or sooty mold, 30 were relocated to Phase 2, and 19 remain in a temporary nursery (monitored monthly by DD&A) and are awaiting transplant.

Tree Removal

Dunes Parcel OP3.1

All 44 trees within Dunes Parcel OP3.1 are located outside the project's construction footprint and are recommended to be avoided and protected in place, as necessary, during development of the adjacent parcels, OP3.2, OP4.2, and OP4.3 (**Figure 2a & 2b; Appendix A.1**), including one (1) coast live oak, one (1) Eucalyptus, three (3) Torrey pines, six (6) Monterey pines, and 33 Monterey cypresses. Best management practices while working around trees are included in **Appendix B**.

Dunes Parcel OP3.2

As a result of the proposed project, 41 Monterey cypresses would require removal within Dunes Parcel OP3.2 per the existing mass grading plan (**Figure 2a & 2b, Appendix C & D**). A tree removal permit from the City is required for all living trees. Three (3) trees proposed for removal are dead; therefore, a tree removal permit is required for the remaining 38 trees. Tree removal must incorporate the mitigation measures and regulatory requirements of the FEIR, the MMRP, and the UVSP Tree Standards, as follows:

- Pre-construction surveys for active nests shall be conducted by a qualified biologist within 250 feet of proposed construction activities no more than 30 days prior to construction. If active nests are found and the biologist determines that construction activities would adversely affect the nest or cause nest abandonment, then those activities shall be avoided in these areas until the young have fledged, as by the qualified biologist. Once the young have fledged, construction activities may resume in the vicinity and no further mitigation measures shall be required.



Tree Survey Results
Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

Date
4/18/2025
Scale
1 in = 208 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
2a



Tree Survey Results Dunes Parcels OP 3.1 & 3.2

Date
3/31/2025

Scale
1 in = 133 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
2b



Tree Survey Results Dunes Parcels OP 4.2 & 4.3, & City Parcel L5.5.1

Date
4/18/2025

Scale
1 in = 150 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
2c



Tree Health
Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

Date
3/31/2025

Scale
1 in = 200 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
3a



Tree Health Dunes Parcels OP 3.1 & 3.2

Date
3/31/2025

Scale
1 in = 130 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
3b



Tree Health
Dunes Parcels OP 4.2 & 4.3, & City Parcel L5.5.1

Date
3/31/2025
Scale
1 in = 150 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
3c

- Prior to the removal of large trees, a qualified biologist shall survey the trees for presence of roosting bats. If special-status bat species are present, the following measures shall be implemented.
 - Tree removal should not occur if maternity bat roosts are present (between April 15 and August 1) in the trees to be removed.
 - No tree removal should occur within 300 feet of the maternity roost until all young bats have fledged, as determined by a qualified biologist.
 - If special-status bats are present but there is not an active maternity roost, a Memorandum of Understanding (MOU) with the California Department of Fish and Wildlife (CDFW) should be obtained in order to remove the animals prior to tree removal. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that mitigates for loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFW prior to tree removal.
- Existing trees in good or fair condition which are removed shall be replaced on site at a ratio of two replacement trees for each tree removed (2:1).
- DD&A recommends the replacement plantings be fifteen-gallon trees in locations with the greatest openings to minimize competition and maximum sunlight. (If fifteen-gallon sizes are unavailable, smaller sizes may be substituted.) The spacing between trees shall be at least eight (8) feet. Watering for establishment within the first two (2) months shall be at least once (1) per week, then every two (2) weeks during the late spring, summer, and fall for two (2) years.

Per UVSP Tree Standards, mitigation (i.e., tree replacement) is only required for the removal of healthy trees. Of the remaining 38 trees planned for removal in Dunes Parcel OP3.2, 23 are in fair condition and 16 are in poor condition (**Appendix A.2**). As a result, a total of 44 replacement plantings are required to mitigate for the removal of 23 healthy trees.

Dunes Parcel OP 4.1, 4.2, & OP 4.3

As a result of project activities (**Appendix D**), 11 Monterey pine trees are proposed for removal within Dunes Parcel OP 4.3 (**Figure 2a & 2c, Appendix C**). A tree removal permit from the City is required for all living trees. Only one (1) tree proposed for removal within Dunes Parcel OP 4.3 is dead; therefore, a tree removal permit is required for the remaining 10 trees. Tree removal must incorporate the mitigation measures and regulatory requirements of the FEIR, the MMRP, and the UVSP Tree Standards, as outlined above.

Of the 11 trees planned for removal within these parcels, seven (7) are in good condition, three (3) are in fair condition, and one (1) is dead (**Appendix A.3**). As a result, up to 20 replacement plantings are required to mitigate for the removal of up to 10 healthy trees.

City Parcel L5.5.1

All seven (7) trees within City Parcel L5.5.1 are located outside the project's construction footprint and will be avoided and protected in place, as necessary, during construction (**Figure 2a & 2c; Appendix A.4**), including one (1) coast live oak, two (2) Monterey pines, and four (4) Monterey cypresses. Best management practices while working around trees are included in **Appendix B**. In addition, SH made design changes to minimize the removal of as many trees as possible.

CONCLUSION

A total of 116 trees were identified within and adjacent to the boundaries of The Dunes on Monterey Bay Project, Phase 3. 64 trees are located outside the project's construction footprint and will be avoided and protected in place, as necessary, during construction.

To facilitate construction of the project per the existing plans (**Appendix D**), 52 trees would require removal. Four (4) of the 52 trees are dead, and 48 are living; however, only 32 living trees are in healthy (good or fair) condition. A tree removal permit from the City is required to remove the 48 living trees, and tree replacement at a 2:1 ratio is required for removal of the 32 healthy trees. Therefore, SH will replace the removal of up to 32 healthy trees with up to 64 replacement plantings. Tree removal must be conducted in accordance with the measures described in this report and any additional measures required by the tree removal permit.

REFERENCES

David C. Chojnacky, 1999. Converting Tree Diameter Measured at Root Collar to Diameter at Breast Height.

APPENDICES

Appendix A: Tree Table (OP3, OP4, L5.5.1)

Appendix B: Recommended Best Management Practices

Appendix C: Photo Log

Appendix D. Project Plans

APPENDIX A

Tree Table

Appendix A.1 – Tree Table for Dunes Parcel OP 3.1

Tree Number	Species	Common	DBH per Stem				Total DBH	Dripline per MMC (ft)	CRZ (ft)	Health	Status	Comment
Dunes Parcel OP 3.1												
660	Eucalyptus sp.	Eucalyptus	6	62	19		65	81	22	Fair	Retain	
661	Hesperocyparis macrocarpa	Monterey Cypress	13	13			18	23	6	Poor	Retain	Sooty mold, Structural
672	Pinus radiata	Monterey Pine	13				13	16	4	Fair	Retain	
673	Pinus torreyana	Torrey Pine	9				9	11	3	Poor	Retain	Declining almost dead
674	Pinus radiata	Monterey Pine	15				15	19	5	Poor	Retain	Declining almost dead
675	Pinus radiata	Monterey Pine	10				10	13	3	Dead	Retain	
676	Pinus radiata	Monterey Pine	10				10	13	3	Dead	Retain	
677	Pinus radiata	Monterey Pine	14				14	18	5	Poor	Retain	Declining almost dead
678	Pinus radiata	Monterey Pine	13				13	16	4	Dead	Retain	
722	Hesperocyparis macrocarpa	Monterey Cypress	34				34	43	11	Poor	Retain	Sooty mold, Structural
723	Hesperocyparis macrocarpa	Monterey Cypress	17				17	21	6	Poor	Retain	Sooty mold, Structural
724	Hesperocyparis macrocarpa	Monterey Cypress	35				35	44	12	Fair	Retain	
725	Hesperocyparis macrocarpa	Monterey Cypress	35				35	44	12	Fair	Retain	
726	Hesperocyparis macrocarpa	Monterey Cypress	17				17	21	6	Poor	Retain	Sooty mold, canker
727	Hesperocyparis macrocarpa	Monterey Cypress	14				14	18	5	Fair	Retain	
728	Hesperocyparis macrocarpa	Monterey Cypress	36				36	45	12	Fair	Retain	
729	Hesperocyparis macrocarpa	Monterey Cypress	31				31	39	10	Poor	Retain	Sooty mold, Structural
730	Quercus agrifolia	Coast Live Oak	18				18	23	6	Poor	Retain	Sooty mold, Structural
745	Hesperocyparis macrocarpa	Monterey Cypress	16				16	20	5	Poor	Retain	Sooty mold
753	Hesperocyparis macrocarpa	Monterey Cypress	42				42	53	14	Fair	Retain	
754	Hesperocyparis macrocarpa	Monterey Cypress	50				50	63	17	Fair	Retain	
755	Hesperocyparis macrocarpa	Monterey Cypress	44				44	55	15	Fair	Retain	
756	Hesperocyparis macrocarpa	Monterey Cypress	26				26	33	9	Poor	Retain	Sooty mold, Structural
757	Hesperocyparis macrocarpa	Monterey Cypress	28				28	35	9	Fair	Retain	
758	Hesperocyparis macrocarpa	Monterey Cypress	34				34	43	11	Poor	Retain	Sooty mold, Structural
759	Hesperocyparis macrocarpa	Monterey Cypress	38				38	48	13	Fair	Retain	
760	Hesperocyparis macrocarpa	Monterey Cypress	51				51	64	17	Fair	Retain	
761	Pinus torreyana	Torrey Pine	6				6	8	2	Poor	Retain	Declining almost dead
762	Pinus torreyana	Torrey Pine	8				8	10	3	Poor	Retain	Declining almost dead

Tree Number	Species	Common	DBH per Stem				Total DBH	Dripline per MMC (ft)	CRZ (ft)	Health	Status	Comment
763	Hesperocyparis macrocarpa	Monterey Cypress	18	15			23	29	8	Fair	Retain	
764	Hesperocyparis macrocarpa	Monterey Cypress	17	17			24	30	8	Fair	Retain	
765	Hesperocyparis macrocarpa	Monterey Cypress	14				14	18	5	Fair	Retain	
766	Hesperocyparis macrocarpa	Monterey Cypress	14				14	18	5	Fair	Retain	
767	Hesperocyparis macrocarpa	Monterey Cypress	9				9	11	3	Fair	Retain	
768	Hesperocyparis macrocarpa	Monterey Cypress	6				6	8	2	Fair	Retain	
769	Hesperocyparis macrocarpa	Monterey Cypress	12				12	15	4	Fair	Retain	
770	Hesperocyparis macrocarpa	Monterey Cypress	16				16	20	5	Fair	Retain	
771	Hesperocyparis macrocarpa	Monterey Cypress	17				17	21	6	Fair	Retain	
772	Hesperocyparis macrocarpa	Monterey Cypress	8				8	10	3	Poor	Retain	Sooty mold
773	Hesperocyparis macrocarpa	Monterey Cypress	14				14	18	5	Fair	Retain	
774	Hesperocyparis macrocarpa	Monterey Cypress	13				13	16	4	Fair	Retain	
776	Hesperocyparis macrocarpa	Monterey Cypress	7				7	9	2	Fair	Retain	
777	Hesperocyparis macrocarpa	Monterey Cypress	17				17	21	6	Fair	Retain	
778	Hesperocyparis macrocarpa	Monterey Cypress	20				20	25	7	Fair	Retain	

Appendix A.2 – Tree Table for Dunes Parcel OP 3.2

Tree Number	Species	Common	DBH per Stem				Total DBH	Dripline per MMC (ft)	CRZ (ft)	Health	Status	Comment
Dunes Parcel OP 3.2												
696	Hesperocyparis macrocarpa	Monterey Cypress	9				9	11	3	Fair	Remove	
697	Hesperocyparis macrocarpa	Monterey Cypress	8				8	10	3	Fair	Remove	
698	Hesperocyparis macrocarpa	Monterey Cypress	58	30	29	18	74	92	25	Poor	Remove	Sooty mold, Structural
699	Hesperocyparis macrocarpa	Monterey Cypress	12				12	15	4	Fair	Remove	
700	Hesperocyparis macrocarpa	Monterey Cypress	11				11	14	4	Poor	Remove	
701	Hesperocyparis macrocarpa	Monterey Cypress	14				14	18	5	Poor	Remove	
702	Hesperocyparis macrocarpa	Monterey Cypress	30				30	38	10	Poor	Remove	Sooty mold, Structural
703	Hesperocyparis macrocarpa	Monterey Cypress	7				7	9	2	Fair	Remove	
704	Hesperocyparis macrocarpa	Monterey Cypress	22				22	28	7	Fair	Remove	
705	Hesperocyparis macrocarpa	Monterey Cypress	18				18	23	6	Fair	Remove	
706	Hesperocyparis macrocarpa	Monterey Cypress	16				16	20	5	Fair	Remove	
707	Hesperocyparis macrocarpa	Monterey Cypress	30				30	38	10	Fair	Remove	
708	Hesperocyparis macrocarpa	Monterey Cypress	10				10	13	3	Fair	Remove	
709	Hesperocyparis macrocarpa	Monterey Cypress	16				16	20	5	Fair	Remove	
710	Hesperocyparis macrocarpa	Monterey Cypress	19				19	24	6	Poor	Remove	Sooty mold, Structural
711	Hesperocyparis macrocarpa	Monterey Cypress	20				20	25	7	Fair	Remove	
712	Hesperocyparis macrocarpa	Monterey Cypress	68				68	85	23	Fair	Remove	
713	Hesperocyparis macrocarpa	Monterey Cypress	20				20	25	7	Poor	Remove	Sooty mold
714	Hesperocyparis macrocarpa	Monterey Cypress	12				12	15	4	Poor	Remove	Sooty mold
715	Hesperocyparis macrocarpa	Monterey Cypress	14				14	18	5	Fair	Remove	
731	Hesperocyparis macrocarpa	Monterey Cypress	17				17	21	6	Fair	Remove	
732	Hesperocyparis macrocarpa	Monterey Cypress	36				36	45	12	Fair	Retain	
733	Hesperocyparis macrocarpa	Monterey Cypress	18				18	23	6	Poor	Remove	Sooty mold, Structural
734	Hesperocyparis macrocarpa	Monterey Cypress	12				12	15	4	Poor	Remove	Sooty mold
735	Hesperocyparis macrocarpa	Monterey Cypress	29				29	36	10	Fair	Remove	
736	Hesperocyparis macrocarpa	Monterey Cypress	21	21			30	37	10	Fair	Remove	
737	Hesperocyparis macrocarpa	Monterey Cypress	30				30	38	10	Fair	Remove	
738	Hesperocyparis macrocarpa	Monterey Cypress	31				31	39	10	Poor	Remove	Sooty mold, Structural
739	Hesperocyparis macrocarpa	Monterey Cypress	33				33	41	11	Poor	Remove	Sooty mold, Structural

Tree Number	Species	Common	DBH per Stem				Total DBH	Dripline per MMC (ft)	CRZ (ft)	Health	Status	Comment
740	Hesperocyparis macrocarpa	Monterey Cypress	28				28	35	9	Poor	Remove	Sooty mold, Structural
741	Hesperocyparis macrocarpa	Monterey Cypress	50				50	63	17	Fair	Remove	
742	Hesperocyparis macrocarpa	Monterey Cypress	21				21	26	7	Poor	Remove	Sooty mold, Structural
743	Hesperocyparis macrocarpa	Monterey Cypress	62				62	78	21	Fair	Remove	
744	Hesperocyparis macrocarpa	Monterey Cypress	28				28	35	9	Poor	Remove	Sooty mold, Structural
746	Hesperocyparis macrocarpa	Monterey Cypress	37				37	46	12	Poor	Remove	Sooty mold, Structural
747	Hesperocyparis macrocarpa	Monterey Cypress	17				17	21	6	Dead	Remove	
748	Hesperocyparis macrocarpa	Monterey Cypress	16				16	20	5	Dead	Remove	Burned
749	Hesperocyparis macrocarpa	Monterey Cypress	19				19	24	6	Dead	Remove	Burned
750	Hesperocyparis macrocarpa	Monterey Cypress	9				9	11	3	Poor	Remove	Canker
751	Hesperocyparis macrocarpa	Monterey Cypress	18				18	23	6	Fair	Remove	
752	Hesperocyparis macrocarpa	Monterey Cypress	60				60	75	20	Fair	Remove	
745b	Hesperocyparis macrocarpa	Monterey Cypress	20				20	25	7	Fair	Remove	

Appendix A.3 – Tree Table for Dunes Parcel OP 4.1, 4.2, & 4.3

Tree Number	Species	Common	DBH per Stem				Total DBH	Dripline per MMC (ft)	CRZ (ft)	Health	Status	Comment
Dunes Parcel OP 4.1												
1729	Hesperocyparis macrocarpa	Monterey Cypress	22				22	28	7	Good	Retain	
1728	Hesperocyparis macrocarpa	Monterey Cypress	28				28	35	9	Good	Retain	
1727	Hesperocyparis macrocarpa	Monterey Cypress	39				39	49	13	Good	Retain	
1726	Hesperocyparis macrocarpa	Monterey Cypress	40				40	50	13	Good	Retain	
1725	Hesperocyparis macrocarpa	Monterey Cypress	43				43	54	14	Good	Retain	
1722	Hesperocyparis macrocarpa	Monterey Cypress	54				54	68	18	Good	Retain	
Dunes Parcel OP 4.2												
1829	Pinus radiata	Monterey Pine	16				16	20	5	Poor	Retain	Sooty mold, Structural
Dunes Parcel OP 4.3												
1870	Pinus radiata	Monterey Pine	6				6	8	2	Fair	Remove	
1872	Hesperocyparis macrocarpa	Monterey Cypress	21				21	26	7	Fair	Retain	
1924	Pinus radiata	Monterey Pine	9				9	11	3	Dead	Remove	
1942	Pinus radiata	Monterey Pine	6				6	8	2	Good	Remove	
1943	Pinus radiata	Monterey Pine	7				7	9	2	Fair	Remove	
1948	Pinus radiata	Monterey Pine	12				12	15	4	Good	Remove	
1953	Pinus radiata	Monterey Pine	9				9	11	3	Good	Remove	
1955	Pinus radiata	Monterey Pine	6				6	8	2	Good	Remove	
1961	Pinus radiata	Monterey Pine	9				9	11	3	Good	Remove	
1987	Pinus torreyana	Torrey Pine	11				11	14	4	Good	Retain	
1988	Pinus radiata	Monterey Pine	8				8	10	3	Fair	Remove	
1989	Pinus radiata	Monterey Pine	6				6	8	2	Good	Remove	
1990	Pinus radiata	Monterey Pine	7				7	9	2	Good	Remove	

Appendix A.4 – Tree Table for City Parcel L5.5.1

Tree Number	Species	Common	DBH per Stem				Total DBH	Dripline per MMC (ft)	CRZ (ft)	Health	Status	Comment
City Parcel L5.5.1												
801	Hesperocyparis macrocarpa	Monterey Cypress	6	8			10	13	3	Good	Retain	
804	Pinus radiata	Monterey Pine	23				23	29	8	Good	Retain	
805	Hesperocyparis macrocarpa	Monterey Cypress	7				7	9	2	Good	Retain	
809	Hesperocyparis macrocarpa	Monterey Cypress	44				44	55	15	Good	Retain	
810	Hesperocyparis macrocarpa	Monterey Cypress	46				46	58	15	Good	Retain	
834	Pinus radiata	Monterey Pine	9				9	11	3	Good	Retain	
840	Quercus agrifolia	Coast Live Oak	14	10			17	22	6	Good	Retain	

APPENDIX B

Recommended Best Management Practices

Fencing and Barricades

All trees in the project area which are scheduled for preservation shall be temporarily fenced prior to all project-related activities. Fencing shall be installed at the edge of the root zone (the area located within 15 times the trunk diameter in all directions) or located at the edge of pavement furthest from the trunk (whichever comes first). Fencing shall consist of chain link or plastic link fence which is maintained at a minimum height of four feet above grade during all phases of construction.

Fenced areas shall not be used for material stockpile, storage, or vehicle parking. Dumping of materials, chemicals, or garbage shall be prohibited within fenced areas. Fenced areas shall be maintained in natural condition at natural or existing grade and shall not be compacted.

All approved construction within the root zone shall include construction barricades. Barricades shall be upright and be constructed from two-inch by four-inch planks standing a minimum of eight feet vertically, conforming to the tree, and shall be tied with wire or rope forming a maximum of one-inch space between the planks. If the tree's configuration or site conditions do not lend themselves to the installation of this type barricade, a certified arborist or City Forester shall designate alternate tree protection methods. Under certain conditions where soil compaction is probable, fences may also be required around a tree or grouping of trees. The use of recycled lumber, synthetic lumber, or similar materials approved by a certified arborist or City Forester is encouraged.

Tree Pruning

Tree pruning shall be minimal but, when necessary, shall be performed in accordance with American National Safety Institute (ANSI) A300 Pruning Standards. Pruning may include the larger canopied trees that have deadwood or are exhibiting some minor structural defect or minor disease that must be compensated. Should the health and vigor of any tree decline, it shall be treated as appropriately recommended by a certified arborist or qualified forester. In general, trees shall be assessed then pruned first for safety (e.g., broken and cracked limbs shall be removed in high-traffic areas of concern), next for health, and finally for aesthetics. No more than 25% of the overall tree crown shall be pruned in one season.

Tree pruning may include crown thinning, crown raising, crown reduction, or crown restoration, as described below.

Crown Thinning

Crown thinning is the cleaning out of or removal of dead, diseased, weakly attached, or low vigor branches from a tree crown. Crown thinning shall be conducted as follows:

- All trees shall be pre-assessed on how the tree will be pruned from the top down.
- Tree trimmers shall favor branches with strong, U-shaped angles of attachment and, where possible, remove branches with weak, V-shaped angles of attachment and/or included bark.
- Lateral branches shall be evenly spaced on the main stem of young trees and areas of fine pruning.
- Branches that rub or cross another branch shall be removed where possible.
- Lateral branches shall be no more than one-half to three-quarters of the diameter of the stem to discourage the development of co-dominant stems where feasible.
- In most cases, trimmers shall not remove more than one-quarter of the living crown of a tree at one time. If it is necessary to remove more, it shall be done over successive years.

Crown Raising

Crown raising removes the lower branches of a tree to provide clearance for buildings, vehicles, pedestrians, and vistas. Crown raising shall be conducted as follows:

- Live branches on at least two-thirds of a tree's total height shall be maintained wherever possible. The removal of too many lower branches would hinder the development of a strong stem.
- All basal sprouts and vigorous epicormic sprouts shall be removed where feasible.

Crown Reduction

Crown reduction is used to reduce the height and/or spread of trees and is used for maintaining the structural integrity and natural form of a tree. Crown reduction shall be conducted only when absolutely necessary, as follows:

- Pruning cuts shall be at a lateral branch that is at least one-third the diameter of the stem to be removed wherever possible.
- When it is necessary to remove more than half of the foliage from a branch, it may be necessary remove the entire branch.

Crown Restoration

Crown restoration is used to improve the structure and appearance of trees that have been topped or severely pruned using heading cuts. One of three sprouts on main branch stubs should be selected to reform a natural appearing crown. Selected vigorous sprouts may need to be thinned to ensure adequate attachment for the size of the sprout. Restoration may require several years of pruning.

Root Pruning

Where alternative routes are not available, any subsurface construction related activities for the project shall avoid cutting major roots with a diameter of greater than or equal to two inches, unless necessary. All approved construction within the root zone shall conform to the following construction practices:

- Hand trenching at point or line of grade cuts closest to the trunk to expose major roots two inches or more in diameter.
- In cases where rock or unusually dense soil prevents hand trenching, mechanical trenching may be permitted provided that work inside the dripline is closely supervised to prevent tearing or other damage to major roots (greater than or equal to two inches).
- Exposed major roots shall be cut with a saw to form a smooth surface and avoid tearing or jagged edges.
- Absorbent tarp or heavy cloth fabric shall be placed over grade cuts where roots are exposed and secured with stakes and two to four inches of compost or wood chips spread over the tarp to prevent moisture loss. Care shall be taken that moisture levels beneath tarped areas remain comparable to surrounding areas until backfilling occurs. Some watering of these areas may be necessary to maintain moisture levels, and such measures shall remain in effect through all phases of construction, including all delays and other periods of inactivity.

APPENDIX C

Photo Log

APPENDIX C

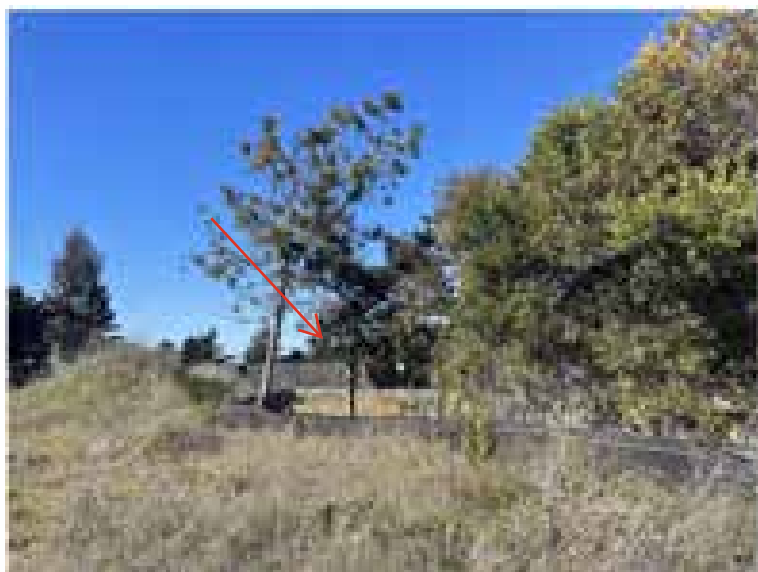
Photo Log of Trees within Parcel OP3.1



Tree 660.



Tree 661.



Tree 672.



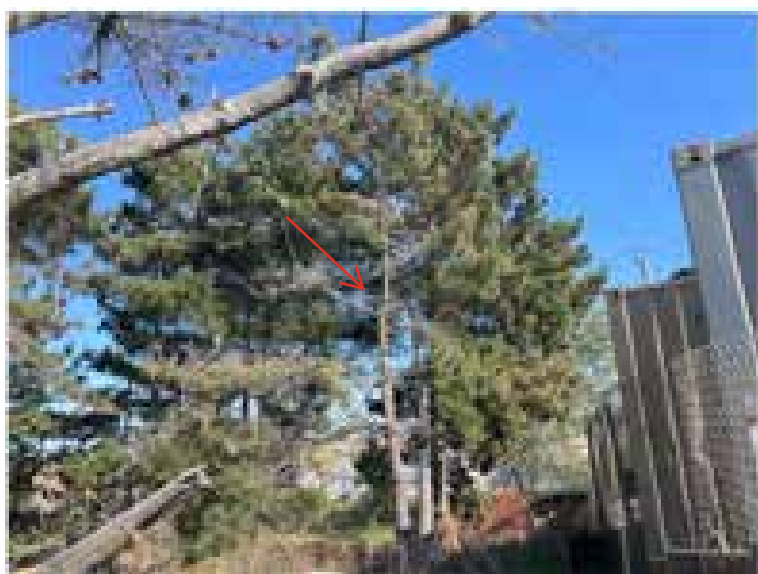
Tree 673.



Tree 674.



Tree 675.



Tree 676.



Tree 677.



Tree 678.



Tree 722.



Tree 723.



Tree 724.



Tree 725. 



Tree 726. 



Tree 727. 



Tree 728. 



Tree 729.



Tree 730.



Tree 745.



Tree 753.



Tree 754. 



Tree 755. 



Tree 756. 



Tree 757. 



Tree 758.



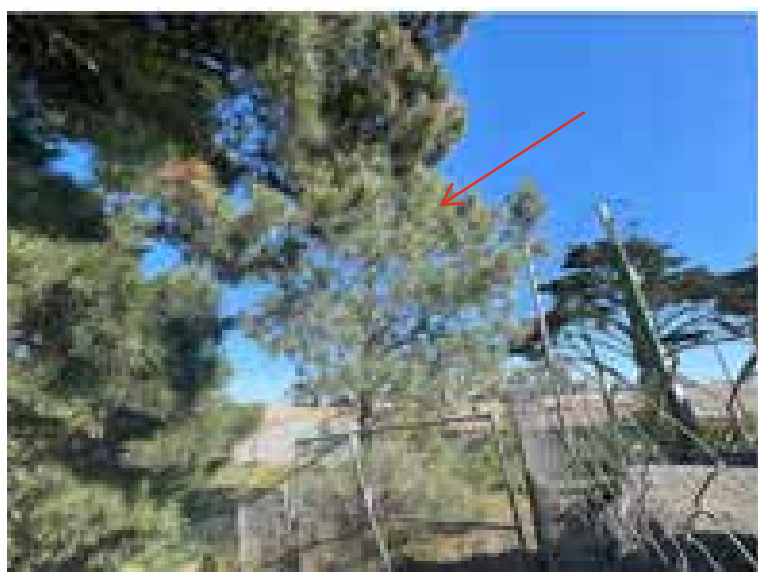
Tree 759.



Tree 760.



Tree 761.



Tree 762.



Tree 763.



Tree 764.



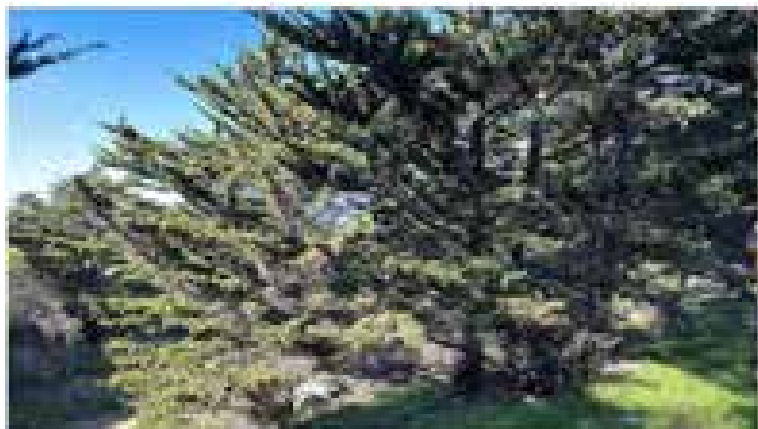
Tree 765.



Tree 766.



Tree 767.



Tree 768.



Tree 769.



Tree 770.



Tree 771.



Tree 772.



Tree 773.



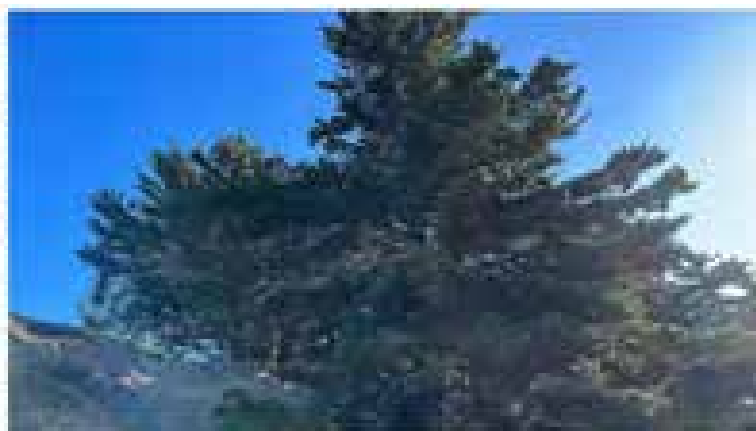
Tree 774.



Tree 776.



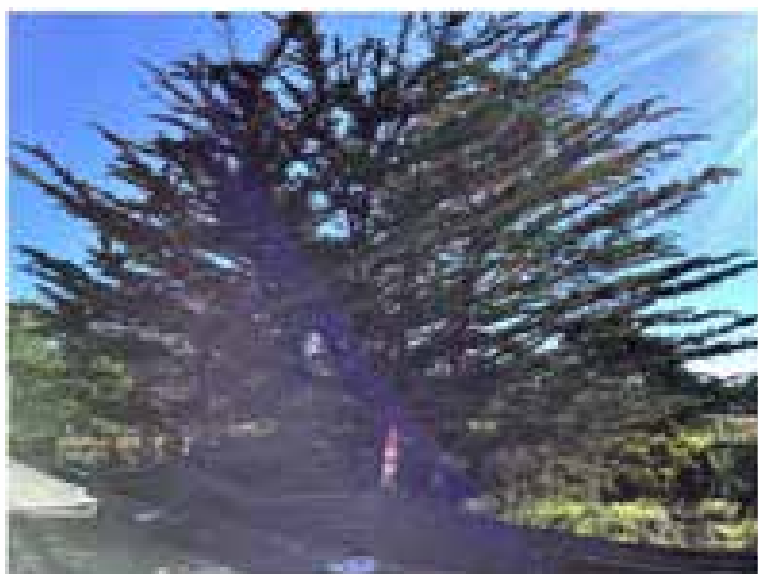
Tree 777.



Tree 778.

APPENDIX C

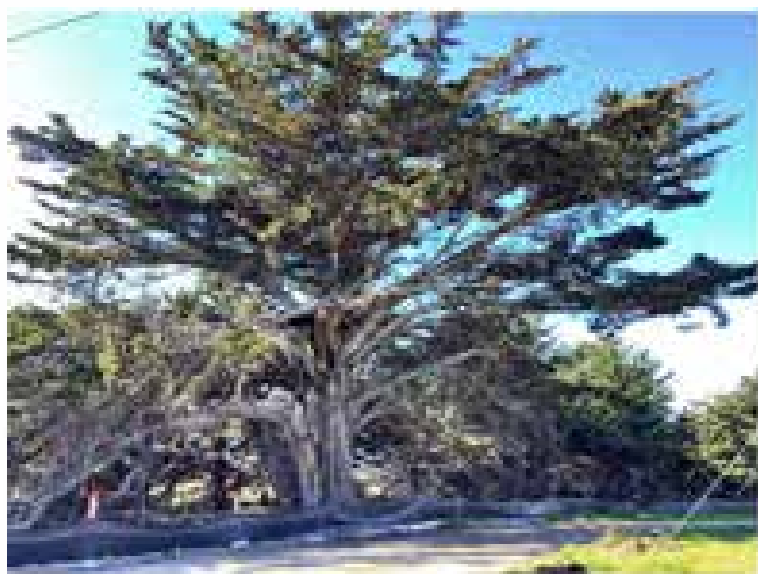
Photo Log of Trees within Parcel OP3.2



Tree 696.



Tree 697.



Tree 698.



Tree 699.



Tree 700.



Tree 701.



Tree 702.



Tree 703.



Tree 704. 



Tree 705. 



Tree 706. 



Tree 707. 



Tree 708.



Tree 709.



Tree 710.



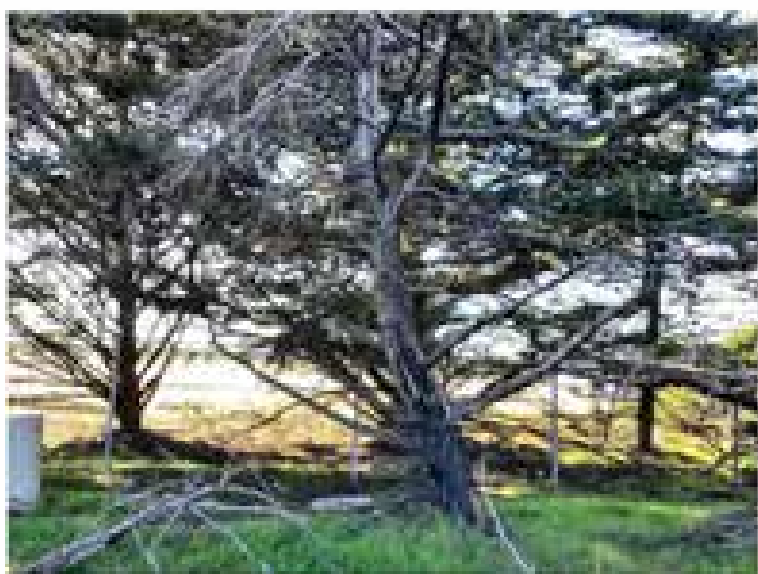
Tree 711.



Tree 712.



Tree 713.



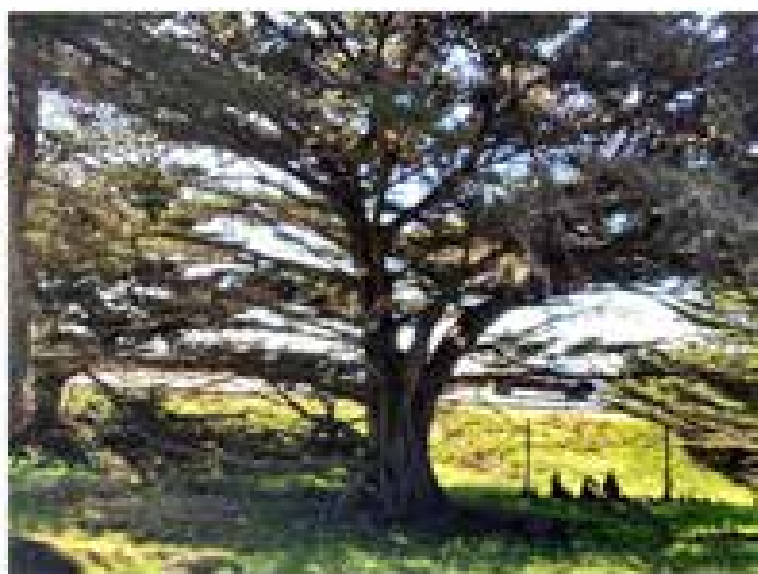
Tree 714.



Tree 715.



Tree 731. 



Tree 732. 



Tree 733. 



Tree 734. 



Tree 735.



Tree 736.



Tree 737.



Tree 738.



Tree 739.



Tree 740.



Tree 741.



Tree 742.



Tree 743. 



Tree 744. 



Tree 745b. 



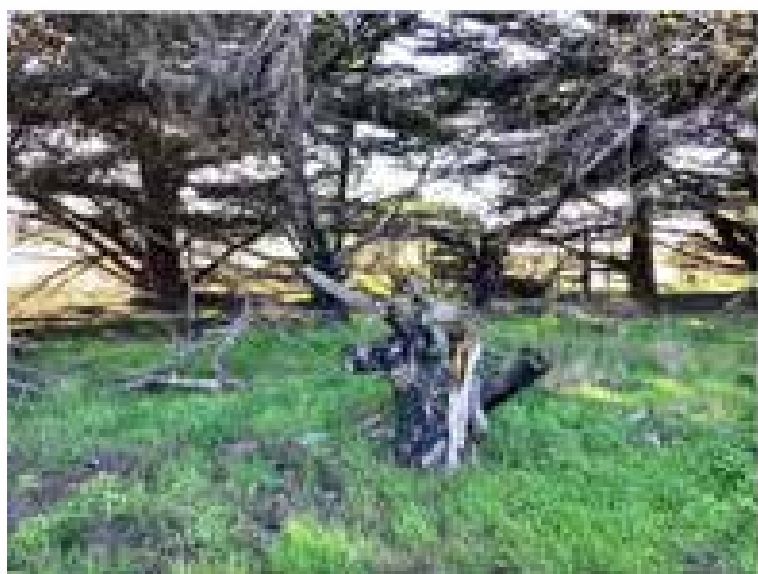
Tree 746. 



Tree 747.



Tree 748.



Tree 749.



Tree 750.



Tree 751.



Tree 752.

APPENDIX C

Photo Log of Trees within Parcel OP4.1



Tree 1722.



Tree 1725.



Tree 1726.



Tree 1727.



Tree 1728.



Tree 1729.

APPENDIX C

Photo Log of Trees within Parcel OP4.2



Tree 1829. 

APPENDIX C

Photo Log of Trees within Parcel OP4.2



Tree 1872. 



Tree 1923. 



Tree 1924. 



Tree 1930. 



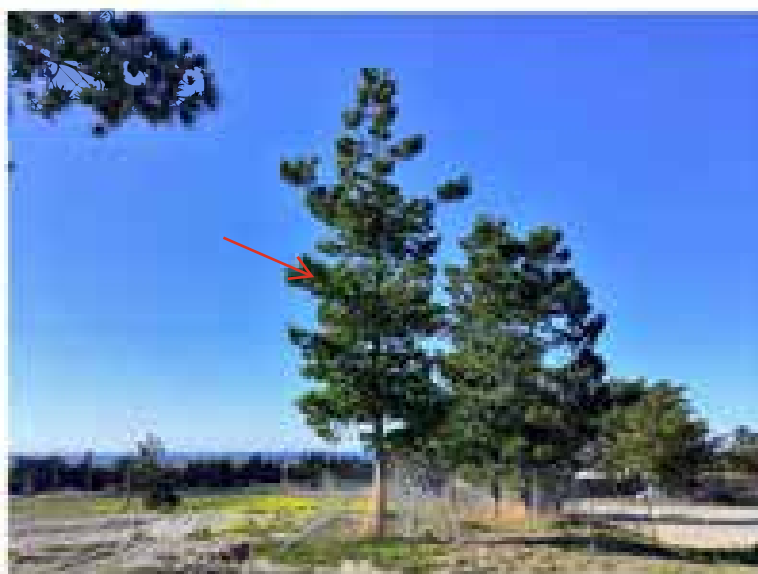
Tree 1942.



Tree 1947.



Tree 1948.



Tree 1953.



Tree 1955. 



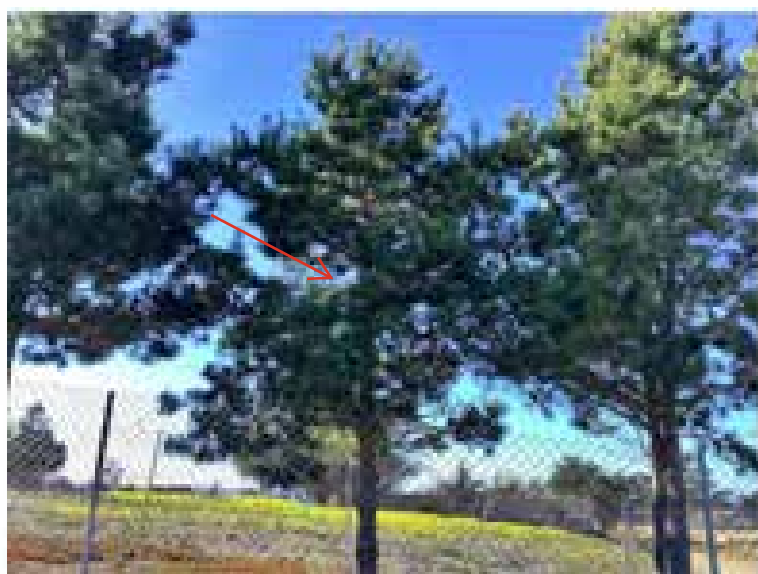
Tree 1961. 



Tree 1987. 



Tree 1988. 



Tree 1989. 



Tree 1990. 

APPENDIX C

Photo Log of Trees within Parcel L5.5



Tree 801.



Tree 804.



Tree 805.



Tree 809.



Tree 810.



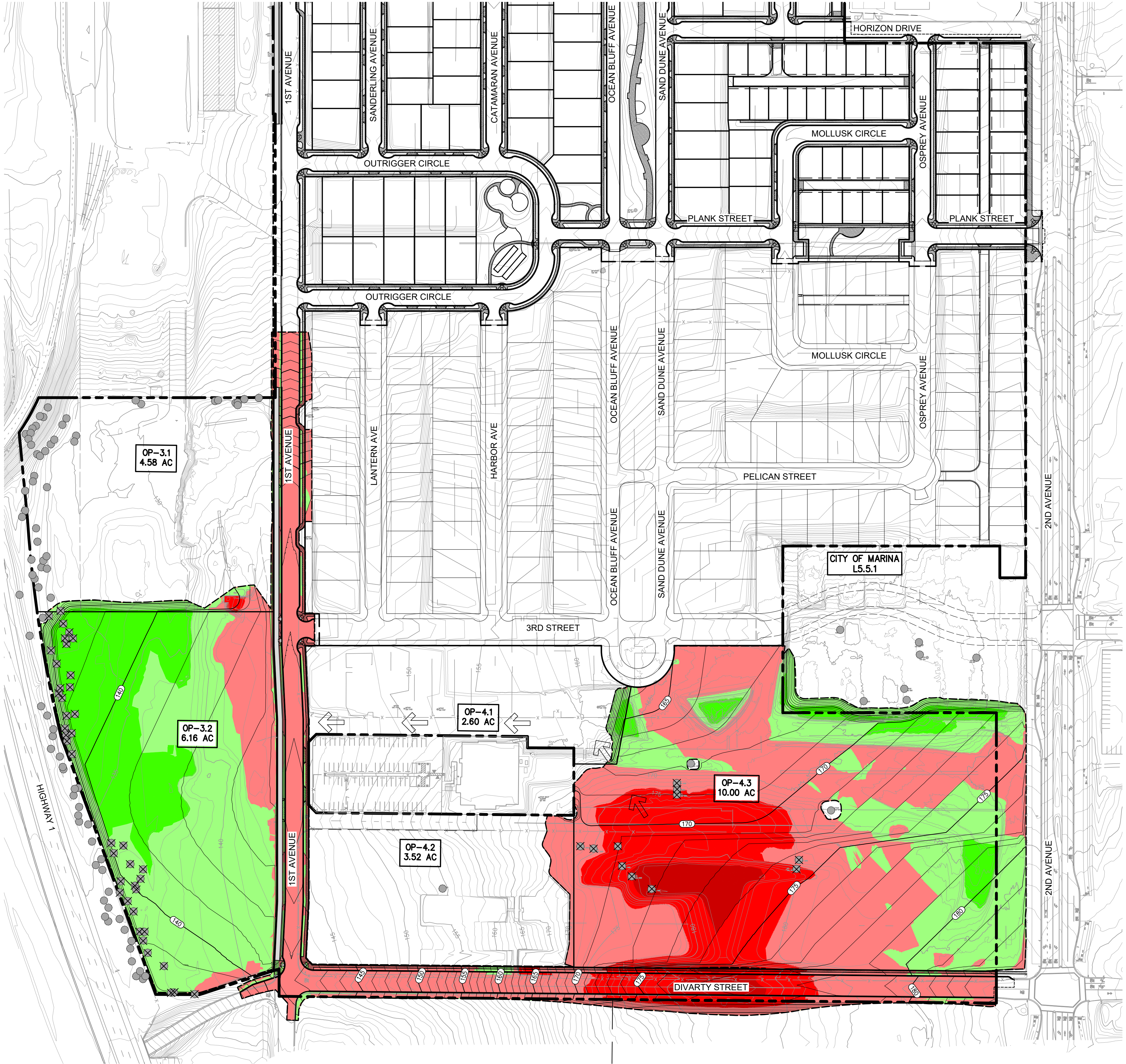
Tree 834.



Tree 840.

APPENDIX D

Project Plans



EARTHWORK SUMMARY TABLE			
	CUT (CY)	FILL (CY)	
PHASE 3 OFFSITE ROUGH GRADING	17,800	200	
PHASE 3 OFFSITE DEMOLITION (1)	-2,000	-	
PHASE 3 OFFSITE SHRINKAGE (20%)	-	40	
PHASE 3 OFFSITE SUBTOTAL	15,800	240	15,560 LONG
OPPORTUNITY SITE 4.3 ROUGH GRADING	44,000	13,000	
OPPORTUNITY SITE 4.3 SHRINKAGE (20%)	-	2,600	
OPPORTUNITY SITE 4.3 SUBTOTAL	44,000	15,600	28,400 LONG
OPPORTUNITY SITE 3.2 ROUGH GRADING	1,300	31,300	
OPPORTUNITY SITE 3.2 DEMOLITION (2)	-1,300	4,700	
OPPORTUNITY SITE 3.2 SHRINKAGE (20%)	-	7,200	
OPPORTUNITY SITE 3.2 SUBTOTAL	-	43,200	43,200 SHORT
NET	760 CY LONG (3)		

- NOTES:
- DEMOLITION QUANTITIES ASSUME THE FOLLOWING ROADWAY (1ST AVENUE AND DIVARTY STREET) SECTION DEPTHS 7 INCHES FOR ROAD PAVEMENT AND BASE
 - DEMOLITION QUANTITIES ASSUME THE FOLLOWING DEPTHS WITHIN OPPORTUNITY SITE 3.2 12 INCHES FOR PAVEMENT AND BASE PIPE REMOVAL PER RECORD SIZES
 - OPPORTUNITY SITE 4.1 TO BE ADJUSTED AS NECESSARY FOR BALANCE.

Elevations Table				
Number	Minimum Elevation	Maximum Elevation	Area	Color
1	-15.00	-10.00	25014.11	
2	-10.00	-5.00	111901.64	
3	-5.00	0.00	412008.88	
4	0.00	5.00	291842.90	
5	5.00	10.00	107767.20	
6	10.00	15.00	0.00	

PHASE 3 - 2025 - OP3.2 & OP4.3 EARTHWORK SUMMARY

THE DUNES ON MONTEREY BAY

MARINA, CALIFORNIA

100 0 100 200 300 Feet

SCALE: 1" = 100'

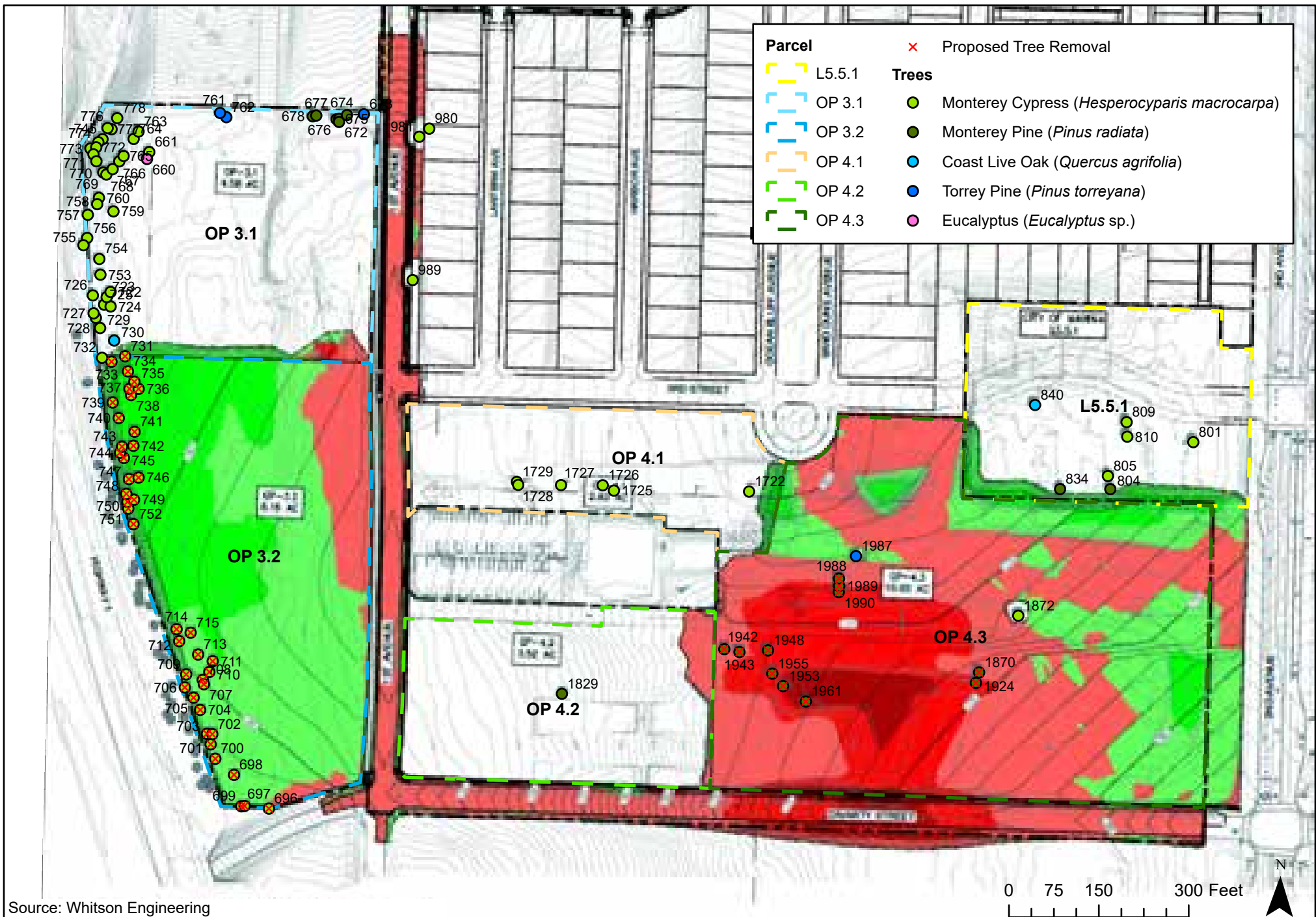
APRIL 17, 2025

Project No.:3140.46



Civil Engineering
Land Surveying
6 Harris Court
Monterey, California
831.649.5225
whitsonengineers.com





Tree Survey Results - Plan Set Overview

Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

Date
4/18/2025

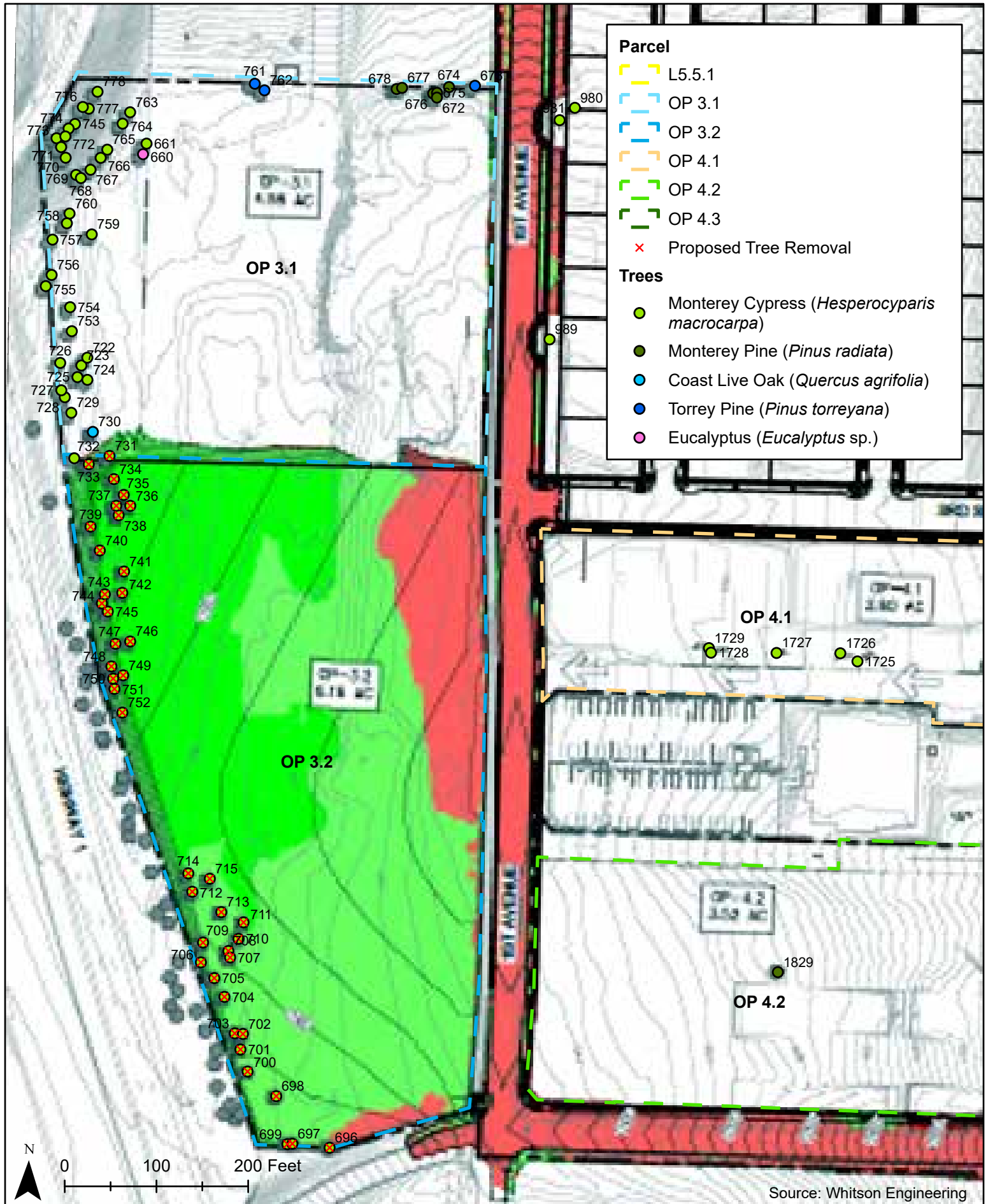
Scale
1 in = 208 ft



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Appendix

D.1



Tree Survey Results - Plan Set Overview Dunes Parcels OP 3.1 & 3.2

Date
3/31/2025

Scale
1 in = 133 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Appendix
D.2

Source: Whitson Engineering



Tree Survey Results - Plan Set Overview

Dunes Parcels OP 4.2 & 4.3, & City Parcel L5.5.1

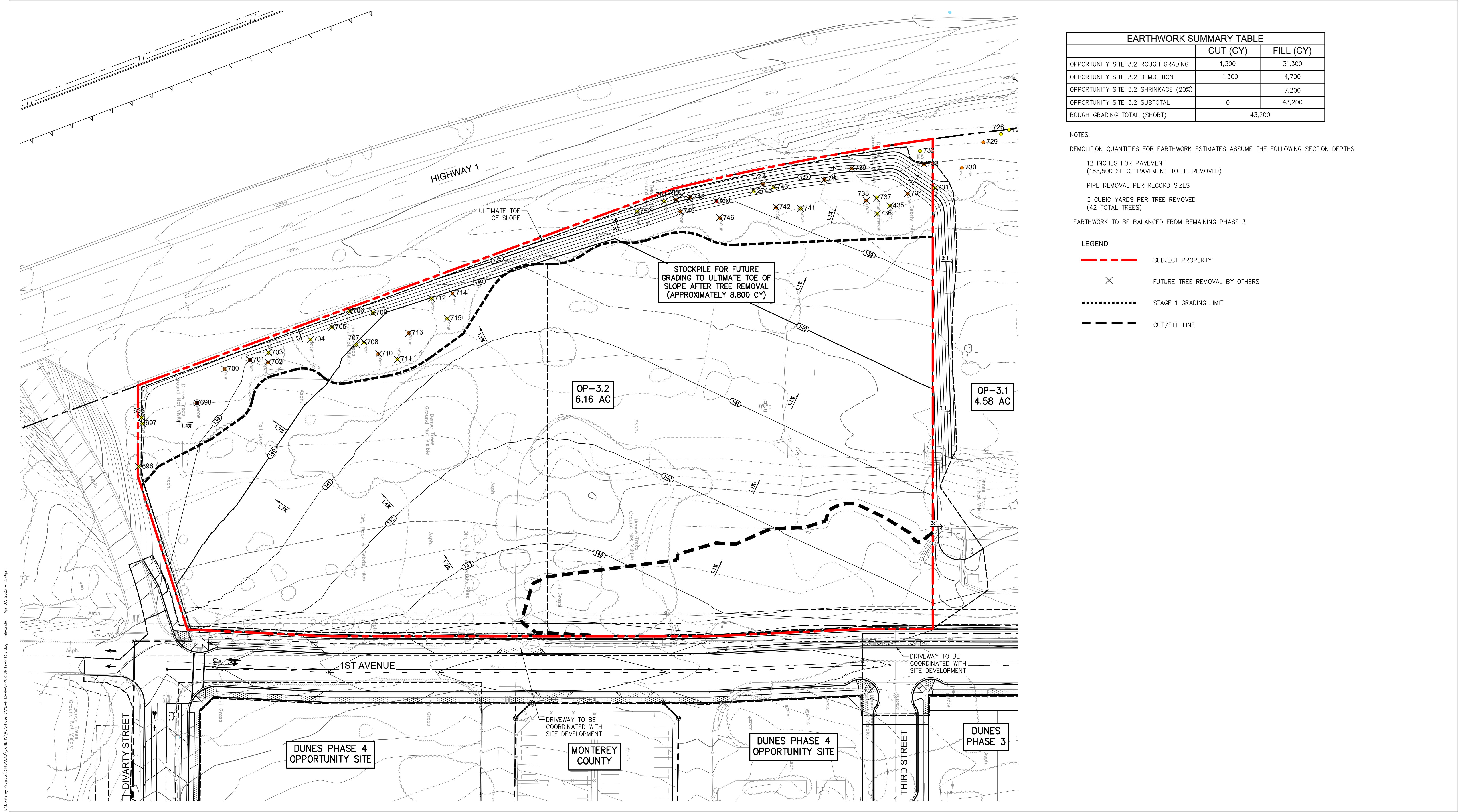
Date
4/18/2025

Scale
1 in = 150 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Appendix
D.3



EARTHWORK SUMMARY TABLE		
	CUT (CY)	FILL (CY)
OPPORTUNITY SITE 3.2 ROUGH GRADING	1,300	31,300
OPPORTUNITY SITE 3.2 DEMOLITION	-1,300	4,700
OPPORTUNITY SITE 3.2 SHRINKAGE (20%)	-	7,200
OPPORTUNITY SITE 3.2 SUBTOTAL	0	43,200
ROUGH GRADING TOTAL (SHORT)	43,200	

NOTES:

DEMOLITION QUANTITIES FOR EARTHWORK ESTIMATES ASSUME THE FOLLOWING SECTION DEPTHS

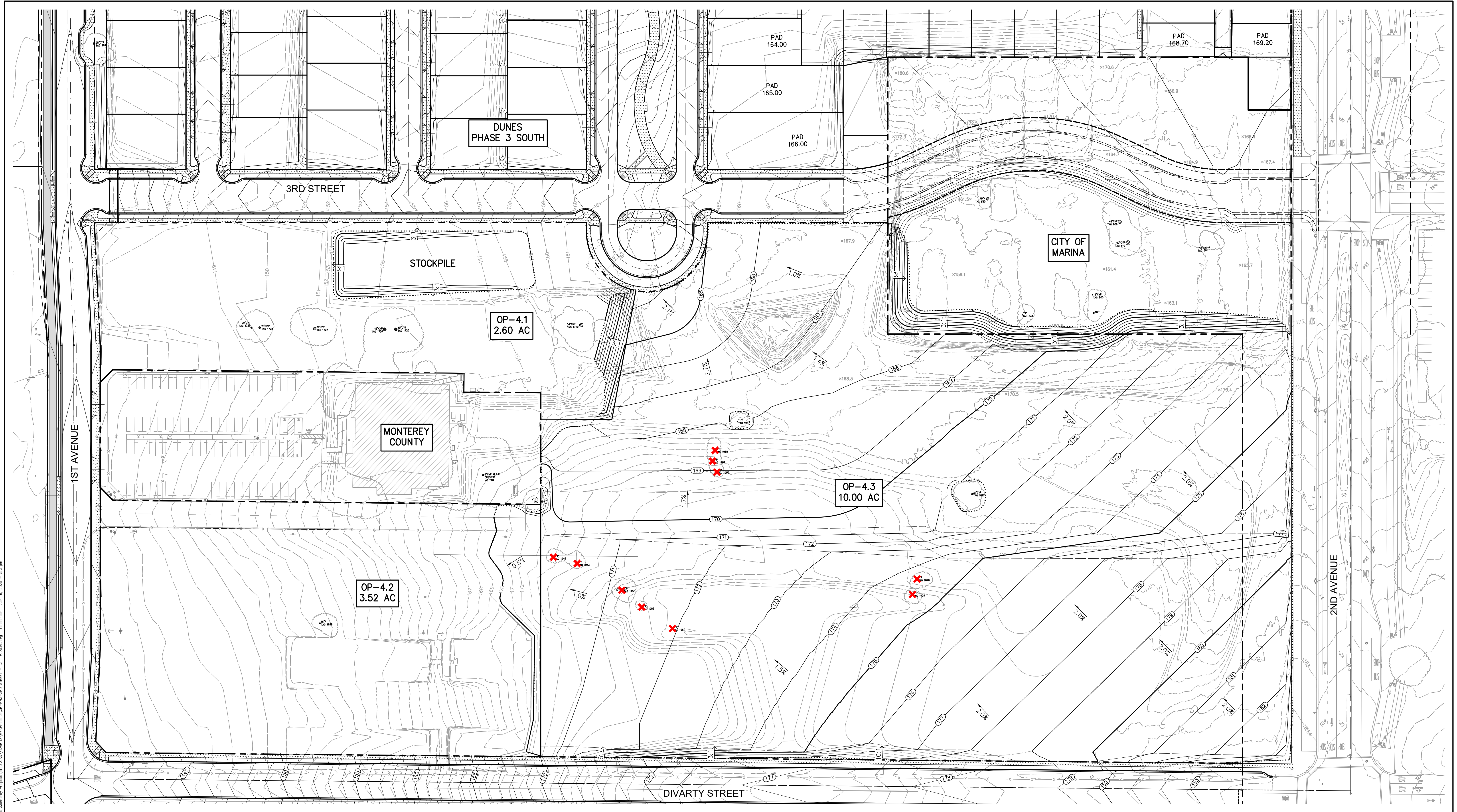
12 INCHES FOR PAVEMENT
(165,500 SF OF PAVEMENT TO BE REMOVED)

PIPE REMOVAL PER RECORD SIZES

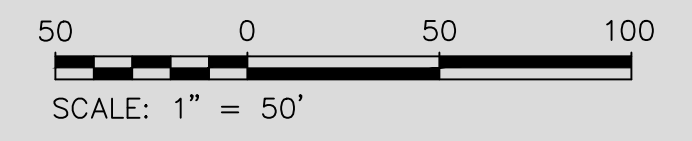
3 CUBIC YARDS PER TREE REMOVED
(42 TOTAL TREES)

EARTHWORK TO BE BALANCED FROM REMAINING PHASE 3

- LEGEND:
- SUBJECT PROPERTY
 - X FUTURE TREE REMOVAL BY OTHERS
 - STAGE 1 GRADING LIMIT
 - CUT/FILL LINE



GRADING STUDY - OPPORTUNITY SITE PHASE 4.3
THE DUNES ON MONTEREY BAY
CITY OF MARINA, CALIFORNIA



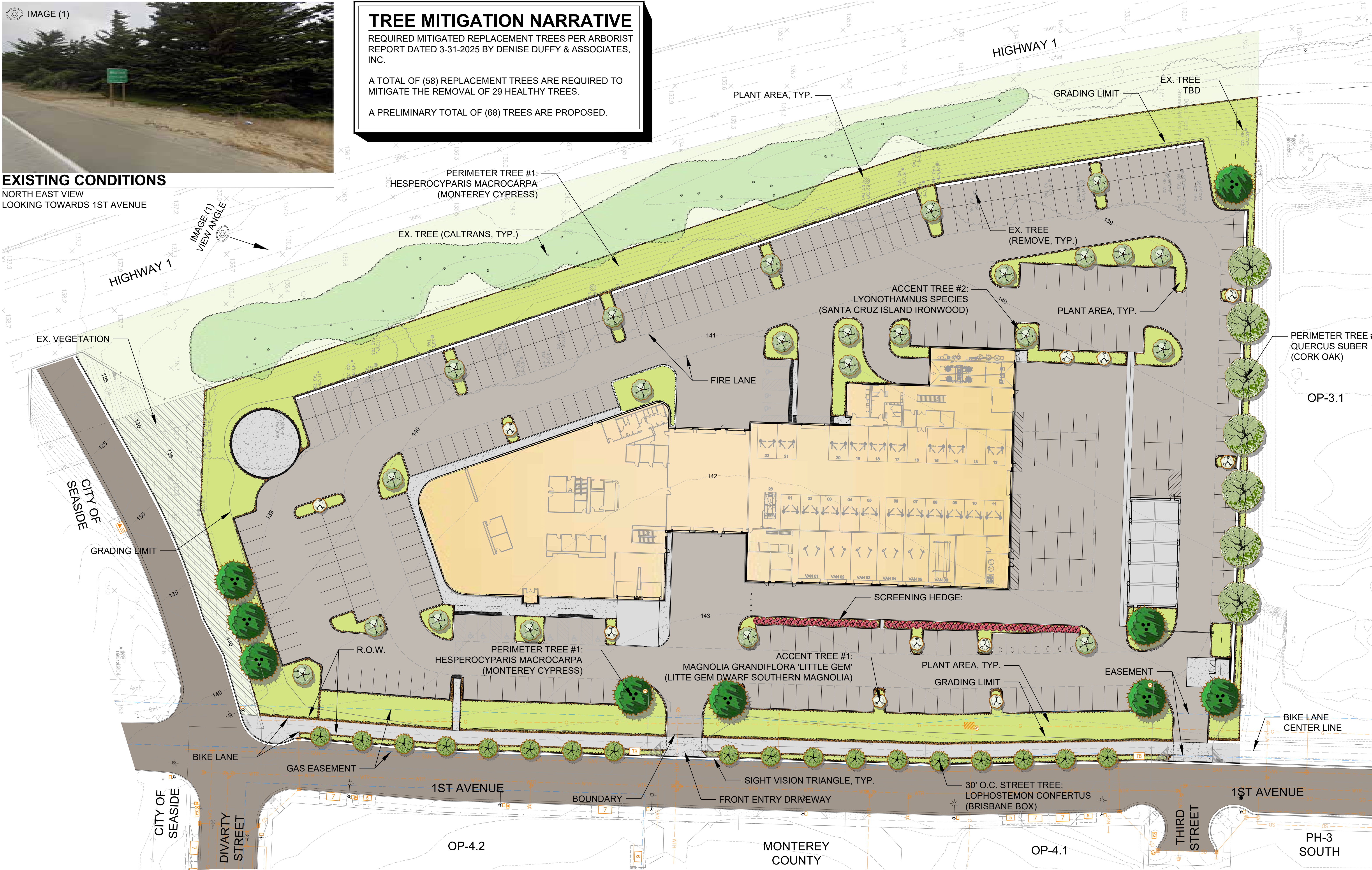
APRIL 16, 2025
Project No.:3140.46



Civil Engineering
Land Surveying
6 Harris Court
Monterey, California
831.649.5225
whitsonengineers.com



EXISTING CONDITIONS
NORTH EAST VIEW
LOOKING TOWARDS 1ST AVENUE



TREE MITIGATION NARRATIVE

REQUIRED MITIGATED REPLACEMENT TREES PER ARBORIST REPORT DATED 3-31-2025 BY DENISE DUFFY & ASSOCIATES, INC.

A TOTAL OF (58) REPLACEMENT TREES ARE REQUIRED TO MITIGATE THE REMOVAL OF 29 HEALTHY TREES.

A PRELIMINARY TOTAL OF (68) TREES ARE PROPOSED.

PRELIMINARY PLANTING LEGEND

SYMBOL	BOTANICAL NAME & HEIGHT	EXAMPLE IMAGE
	AGAVE & ALOE SPECIES (2'-8" HEIGHT)	
	ARMERIA SPECIES (12"-16" HEIGHT)	
	ECHEVERIA SPECIES (4"-6" HEIGHT)	
	EREMOPHILA GLABRA (12" HEIGHT)	
	ERIGERON SPECIES (6"-12" HEIGHT)	
	FESTUCA SPECIES (12" HEIGHT)	
	FRAGARIA SPECIES (4"-8" HEIGHT)	
	GREVILLEA SPECIES (12" HEIGHT)	
	HELICOTRICHON SPECIES (2'-5" HEIGHT)	
	LIPPIA NODIFLORA 'KURAPIA' (3"-6" HEIGHT)	
	LEUCADENDRON SPECIES (8'-10" HEIGHT)	
	LOMANDRA SPECIES (12"-24" HEIGHT)	
	TEUCRIUM SPECIES (4"-6" HEIGHT)	



STREET TREE
LOPHOSTEMON CONFERTUS
(BRISBANE BOX)



PERIMETER TREE #1
HESPEROCYPARIS MACROCARPA
(MONTEREY CYPRESS)



PERIMETER TREE #2
QUERCUS SUBER
(CORK OAK)



ACCENT TREE #1
MAGNOLIA GRANDIFLORA 'LITTLE GEM'
(LITTLE GEM DWARF SOUTHERN MAGNOLIA)



ACCENT TREE #2
LYONOTHAMNUS SPECIES
(SANTA CRUZ ISLAND IRONWOOD)

PRELIMINARY TREE LEGEND

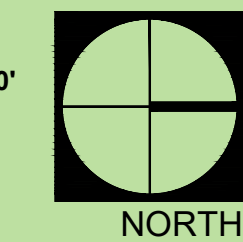
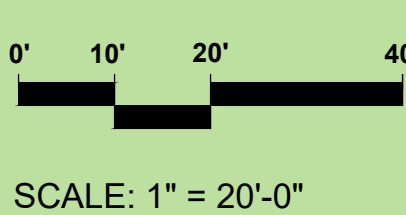
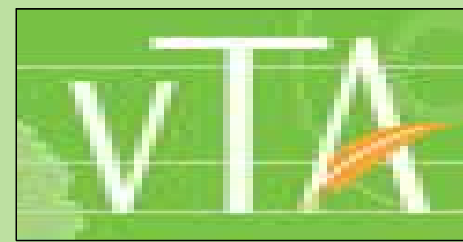
SYMBOL	BOTANICAL NAME	COMMON NAME	CONT	QTY (%)
	HESPEROCYPARIS MACROCARPA	MONTEREY CYPRESS	24" BOX	9 (13%)
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	15 GAL	18 (27%)
	LYONOTHAMNUS FLORIBUNDUS SSP. ASPLENIIFOLIUS	SANTA CRUZ ISLAND IRONWOOD	15 GAL	23 (34%)
	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	LITTLE GEM DWARF SOUTHERN MAGNOLIA	15 GAL	11 (16%)
	QUERCUS SUBER	CORK OAK	24" BOX	7 (10%)
TOTAL TREES:			24" BOX 15 GAL	16 (24%) 52 (76%) 68 (100%)

City of Marina
1ST AVENUE & DIVARTY STREET
MARINA, CALIFORNIA 93955

MERCEDES-BENZ OF MARINA
Marina, California

OVERALL SITE PLAN
CONCEPTUAL LANDSCAPE PHASE
APRIL 3, 2025

vanderToolen Associates
855 Bordeaux Way
Suite 240
Napa, CA 94558
tel: 707.224.2299
www.vandertoolen.com



L-1
Project No. 01825

June 3, 2025

Item No. **7B**

Chair and Members of the
Planning Commission

Planning Commission Meeting
of June 12, 2025

THE PLANNING COMMISSION TO CONSIDER ADOPTING RESOLUTION NO. 25-07 RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND TITLE 17 ADDING SECTION 17.04.305 (GARDEN STRUCTURES), SECTION 17.42.060 (FENCES), AND CHAPTER 17.55 (STAFF APPROVALS AND PROCEDURES) AND AMENDING SECTIONS 17.42.020 (USE REGULATIONS), 17.42.055 (HEIGHT), AND 17.42.070 (YARDS) WITH CORRESPONDING UPDATES TO RESIDENTIAL DISTRICTS (17.06, 17.08, 17.10, AND 17.12) IN THE MARINA MUNICIPAL CODE. THE PROPOSED AMENDMENTS ARE EXEMPT FROM ENVIRONMENTAL REVIEW PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 25-07 recommending that the City Council adopt an ordinance to amend Title 17 adding Section 17.04.305 (Garden Structures), Section 17.42.060 (Fences), and Chapter 17.55 (Staff Approvals and Procedures) and amending Sections 17.42.020 (Use Regulations), 17.42.055 (Height), and 17.42.070 (Yards) with corresponding updates to residential districts (17.06, 17.08, 17.10, and 17.12) in the Marina Municipal Code. The proposed amendments are exempt from environmental review per Section 15061(b)(3) of the CEQA Guidelines.

BACKGROUND

The Community Development Department (CDD) of the City of Marina (City), through its regular use and implementation of the Marina Municipal Code's (MMC) Title 17 (Zoning Ordinance), finds that targeted changes should be implemented to update and streamline the ordinance to better serve the community.

On April 10, 2025, the Planning Commission received an informational presentation and gave input on the proposed targeted amendments to Marina Municipal Code Title 17.

Staff has prepared the proposed changes to the various sections, which are described below and attached as **Exhibit A**.

PROJECT OVERVIEW

The proposed changes are a targeted update to the Zoning Ordinance to formalize staff level review process, update outdated standards, and align regulations with other cities in California. Staff proposes adding Chapter 17.55 (Staff Approvals and Procedures), which creates the processes for the different staff level approvals. This chapter defines the scope of staff-level decisions, including administrative design review, administrative use permits, and minor variances. Further, it incorporates the recently added Table in MMC Section 17.56.030 in the Site and Architectural Design Review Chapter that will soon include administrative design review thresholds.

The proposed staff approvals and procedures chapter is needed because staff proposes administrative review for sheds that are closer than four feet to a setback and for fences that exceed the height limits within setbacks. Further, staff suggests including minor variances that can be decided at a staff level for smaller requests, such as reducing development standards by ten percent or less or for fences over eight feet in height. These changes will streamline existing processes that do not receive public comments, which reduces costs for the public and makes the review more efficient. Further, by clarifying approval processes, required findings, public notification requirements, and opportunities for appeal, these changes enhance transparency in the planning process.

One of the main components of the targeted update is updating the fence regulations to reduce the number of variances needed. Section 17.42.060 (Fences) is amended to allow the retaining wall to be one foot taller for fences in combination with retaining walls. Further, it also establishes a new staff-level review process for fences and retaining walls up to six feet in a front yard and up to eight feet in a side or rear yard up to eight feet in height. This will allow property owners who live on a hill or have other mitigating reasons to construct retaining walls and fences for privacy and security. Further, it moves fences and retaining walls that exceed the development standards to be a minor variance, rather than a major variance. Additionally, the proposed amendments prohibit razor wire in all districts, set new provisions for temporary fencing, and prohibit the establishment of new gated communities consistent with General Plan Section 2.31.8.¹

Section 17.42.070 (Yards) increases the minimum setback for detached accessory structures from one foot to four feet, aligning with Accessory Dwelling Unit (ADU) standards, while allowing staff-level review for exceptions. This will also eliminate the requirement for design review for accessory structures that exceed a certain height in residential districts. Another proposed section would limit cement or hardscape coverage to 50% of a residential lot, excluding homes and accessory structures, to enhance permeability and mitigate stormwater impacts.

Additional amendments focus on zoning definitions and outdated provisions. A definition for “Garden Structures” is being added in Section 17.04.305, and these structures would be explicitly permitted in R-1, R-2, R-3, and R-4 districts. Private stables are being removed as a conditionally permitted use in the R-1 District due to minimum parcel size requirements that no longer align with typical lot sizes. The mention of B District zoning designation is also being eliminated, as there are no remaining parcels under this classification and no reference within the zoning code.

Furthermore, the update includes minor zoning modifications to improve regulatory clarity and economic development opportunities. For example, beer and wine permits will now be eligible for staff-level approval under Section 17.42.020 (Use Regulations). Staff proposes this change after four years of no public input, no concerns from the Police Department and no issues raised by the Planning Commission for these types of Conditional Use Permits. Further, staff has made note that multiple small business owners have inquired about incorporating beer and wine and have not submitted due to the cost of a Conditional Use Permit. Additionally, the ordinance introduces a separate “Height” section (17.42.055) to differentiate fence regulations under Section 17.42.060 (Fences). This aligns with other zoning ordinances and makes the regulations clearer for the public.

¹ Source (Page 44): <https://www.cityofmarina.org/DocumentCenter/View/13219/General-Plan-Last-Update-2023>

Collectively, the proposed zoning amendments align the City's regulations with modern planning practices and provide a framework for staff-level approvals that will streamline review while still being transparent. Further, the proposed changes will reduce the number of variances and establish consistent standards across the zoning ordinance including the general zoning requirements and in the four residential districts (R-1, R-2, R-3 and R-4) for height, fences, accessory structures, and garden structures.

MMC Reference	Topic	Summary of Proposed Changes	Reason
Article 1: Definitions			
Section 17.04.305	Garden Structures	Adding the definition for “Garden Structures” to the Zoning Ordinance.	Ordinance missing the definition.
Article 2: R-1 or Single-Family Residential			
Section 17.06.030	Private Stables	Remove Private Stables as a Conditionally permitted use from the R-1 District.	Requires at least a one-acre parcel. No longer a viable use.
Section 17.06.040	Garden Structures in R-1	Adding Garden Structures to R-1, Single Family Residential District.	Not previously included in the ordinance.
Section 17.06.050	Height of Accessory Structures	Amend the height of Accessory Structures to be consistent with changes to 17.42.070.	Update the Zoning Ordinance.
Section 17.06.120	B District	There is no B District zoning left in the ordinance and no more parcels zoned as B District.	Cleaning up outdated references in the Zoning Ordinance
Article 2: R-2 or Duplex Residential			
Section 17.08.040	Garden Structures in R-2	Adding Garden Structures to R-2, Duplex Residential District.	Not previously included in the ordinance.
Section 17.08.050	Height of Accessory Structures	Amend the height of Accessory Structures to be consistent with changes to 17.42.070.	Update the Zoning Ordinance.
Article 2: R-3 or Limited Multiple-Family Residential			
Section 17.10.040	Garden Structures in R-3	Adding Garden Structures to R-3, Limited Multiple-Family Residential District.	Not previously included in the ordinance.
Section 17.10.050	Height of Accessory Structures	Amend the height of Accessory Structures to be consistent with changes to 17.42.070.	Update the Zoning Ordinance.
Article 2: R-4 or Multiple Family Residential			
Section 17.12.050	Garden Structures in R-4	Adding Garden Structures to R-4, Multiple-Family Residential District.	Not previously included in the ordinance.
Section 17.12.060	Height of Accessory Structures	Amend the height of Accessory Structures to be consistent with changes to 17.42.070	Update the Zoning Ordinance.
Article 4: General Zoning Regulations			

MMC Reference	Topic	Summary of Changes	Reason
Section 17.42.020	Use Regulations	Allow beer and wine permits to be a staff level decision	Economic Development
Section 17.42.055	Height	Add new Section for Height so that Fences can have its own Section: 17.42.060	Update the Zoning Ordinance.
Section 17.42.060	Fences	Replace Height with Fences to add visibility triangle, amend maximum height limitations to include a staff level review process, add standards for Garden Structures, prohibit razor wire on fences, incorporate temporary fencing and prohibit gated communities.	Update the Zoning Ordinance to create clear guidelines and add staff level approvals.
Section 17.42.070	Yards	Simplify detached accessory structures by increasing the required setback from one foot to four feet to be consistent with Accessory Dwelling Units and add a provision that allows them closer with a Staff Level permit. Further, staff propose to add a requirement that no more than 50% of lots in residential districts be covered by cement or hardscape.	Update the Zoning Ordinance to create clear guidelines and add staff level approvals.
Article 6: Staff Approvals and Procedures			
Chapter 17.55	Staff Approvals and Procedures	Add a new chapter that establishes a clear process for staff-level decisions. This includes administrative design review, administrative use permits, and minor variances.	Create process for staff level approvals.

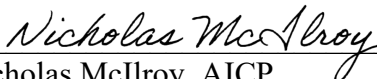
ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Article 5, Section 15061(b)(3) because the activity would not result in a direct or 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 the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

CONCLUSION

This informational item is submitted to the Planning Commission for review and action.

Respectfully submitted,



Nicholas McIlroy, AICP
Senior Planner
City of Marina

REVIEWED/CONCUR:

Guido Persicone, AICP
Community Development Director
City of Marina

RESOLUTION NO. 2025-07

THE PLANNING COMMISSION HEREBY ADOPTS A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND TITLE 17 ADDING SECTION 17.04.305 (GARDEN STRUCTURES), SECTION 17.42.060 (FENCES), AND CHAPTER 17.55 (STAFF APPROVALS AND PROCEDURES) AND AMENDING SECTIONS 17.42.020 (USE REGULATIONS), 17.42.055 (HEIGHT), AND 17.42.070 (YARDS) WITH CORRESPONDING UPDATES TO RESIDENTIAL DISTRICTS (17.06, 17.08, 17.10, AND 17.12) IN THE MARINA MUNICIPAL CODE.

WHEREAS, Community Development Dept. (CDD) of the City of Marina (City), through its regular use and implementation of the Marina Municipal Code (MMC), finds that targeted changes should be implemented to update and streamline the ordinance to better serve the community.

WHEREAS, on April 10, 2025, the Planning Commission received an informational presentation on the proposed amendments to Marina Municipal Code Title 17 and gave input.

WHEREAS, the CDD recommends amendments to Title 17, Article 1 by adding Section 17.04.305 (Garden Structures) to Definitions;

WHEREAS, the CDD recommends amendments to Title 17, Article 2 by making changes to remove outdated language, update the residential districts with changes to accessory structures and fences (17.06, 17.08, 17.10, and 17.12);

WHEREAS, the CDD recommends amendments to Title 17, Article 4 by amending Section 17.42.020 (Use Regulations) to allow beer and wine permits to be a staff level decision and changing Section 17.60 to be dedicated to Fences and renumbering Section 17.55 to be Height. Further, amend Sections 17.42.060 (Fences), and 17.42.070 (Yards) to clarify the development standards and to allow changes to be reviewed administratively rather than with a variance.

WHEREAS, the CDD recommends amending Title 17, Article 6 by adding Chapter 17.55 (Staff Approvals and Procedures) to provide a process for administrative review;

WHEREAS, the proposed amendments to Title 17 of the MMC are included in the draft ordinance referenced herein as Exhibit A;

WHEREAS, the proposed amendments to Title 17 of the MMC are consistent with Section 17.72 (Amendments);

WHEREAS, the findings and conclusions made by the Planning Commission in this resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed amendments, which are incorporated herein by reference. The findings are not based solely on the information provided in this resolution;

WHEREAS, the project is exempt from CEQA per Section 15061(b)(3) because the activity would not result in a direct or 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 the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission does hereby recommend that the City Council adopt changes to Chapter 17 of the Marina Municipal Code as described in the draft ordinance referenced herein as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 12th day of June 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Glenn Woodson, Chair

ATTEST:

Guido Persicone, AICP
Community Development Director
City of Marina

Exhibit A: Proposed Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING THE MARINA MUNICIPAL CODE (MMC), TITLE 17 BY ADDING SECTION 17.04.305 (GARDEN STRUCTURES), SECTION 17.42.060 (FENCES), AND CHAPTER 17.55 (STAFF APPROVALS AND PROCEDURES) AND AMENDING SECTIONS 17.42.020 (USE REGULATIONS), 17.42.055 (HEIGHT), AND 17.42.070 (YARDS) WITH CORRESPONDING UPDATES TO RESIDENTIAL DISTRICTS (17.06, 17.08, 17.10, AND 17.12) IN THE MARINA MUNICIPAL CODE. THE PROPOSED AMENDMENTS ARE EXEMPT FROM ENVIRONMENTAL REVIEW PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

-oOo-

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

1. The Community Development Dept. (CDD) of the City of Marina (City), through its regular use and implementation of the Marina Municipal Code (MMC), finds that targeted changes should be implemented to update and streamline the ordinance to better serve the community.
2. On April 10, 2025, the Planning Commission received an informational presentation on the proposed amendments to Marina Municipal Code Title 17 and gave their input.
3. The proposed amendments include:
 - a. Modifying Title 17, Article 1 by adding Section 17.04.305 (Garden Structures) to Definitions;
 - b. Modifying Title 17, Article 2 by making changes to remove outdated language, update the residential districts with changes to height and permitted uses (17.06, 17.08, 17.10, and 17.12);
 - c. Modifying MMC Section 17.42.020 (Use Regulations) to allow beer and wine permits to be a staff level decision;
 - d. Modifying Title 17, Article 4 by changing Section 17.60 to be dedicated to Fences and renumbering Section 17.55 to be Height;

- e. Modifying MMC Sections 17.42.060 (Fences), and 17.42.070 (Yards) to clarify the development standards and to allow changes to be reviewed administratively rather than with a variance; and
- f. Modifying Title 17, Article 6 by adding Chapter 17.55 (Staff Approvals and Procedures) to provide a process for administrative review.

4. The proposed amendments to Chapter 17 of the MMC are consistent with Section 17.72 (Amendments).

5. 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.

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

7. 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.

8. 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 _____, 2025, and was passed and adopted at a regular meeting duly held on _____, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST: _____

Anita Sharp, Deputy City Clerk

DRAFT

Exhibit A

Chapter 17.04 DEFINITIONS

Sections:

17.04.305 Garden Structures.

17.04.305 Garden Structures.

"Garden structures" includes arbors, trellises, pergolas, arches, and other similar open structures that are primarily designed to support the growth of plants or to provide shade and shelter in a garden or yard. Garden structures do not include accessory buildings, gazebos with a solid roof and floor, cisterns, hot tubs, fountains, walls, fences, hedges, and other similar features. The area of a garden structure area is calculated from the structure's largest horizontal dimensions.

Chapter 17.06 R-1 OR SINGLE-FAMILY RESIDENTIAL DISTRICT

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:

A. Public and quasi-public uses and buildings, including churches, firehouses, hospitals, 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.

~~B. Private stables, subject to Section [17.42.030](#).~~

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

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

D. Day care centers as defined in Section 17.04.211 and licensed under Title 22, Division 12 of the California Code of Regulations, as may be amended.

17.06.040 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-1 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

- A. Portable recreation structures;
- B. Detached sheds, garages, workrooms, and other outbuildings in compliance with the limitations contained in Section [17.42.070](#);
- C. Non-portable recreation structures located in a yard area screened from public and private streets; ~~and-~~

~~D. Garden structures subject to Section 17.42.060 Paragraph J.~~

17.06.050 Building height.

A. Maximum building height limit in the R-1 districts shall be thirty feet for main buildings and sixteen feet for accessory buildings not intended for living purposes, except that approval by the ~~planning commission~~ Community Development Director shall be obtained prior to the construction of any accessory building over twelve feet in height, ~~or if any portion within five feet of any lot line is over ten feet in height~~. Any action taken by the ~~planning commission~~ Community Development Director may be appealed, in writing, to the planning commission within ten days of such action.

B. The maximum building heights for accessory dwelling units shall be governed by the provisions of Section [17.42.040](#).

C. The maximum building heights for public and quasi-public uses and buildings, including churches, firehouses, hospitals, 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 is forty feet.

Chapter 17.08 R-2 OR DUPLEX RESIDENTIAL DISTRICT

17.08.040 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-2 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

- A. Portable recreation structures;
- B. Detached sheds, garages, workrooms, and other outbuildings, in compliance with the limitations contained in Section [17.42.070](#);
- C. Non-portable recreation structures located in a yard area screened from public and private streets; and

D. Garden structures subject to Section 17.42.060 Paragraph J. -

17.08.050 Building height.

A. Maximum building height limit in the R-2 districts shall be thirty feet for main buildings and sixteen feet for accessory buildings not intended for living purposes, except that approval by the Community Development Director planning commission shall be obtained prior to the construction of any accessory building over twelve feet in height, or if any portion within five feet of any lot line is over ten feet in height. Any action taken by the Community Development Director planning commission may be appealed, in writing, to the planning commission within ten days of such action. Any action taken by the planning commission-Community Development Director may be appealed, in writing, to the planning commission within ten days of such action.

B. The maximum building heights for accessory dwelling units shall be governed by the provisions of Section [17.42.040](#).

Chapter 17.10 R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.10.040 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-3 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

- A. Portable recreation structures;
- B. Detached sheds, garages, workrooms, and other outbuildings, in compliance with the limitations contained in Section [17.42.070](#);
- C. Non-portable recreation structures located in a yard area screened from public and private streets; and

D. Garden structures subject to Section 17.42.060 Paragraph J.;

17.10.050 Building height.

A. Maximum building height limit in the R-3 districts shall be thirty-five (35) feet and three stories for main buildings. The height limit for accessory buildings not intended for living purposes shall be sixteen feet, except that approval by the Community Development Director shall be obtained prior to the construction of any accessory building over twelve feet in height. Any action taken by the Community Development Director may be appealed, in writing, to the planning commission within ten days of such action.

B. The maximum building heights for accessory dwelling units shall be governed by the provisions of Section [17.42.040](#).

Chapter 17.12 R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.12.050 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-4 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

- A. Portable recreation structures;
- B. Detached sheds, garages, workrooms, and other outbuildings, in compliance with the limitations contained in Section [17.42.070](#);
- C. Non-portable recreation structures located in a yard area screened from public and private streets; and

D. Garden structures subject to Section 17.42.060 Paragraph J.

17.12.060 Building height.

- A. The maximum building height limit in the R-4 district shall be forty-two feet and ~~three-four~~ stories. for main buildings. The height limit for accessory buildings not intended for living purposes shall be sixteen feet, except that approval by the Community Development Director shall be obtained prior to the construction of any accessory building over twelve feet in height. Any action taken by the Community Development Director may be appealed, in writing, to the planning commission within ten days of such action.
- B. The maximum building heights for accessory dwelling units shall be governed by the provisions of Section [17.42.040](#).

Chapter 17.42 GENERAL ZONING REGULATIONS

17.42.020 Use regulations.

- A. No dancehall, roadhouse, nightclub, commercial club, establishment or business where alcoholic beverages are served or sold for off-sale consumption, commercial place of amusement or recreation, including but not limited to an amusement center or arcade, or place where entertainers are provided whether as social companions or otherwise, shall be

established in any zoning district in the city unless a use permit is first secured in each case.

Incidental beer and wine, when served with food or sold with groceries, shall require an Administrative Use Permit pursuant to Chapter 17.55.

B. A finding of public convenience or necessity is required for an establishment or business where alcoholic beverages are served or sold for on- and/or off-sale consumption, except when incidental and in combination with food or groceries and within an area of undue concentration as determined by Alcoholic Beverage Control (ABC). Such finding shall require that selling of alcohol for on- and/or off-sale consumption at the subject establishment of business:

1. Will not constitute a public nuisance;
2. Will not occur within five hundred feet of a park or school or place of public assembly;
3. Will not contribute to law enforcement problems associated with an undue concentration of on- and/or off-sale licenses in the vicinity of the subject business or establishment.

17.42.060055 Height.

A. Chimneys, vents, cupolas, spires, and other architectural or mechanical appurtenances may be erected to a greater height than the limit established for the district in which the building is located, except in the Coastal Zone where the height of such structures shall be subject to a coastal permit.

B. Towers, poles, water tanks, and similar structures may be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a use permit and, in the Coastal Zone, a coastal permit in each case.

17.42.060 Fences.

~~C~~A. In any required front yard or in any required exterior side yard or any side yard abutting a street, separate fences and retaining walls shall not exceed three and one-half feet in height and fences combined with retaining walls shall not exceed a combined height of four and one-half feet with the retaining wall not exceeding ~~one foot~~two feet in height, all subject to modifications in subsections ~~G-F~~ and H of this section.

~~D. NOTE: Retaining walls exceeding thirty inches in height are required to meet all Uniform Building Code (UBC) requirements. All persons planning to install a retaining wall should check with the Marina Building Division prior to installing a retaining wall. Retaining walls that exceed thirty inches in height above grade are required to install a thirty-six inch (three-foot) tall guardrail on top of the retaining wall for safety reasons. The Marina Building Department shall~~

~~determine when a guardrail is required. This note is provided for informational purposes only. It is not a quote from the UBC.~~

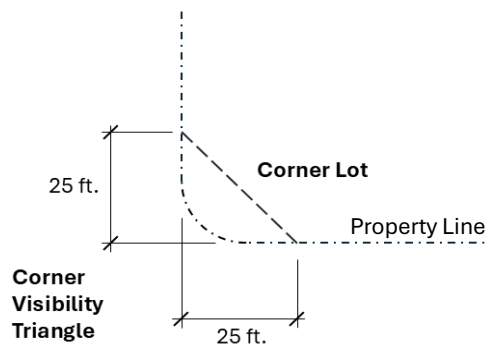
~~EB.~~ In any required rear yard or in any required interior side yard or any required side yard not abutting a street, separate fences and separate retaining walls shall not exceed six feet in height, and fences combined with retaining walls shall not exceed a combined height of nine feet with the retaining wall not exceeding ~~three-four~~ feet in height.

~~FC.~~ All heights referenced in subsections ~~C-A~~ and ~~D-B~~ of this section shall be measured from the finished ground elevation at the base of a separate fence and from the finished ground elevation at the base of the lower side of a separate retaining wall or a combined retaining wall and fence. A fence or a wall shall be considered a separate fence or a separate wall when the face of the fence and the face of the retaining wall are separated by a minimum three-foot horizontal distance or are located on separate building sites.

~~DG.~~ The heights of fence columns may extend a maximum of six inches above the maximum height otherwise allowed by the height limitations described ~~aboveherein~~. The height of arbors integrated into the design of a fence and incorporating a pedestrian opening in the fence may exceed the height limitations described ~~aboveherein~~, provided the height of such an arbor does not exceed a height of twelve feet above the height of the finished ground elevation at the pedestrian opening.

~~E. As provided in Section 10.70.010 of the Marina Municipal Code Chapter 10.70 (Visibility at Intersections), corner parcels shall be developed in a manner that ensures unrestricted visibility across the corners of the intersecting streets, alleys, and private driveways.~~

~~1. The corner vision triangle area is a triangular-shaped area on a corner parcel formed by measuring the prescribed distance from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway and connecting the lines diagonally across the property making a 90-degree triangle. See figure below.~~



2. The dimensions of a corner vision triangle are 25 feet from the intersection of two public or private street rights-of-way.

3. It is illegal to erect, place, plant, or allow to grow within the corner vision triangle area.

a. Fences, walls, signs, accessory structures, mounds of earth, advertising matter, storage area, merchandise display area or other visual obstructions over 30 inches in height;

b. Hedges, shrubbery, and vegetation over or with a growth characteristic over 30 inches in height; and

c. Tree canopies maintained at a height less than seven feet above ground level, as measured from adjacent street curb elevation.

HF. Maximum height limitations as otherwise required above in paragraph A may be exceeded to six feet in height for fences, retaining walls and for combination of fences and retaining walls as determined necessary for public safety, privacy, or security. The maximum height limitations as otherwise required above in paragraph B may be exceeded to eight feet total height for fences and retaining walls and up to 12 feet in total height for combination of fences and retaining walls as determined necessary for public safety, privacy, or security. Increased height shall be subject to the approval of the Community Development Director or by the planning commission on appeal. The review authority may require alternative materials, segmented retaining walls, landscaping or other measures to mitigate the visual impacts of proposed fences and/or retaining walls or any combination thereof. Other factors in allowing a height exception include (1) to provide satisfactory visual or sound isolation of sensitive land uses from commercial activities such as contractors yards, loading docks and similar commercial activities or (2) to provide reasonable security for areas approved for outdoor storage of equipment or material associated with approved contractor's yards to restrict unauthorized

access to facilities that might be dangerous or hazardous or (3) to minimize grading and/or tree removal impacts.

G. Master fence plans for subdivisions ~~of five units/lots or more~~ shall be reviewed as part of the entitlement process. ~~Master fence plans for minor subdivisions may, at the discretion of the applicant, be reviewed as part of the entitlement process.~~ Master fence plans may deviate from the fence regulations stated herein if the Development Director or planning commission makes findings that the proposed fences provide public safety, privacy or security and are aesthetically pleasing from the street side view (findings are listed in order of importance). The Development Director or planning commission may require landscaping or other measures to mitigate the visual impacts of proposed fences and/or retaining walls or any combination thereof.

H. Garden structures are allowed, subject to the following standards:

1. A garden structure shall not encroach onto a public right-of-way.
2. If a garden structure has an area of 36 square feet or less, it may have a solid roof. If a garden structure has an area greater than 36 square feet, its roof shall be at least half open to the elements, with no solid roof portion greater in area than 36 square feet.
3. A garden structure 100 square feet or less in area may encroach into a required side yard or rear yard setback, but if greater than six feet in height, shall be located at least three feet from the property line, with the following exceptions:
 - a. If the property line faces a street or alley, one garden structure, over a gate or walkway, shall be allowed on the outward-facing property line. Such structures shall be no more than 24 square feet in area and shall be nine feet or less in height.
 - b. In each side yard setback, a single garden structure over a gate or walkway is allowed to encroach up to the property line. Such structures shall be nine feet or less in height, and shall not have a depth greater than two feet.
4. In required front yard setbacks, one garden structure is allowed over a gate or walkway. Such structures shall be no more than 24 square feet in area with a height of nine feet or less and may be located either in the setback or on the front property line.
5. Vertical trellises that serve the same function as a fence shall be treated as a fence under MMC 17.42.060.

6. Garden structures exceeding these standards may be allowed with an administrative design review pursuant to Section 17.55.030. Garden structures outside of required setbacks do not require a planning permit.

I. Prohibited Materials

1. Fences in any district may not contain strands of barbed or razor wire, sharp or jagged glass, sharp or jagged metal components (e.g., razor-spikes), or similar materials. The only exception shall be for properties that contain a public safety hazard such as a power plant, facilities with hazardous materials or as determined by the Community Development Director, which must receive an Administrative Use Permit.
2. Prohibited fence materials on an existing fence may not be expanded or repaired. Further, all prohibited fence materials must be removed within one year of the feature becoming non-conforming.

J. Temporary fencing to secure and/or screen a property may be authorized by the Community Development Director or their designee on vacant lots, lots with an active building permit or a blighted property as defined in MMC Chapter 8.70 (Public Nuisance).

K. Gated communities shall not be allowed as part of a development application, unless significant public benefits are provided as part of the project.

K. In the R-1 district, on a corner lot created prior to January 7, 1997, fences, retaining walls or combined retaining walls/fences are subject to the pre-January 7, 1997, fence regulations listed below:

1. Fences. Maximum height of six feet measured from the lowest ground elevation at wall, fence or screen planting or one foot above the lowest ground elevation with a three-foot horizontal distance from said wall, fence or screen planting, whichever measurement point results in the greater height;
2. Combined Retaining Wall/Fence. Maximum height of eight feet measured from the lowest ground elevation at wall, fence or screen planting or one foot above the lowest ground elevation within a three-foot horizontal distance from said wall, fence or screen planting, whichever measurement point results in the greater height;
3. No required side yard fence setbacks.

17.42.070 Yards.

A. In any case, where an official plan line has been established as a part of the street and highway master plan, the required yards on the street side shall be measured from such official plan lines and in no case shall the provisions of this title be construed as permitting any structures to extend beyond such building line.

B. Cornices, eaves, canopies, and similar architectural features may extend into any required yard not exceeding two and one-half feet.

C. Uncovered porches, or stairways, fire escapes or landing places may extend into any required front or rear yard not exceeding six feet, and into any required side yard not exceeding three feet. Covered porches on interior lots may extend into the required front yard not exceeding six feet and sixty square feet. Covered porches on corner lots may extend into any combination of the required front yard and the required exterior side yard not exceeding six feet and a total area of one hundred twenty square feet.

D. In any R ~~or K~~ district, where fifty percent or more of the building sites on any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yards of the improved building sites, to a maximum of that specified for the district in which such building site is located.

E. In case a dwelling is to be located so that the front or rear thereof faces any side lot line, such dwelling shall not be less than ten feet from such lot line.

F. In case a building site is less than sixty feet in width, side yards equal to ten percent of the lot width but not less than five feet shall be required, except in C or M districts.

G. In the case of a corner lot adjacent to a key lot, the required side yard on the street side for any building within twenty-five feet of the side line of the key lot shall be equal to the front yard required on the key lot, and if more than twenty-five feet from such side line, the required side yard shall be fifty percent of the front yard required on the key lot.

H. In case an accessory building is attached to the main building it shall be made structurally a part thereof and shall comply in all respects with the requirements of this title applicable to the main building.

I. Except as otherwise provided in subsection J of this section, detached accessory buildings not for living purposes shall not be located:

1. Within ~~six~~-five feet from the main building;

2. ~~Within fifty feet from the front property line; Within the front one-half of the lot;~~

3. ~~Within six feet from the sidelines of the front one-half of the lot;~~

4. ~~Within six feet of the sidelines of the front one-half of any adjacent lot;~~

3. Within 10 feet of a street side-yard setback;

54. Within ~~one-four feet~~foot of any lot line ~~of the rear one-half of the lot;~~

65. So as to encroach on any easement or right-of-way of record;

76. Within six feet of an alley from which the building has access.

J. ~~The location of accessory buildings not for living purposes may only exceed~~ Notwithstanding the limitations of subsection I of this section ~~subject to an administrative use permit, The Community Development Director or the planning commission on appeal may require landscaping or other measures to mitigate the visual impacts of accessory buildings. detached accessory buildings with a projected roof area of less than one hundred twenty square feet as defined in the Marina building code, a height not exceeding eight feet, and on a building site used exclusively for single-family dwelling purposes in any residential district may be constructed or placed on the site as long as it is:~~

1. ~~Located at least three feet from the main building or perimeter fence; and~~

2. ~~Located within that portion of the site which is separated from the public way by the main building or by a minimum five-foot-high fence.~~

K. In case of a lot abutting upon two or more streets, the main building and accessory buildings shall not be erected so as to encroach upon the front yard or the exterior side yard required on any of the streets.

L. Notwithstanding any requirements in this section, in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of the centerline, a private garage attached or detached may be built to within five feet of the front line of the lot.

M. Nothing contained in the general provisions shall be deemed to reduce special yard requirements as set forth in the regulations for any R or K districts.

N. Structures, except utility poles and utility equipment appurtenant thereto, shall not be located so as to encroach on any utility or road easement or right-of-way.

O. Notwithstanding the provisions of subsections [B](#), [C](#) and [H](#) of this section, porches, decks and patios exceeding a height of eighteen inches and attached to the main building, and patio covers attached to the main building, may extend into the required rear yard and together with other buildings on the lot may occupy an area greater than the maximum site coverage allowed in the district in which it is located, except as follows:

1. The structures shall not extend more than ten feet into the required rear yard and shall not occupy an area of the required rear yard exceeding two hundred square feet.
2. The finished floor surface shall not exceed five feet in height and the patio cover is a single story structure not exceeding sixteen feet in height.
3. If the structure is enclosed by walls, the walls may have any configuration, provided the open area of the longer wall and one additional wall is equal to at least sixty-five percent of the area of each respective wall below a minimum of six feet eight inches measured from the floor.
4. Wall openings may be enclosed with insect screening, plastic or glass. The plastic or glass shall be readily removable, translucent or transparent and not exceed a thickness provided by the current edition of the Uniform Building Code.
5. Patio covers shall be used only for recreational and outdoor living purposes and not as carports, garages, storage rooms, commercial or business space or habitable space as defined by the current edition of the Uniform Building Code.

P. Stormwater Runoff Limitations. Impermeable surfacing may not exceed the stormwater runoff design for the parcel or lot and must not cause runoff to affect adjacent property. Properties located in residential districts shall not cover the front, side or rear yards not including buildings and accessory structures with impermeable surfaces such as cement, asphalt or hardscape more than 50% of the yard including the driveway and all pathways, unless approved by the Community Development Director. To exceed this standard, applicants must include calculations by a registered civil engineer demonstrating consistency with onsite stormwater retention subject to review by the City Engineer.

Figure (Limits on Paving and Hardscaping for Residential Front, Rear, and Side Yards)



Article 6, Chapter 17.55

STAFF APPROVALS AND PROCEDURES

Sections:

- 17.55.010 Purpose.**
- 17.55.020 Types of Staff Approvals and Related Review Authorities.**
- 17.55.030 Applicability.**
- 17.55.040 Review Process.**
- 17.55.050 Review Criteria.**
- 17.55.060 Findings Required for Approval.**
- 17.55.070 Effective Date of Decision.**
- 17.55.080 Notice of administrative decision procedure.**

17.55.010 Purpose.

This section establishes procedures and findings for the issuance of, and effective time periods for, staff-approved permits. No public hearings are held unless a request for a hearing is submitted or the director refers it to the hearing authority. The intent of this section is to ensure that planning permits are in compliance with the general plan, local coastal program, objective design review, specific plans and these regulations, and are issued quickly yet allow for public input.

17.55.020 Types of Staff Approvals and Related Review Authorities.

Table 17.55.020.1 below, entitles “Types of Review and Roles of Review Authorities,” identifies the city official or body responsible for reviewing and making decisions on community development permit applications, legislative amendments, and other actions required by these regulations.

Table 17.55.020.1:
Types of Review and Roles of Review Authorities

<u>Type of Permit Application</u>	<u>Roles of Review Authorities</u>		
	<u>Director</u>	<u>PC</u>	<u>CC</u>
<u>Administrative Design Review</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Design Review Changes</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Lot mergers</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Reversion to acreage</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Lot-line adjustments</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Certificate of compliance</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Parcel map</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Admin. sign permit</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Admin. use permit and admin. use permit amendments</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Admin. variance and admin. variance amendments</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>CC = City Council, PC = Planning Commission, and MMC = Marina Municipal Code Section.</u>			

Table footnotes:

1. “Decision” means that the review authority makes the decision on the matter; “appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with MMC Chapter 17.70 (Appeals).

2. The director may defer action and refer the item to the first hearing authority for decision.

17.55.030 Applicability.

The director or designee is the decision-making authority for the following community development permits:

1. Administrative Design Review Permits.

a. Administrative Design Review Permits as described in Table 17.56.030.

b. In all residential zoning districts, administrative design review permits may be granted for the following:

i. Detached accessory structures not intended for living that are 12 feet to 16 feet in height in the R-1 District;

ii. Structures, fences, retaining walls, or other visual obstructions in excess of height limits under MMC Section 17.42.060.F;

- iii. Covering the yard outside of buildings and accessory structures with more than 50% with asphalt, cement, or hardscape; and
- iv. Garden structures exceeding the standards required by MMC 17.42.060 Paragraph J.

2. Design Review Changes. Once a Planning Commission design review permit or an administrative design review permit, outside the coastal zone, has been approved, but before the associated building permit becomes final, changes up to ten percent that modify the exterior design, height or setback of the project shall be processed as an administrative design change; provided, that cumulative design changes to a prior design review permit or administrative design review permit shall not appreciably alter the originally approved design.
3. Administrative subdivisions. The following subdivision map changes shall be reviewed at the staff level, in accordance with Title 16, Subdivisions:
 - a. Lot mergers, in accordance with this section and the procedures in MMC Chapter 16.12.
 - b. Reversion to acreage, in accordance with this section and the procedures in MMC Chapter 16.14.
 - c. Parcel maps, in accordance with this section and the procedures in MMC Chapter 16.18.
 - d. Lot line adjustments, in accordance with this section and the procedures in MMC Chapter 16.20.
 - e. Certificates of compliance, in accordance with this section and the procedures in MMC Chapter 16.22.
4. Administrative Sign Permit. An administrative sign permit may be granted for compliant signs as described in Section 17.46.050.
5. Administrative Use Permits. Administrative use permits and administrative use permit amendments may be granted for the following:
 - a. Beer and wine when served with food or sold with groceries;
 - b. Detached or semi-detached accessory rooms within the R-1 district;
 - c. Detached accessory structures not intended for living that exceed the limitations in Section 17.42.070 as allowed in Paragraph J;
 - d. Temporary use permits;
 - e. Barbed or razor wire affixed to the top of a fence for properties with public safety hazards;
 - f. Wireless eligible facilities requests (for modification of previously permitted wireless telecommunications facilities); and

- g. Uses similar in nature as listed above as determined by the Community Development Director.
- 6. Minor Variances. Administrative variances and administrative variance amendments may be granted for the following:
 - a. Reductions in required yards or setbacks that are ten percent or less of the required distance;
 - b. Increases in maximum front yard setbacks;
 - c. Increases in allowable building site coverage of ten percent or less for additions to an existing structure;
 - d. The occupancy of any part of a required side or front yard by a parking pad;
 - e. Fences or retaining walls over 8 feet in height; and
 - f. Fences and retaining walls in combination over 12 feet.

17.55.040 Review Process.

Upon submittal of one of the community development permit applications listed in this section, the department shall process it in accordance with the following:

1. Staff reviews the proposed project for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.
2. The director issues a notice of administrative decision, pursuant to the procedures in 17.55.080, or determines that the permit application presents issues of sufficient public concern to warrant a public hearing and refers the application directly to the appropriate hearing authority. The hearing authority decision may be appealed in accordance with Chapter 17.70 (Appeals).
3. If no written request for a hearing is received by the department within 10 days of the issuance of the notice of administrative decision, then the action of the director is final.

17.55.050 Review Criteria.

For design review projects, the review criteria in MMC 17.56 and in Marina's Objective Design Standards shall apply.

17.55.060 Findings Required for Approval.

Permit applications under this section shall be approved or approved with conditions, only if the review authority first makes all the following applicable findings:

1. Findings for All Staff Approvals

- a. The proposed development conforms to the applicable provisions of the general plan, the local coastal program, any applicable specific plan, and these regulations;
- b. The proposed development is located on a legally created lot;
- c. The subject property is otherwise in compliance with all applicable laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this municipal code, and all applicable zoning violation enforcement and processing fees have been paid; and
- d. The proposed development is in compliance with all citywide permits, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) permit.

2. Additional Findings for Administrative Use Permits and Variances.

- a. The findings in MMC 17.58.040 shall apply to administrative use permits;
- b. Additional Finding for Administrative Use Permits for Fences, Deer Fences, and Garden Structures. The proposed fencing, and/or garden structure, will be in keeping with the neighborhood and will not obstruct views, air or light from the adjoining public street(s) without there being unique or exceptional circumstances of the property to warrant it; and
- c. The findings in MMC 17.60.030 shall apply to administrative variances.

3. Administrative Use Permit (AUP) Findings for Wireless Eligible Facilities Requests.

- a. The proposed wireless telecommunications facility qualifies as a wireless eligible facilities request, satisfying each element specified in 47 CFR Sections 1.6001 through 1.6100, as may be amended.
- b. The proposed wireless telecommunications facility complies with applicable safety codes and guidelines, and FCC regulations governing radiofrequency emissions.

17.55.070 Effective Date of Decision.

The decision shall become effective only when:

- 1. The 10-day request for hearing period has expired, or the appeal period following a hearing authority decision has expired or, if appealed in accordance with Chapter 17.70; and

2. All necessary prior approvals have been obtained.

17.55.080 Notice of administrative decision procedure.

Notice of an administrative decision to approve a community development permit shall be given as follows:

(a) Contents of Notice. The contents of a notice of administrative decision shall be as follows:

- a. Hearing Information. A brief description of the city's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the department, where an interested person could call or visit to obtain additional information;
- b. Project Information. The date of filing of the application and the name of the applicant; the city's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;
- c. Coastal Zone Information. If the proposed development is within the coastal zone, the notice shall also include a statement that the development is within the coastal zone.

(b) Method of Notice Distribution. A notice of administrative decision shall be given as follows:

(1) Mailed notice for administrative permits as referenced herein shall be provided to:

(A) Owners of all property that are abutting the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and

(B) Any person who has filed a written request for notice with the department and has paid the required fee for the notice.

(2) Posting. The department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.

(3) Timeline. The notice shall be mailed and posted at least 10 days before an action by the Community Development Director or their designee to approve a community development permit.

(4) Duration of Posting. The notice shall be continuously posted from the date required by subsection (b)(3) of this section until the effective date of the

Community Development Director or their designee's decision to approve, or approve with conditions, the community development permit.

(5) Provide Comment. Members of the public may provide comments during the 10 days prior to the approval by the Community Development Director or their designee.

DRAFT

Chair and Members of the
Planning Commission

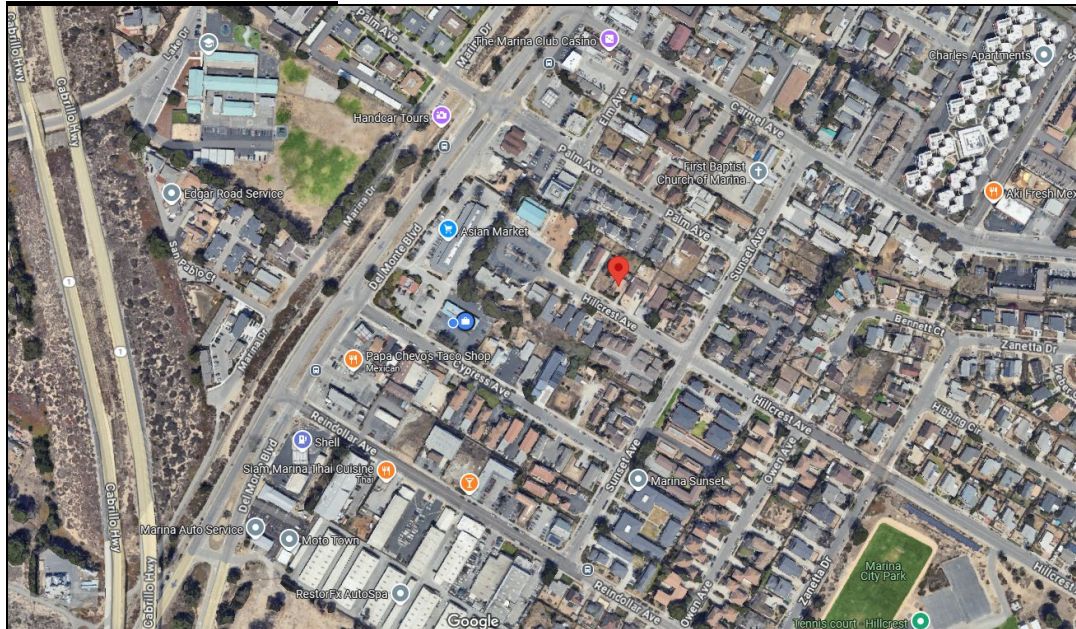
Planning Commission Meeting
of June 12, 2025

INFORMATIONAL ITEM ON DOWNTOWN VITALIZATION SPECIFIC PLAN (DVSP) OBJECTIVE DESIGN REVIEW (ODR25-001) FOR 219-221 HILLCREST AVE (APNS 032-303-035, & -036). NOT A PROJECT UNDER CEQA PER ARTICLE 20 SECTION 15378 AND UNDER GENERAL RULE ARTICLE 5 SECTION 15061.

BRIEF PROJECT DESCRIPTION

On April 17, 2025, the Community Development Director ministerially approved the project that will demolish the existing structures and construct three new three-story, multi-family apartment buildings with five dwelling units per building for a total of fifteen (15) dwelling units at 219-221 Hillcrest Ave (APNs 032-303-035, & -036). The project includes five (5) off-street parking spaces and a courtyard in between the units with seating and a grill area for the residents. The project is

PROJECT LOCATION



The image contains two architectural elevation drawings. The left drawing, labeled '2 TYPICAL SIDE ELEVATION-1', shows a side profile of a two-story building with a gabled roof. It features a balcony on the second floor, a set of stairs leading to it, and a small porch area. The right drawing, labeled '1 TYPICAL FRONT ELEVATION', shows a front profile of a two-story building with a flat roof. It features a balcony on the second floor, a set of stairs leading to it, and a small porch area. Both drawings include level markers and grid lines.

2 TYPICAL SIDE ELEVATION-1
 1/4" = 1'-0"

1 TYPICAL FRONT ELEVATION
 1/4" = 1'-0"

NOTE: REFER TO ELEVATION 4/A1.5 FOR SIDE ELEVATION WITHOUT STAIR



Guido Persicone, AICP
Community Development Director
City of Marina