



MINUTES

Sunday, September 17, 2017

4:00 P.M. Open Session

**SPECIAL MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION,
AND SUCCESSOR AGENCY OF THE FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

TELECONFERENCE LOCATION:¹

2431 Middle Drive
Arnold, CA

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Chair Frank O'Connell, Mayor Pro-Tem/Vice David W. Brown, Mayor/Chair Bruce C. Delgado

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Council Member Frank O'Connell from the address above. This Notice and Agenda will be posted at the teleconference location

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
4. OTHER ACTIONS ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council Consider adopting **Ordinance No. 2017-05**, an uncodified Ordinance of the City of Marina as an urgency measure extending for a period of ten (10) months and fifteen (15) days a temporary moratorium on the issuance of all development permits in the Downtown Vitalization Specific Plan area with exception of Junsay Oak Apartments, existing development applications at 264 Carmel Avenue, 225 Cypress Avenue and 3108 Seacrest Avenue, and exempting sign permits and building permits for changes in building paint colors and building permit interior tenant improvements that do not require a conditional use permit, within the City of Marina.

Christine Hopper, Planning Services Manager provided report

Background: 2002 - Ad Hoc Committee – Downtown Study; 2005 – City Council adopted vision for downtown vitalization; 2008 – General Plan Amendment required: *Adoption of Specific Plan for Downtown Vitalization Area, Any development in area - prepare individual Specific Plan*; Draft Plan/EIR produced – never finalized

Specific Plan is immediately necessary to provide guidance for development and achieve City’s vision (*Many parcels in area developable and underutilized, City receiving increasing interest in development, Projects need to be consistent and cohesive – circulation, site planning, access, design, Staff can provide no direction to applicants beyond general plan goals, No development standards for urban setting*)

Benefits of Specific Plan/ Corridor Study: Include elements to improve circulation; Provide use and design standards; Align General Plan land use designations with City’s vision of an urban space; Phase out incompatible uses; Beautify the corridors; Update downtown appearance and functionality; Provide guidance/reduce costs for development; Eliminate requirements for specific plans for individual lots – development of downtown delayed for more than a decade; Provide the environmental review for plan area build out; Eliminate need for extensive project-level environmental review for individual projects

Further Background: Adopted Ordinance 2017-03 – 45-day moratorium on issuance of permits within the Downtown Vitalization area, with some exceptions; Authority – Section 65858 Cal. Govt. Code; Expiration – September 17, 2017; Staff to return with rough scope and timeline

Noticing: 10-day publication in newspaper – Unable to meet lead time for paper – Notice appeared September 12; Letters sent to all property owners in planning area 10 days in advance of hearing; Letter includes reasons for moratorium, impacts to property owners and method that will be used to alleviate the situation that caused the moratorium; Notices posted in 3 public locations 10 days in advance.

Proposal: Term – Effective immediately – 10 month and 15-day extension (August 1, 2018); Program to alleviate condition which led to urgency ordinance General Plan –requires Specific Plan for the downtown area, Expedite requirement – phased approach (*Adopt overlay zone – commercial and mixed-use parcels – Del Monte/Reservation corridor, Land uses, design guidelines and standards developed, Address circulation and connectivity, Define gateways*)

After Overlay Zone adoption: City may lift requirement for individual specific plans; Property owners/developers have understanding of City’s expectations; City assured uses will compliment vision for downtown; Multi-family parcels removed from downtown boundary after development of standards and guidelines (*Meets General Plan policies for pedestrian-friendly, attractive and safe environment*) Specific Plan preparation can occur – relief from immediate threat

Status and Timeline: Staff securing project manager – expedite final scope and timeline; Return to Council within two months for final scope and costs; First phase of project – Anticipate Planning Commission and Council review in second quarter of 2018.

Draft Timeline – Downtown: October – December 2017 (*Finalize scope and budget, Review existing draft specific plan, Gather public input - Revise and refine land uses and development standards and guidelines, gateways, circulation*) - January –April 2018 (*Community presentations/workshops, Revise plan – incorporate public input, Prepare CEQA document*) - May – September 2018 (*Planning Commission/Council workshops, Revise plan, Adopt overlay district with associated development standards/guidelines.*)

Authority and Findings: Government Code Sec. 65858 - City may adopt interim ordinance prohibiting any use which may be in conflict with contemplated general plan, specific plan, or zoning proposal that the City plans to study within a reasonable amount of time (*Specific Plan initiated – reasonable timeline presented, Moratorium must be extended – protect and preserve public interest, health, safety comfort and convenience*)

Additional Findings – Multi-family Projects: Government Code Sec. 65858 (c) - “any interim ordinance...that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist: **1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body; 2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1). & (3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.**”

Adverse impacts of approval of multi-family projects: 1) *General Plan policies/implementation strategies not realized – development of block standards – emergency vehicle access – safe pathways for bicycles and pedestrians; 2) Lack of block standards and design requirements for safe circulation – building high density housing create immediate public safety concerns – **improper and unsafe access to and from sites likely to occur**; 3) General Plan requires resolution of conflict and safety issues along vehicle routes - Comprehensive circulation and connectivity plan will help resolve concerns; 4) No feasible alternative to a moratorium in absence of a comprehensive plan for future of Central Marina*

Recommended Action: (1) Exclude projects/permits that will not impact public health and safety or materially impact plans for downtown (signs, paint colors, landscaping, roof replacements); (2) Permits to remain under moratorium – *All new or replaced building square footage, Changes in use or development requiring Conditional Use Permit, Potential for these developments and uses to be nonconforming under future specific plan*; (3) Exclude projects previously exempted by Council which are substantially complete: 3098 De Forest Road (*Junsay Oaks Apartments*); 264 Carmel Avenue; 225 Cypress Avenue; 3108 Seacrest Avenue – (4) Exclude project application at 3125 De Forest Rd. (*Compliant with Official Plan Lines, Incorporates bicycle and pedestrian General Plan policies, Land use consistent with direction of Council in draft Downtown Specific Plan, Significant time and expense put into project, City will not be negatively impacted if application continues to be processed*)

Adopt an uncodified ordinance of the City of Marina, as an urgency measure extending for a period of ten (10) months and fifteen (15) days, a temporary moratorium on the issuance of all development permits in the Downtown Vitalization Area that include any addition or replacement of building square footage, changes in use and other development that would require a Conditional Use Permit with exception of 3098 De Forest Road (*Junsay Oaks Apartments*), existing development applications at 264 Carmel Avenue, 225 Cypress Avenue, 3108 Seacrest Avenue, and 3125 De Forest Road.

Council Questions: what was outcome of meeting with proponents of the Gateway project; moratorium maximum timeline; is 10.5 months needed to complete Specific Plan; is it complicated because we do not have a Specific Plan; what health and safety findings were identified; will circulation be addressed in the Specific Plan related to pedestrian access; what is the benefit to the community if this moves forward; will activity locations be included in the Specific Plan; has there been any problems with current exempt properties; what is the justification to include other exemptions; Specific Plan Overlay

exemptions; why is Debby Drive in the Downtown Specific Plan area; why the change to now include 3125 DeForest as exempt; definition of downtown corridor, shouldn't downtown plan should integrate the Del Monte extension and designed cohesively; is there funding for California Avenue and 2nd Avenue; integrated and connectivity of streets, trails from Reservation Road over 2nd Avenue to Del Monte; Dover-Kohl RUDG study related to the moratorium; if residential units are placed along the north and south sides of Patton Parkway, is there appropriate zoning for the south side of Patton Parkway; Gateway project area, if Del Monte extension to 2nd Avenue occurs along Del Monte wouldn't it be appropriate to have consistency along Del Monte?

Public Comments:

- Safwat Melek – August 5th sent email to Layne and Christy asking as a follow up to the hearing 7 questions of staff to minimize their impact on their work and to be able to be helpful and become a team member working with them and have heard nothing. I went back to the planning department and spoke with Fred and believes he did not have any answers to my questions, which are relevant to this study and relevant to the 2nd Avenue access to del Monte. Want to know the historical information that went through that was brought up at the August 3rd hearing. I did not come here to talk about ideas, I came to exchange ideas. Really feel that he's been shunned by my repeated approach to city in the interest to what the council directed staff to do with me and as a result 45-day later nothing has happened. On September 12th, I wrote an email letter with 9 items and this questions are still pertinent.
- Paula Pelot – Commented on first time speaking on planning issues due to family property being developed via eminent domain. Good planning produces significant, economic, environmental and social benefits for our city. It's critical for providing clarity and confidence for investors so that they can deliver good developments. Years of delay in revising planning documents that map our vision for the city has limited the potential of planning policy and regulation and has left the city incapable of consistently delivering good quality new places. The inadequacy of our current document can impede staff in delivering widely shared economic, social and environmental goals The City needs to take this time to maximize the potential for planning and ensure that planners have the power and resources to deliver positive, proactive planning. Strongly urges council to do what is best for all of citizens in Marina and not bend or bow to special interest whose proposals may just be self-interested at that point.
- Newart Salla – Spoke with planning department in July asking about a property on Reservation Road Zoned C-2. Interest was to open a small automotive dealership. Got a good deal on the lease and spoke with the property owner and would like to keep his business in town. Started developing a business plan to see where I could go with the city. Filled out all the paperwork from the planning department for permits and at that time the moratorium was not in affect and I signed a lease. Now paying on a lease for a property that can't be used. Felt he too was being shunned by the city. Where does that put me as a potential business owner? How come other residential plans get approved or looked at but mom and pop places can't be reviewed because of the moratorium?
- Ned Cahoon – Heard Marina Drive brought up a few times and thinks there are numerous and significant safety problems with Marina Drive. Where can a homeowner go to find out plans for the future? Heard references to there are some plans for Marina Drive but where can I find them so that I can give my input?
- Anthony Lombardo – speaking on behalf of three (3) clients, we seem to have a difference of opinions on a couple of item specifically the requirement of the law which I don't believe these findings come close to meeting. Not only must you identify a specific adverse health and safety impact but that must be based on written standards that would be violated which are in effect prior to the time of the moratorium being enacted. There is no evidence in the record to support that finding. Requirement that there be no feasible alternatives to the moratorium, again there's been

no evidence in the record and no testimony by the staff that would substantiate that finding. We are in support of the staff recommendation that the Ocean Point Shores apartment project be exempted from the Moratorium. On the MST site, adjacent to it, we work for months with the city staff to address vehicular access and pedestrian access, we were in the final design phase of the specific plan, which we know has to have its own environmental analysis to accommodate an actual reduction in intensity of the development of the site. The MST site already has an approved specific plan, approved by this council for a more intense development. We are de-intensifying that development. The Gateway property is identified as a Gateway property in the General Plan and is the only visitor serving development/parcel. My client understands the necessity for working with the city, with Caltrans and the possibility to having to do its own environmental analysis on a multi-family project here but they are willing to undertake that exercise in order to move that project forward. We would respectfully request that you allow these to proceed forward and go forward through the process in being considered.

- David Burnett, Planning Commissioner – on August 3rd encouraged council to move ahead on the moratorium and to allow staff to come back with a 45-day proposal of what would remedy the actions that necessitated the moratorium. Staff has shown a clearer way forward on how to alleviate the identified problems and to move us into a position where we can make a clearer, rational and design improvements in our city. One principle in planning is Standards make it right. Standards alleviate inconsistencies, give developers a clear idea of what can be done, gives staff a clear understanding of what their roll is and give planning commission a real taste of citizens want. Current methodologies of approaching planning, requiring specific plans for every project is not a good idea, it's a broken way of solving our problems. Encourage council to adopt a motion as is recommended by staff towards the next 10 months and 15-day moratorium. The Planning Commission would like to schedule extra sessions or whatever is necessary to make sure at the end of this 10-months we have a specific plan, we have a clear understanding of where we want to go forward. We would like to meet and have co-sessions with council so that we can plan together and make Marina everything it could possibly be.
- Kevin McCallon – Believes it's long past time to come up with a specific plan. when you drive up and down Reservation Road it's a hodge-podge of different developments. The downtown Del Monte area need a much-needed revitalization. We need to come up with a solid plan for it. Hopes council considers parking for the multi-use residential areas. A plan would be good.
- Rebecca McCallon – Agrees with previous speaker, when driving down Reservation Road you're not sure what you're driving into. Is it residential? Is it commercial or industrial? It would be nice to see if we could drive into a downtown. Examples would be Downtown Clovis where you can park, get out and walk. Would like to see a downtown like that. Not sure what Marina's vision is for this area. What are we seeing as a downtown?
- Dusan Tatomirovic – it is good to have priorities and standards; however, it is bad when the process is done is such an ad-hoc way. We had ten years to develop this specific plan for the downtown and the city for one reason or another has decided to delay that, to postpone it so that it painted itself into a corner and now has to impose a moratorium. This kind of an approach demonstrates a good example as why Marina is being considered business nonfriendly city. We should not be operating this way; however, we keep on operating this way. Less than two years ago, council did a change in the existing specific plan, changing one small section changing it from a single-family to a multi-family. We should not be operating this way.
- Kathy Biala – We have the possibility now to move away from the concept of isolated neighborhoods and strip malls to walkable interesting commercial zones and try to establish affordable housing. We can have a logical flow or pattern of development that unites the new and old Marina. Appalled to hear that our universally accepted guidelines of having fronts of buildings

face streets cannot be enforced in Marina because we have no ordinances that cover this. Agrees that the moratorium should include the four exemptions that the planning staff has suggested and accepts their own assessment of their present capabilities. Respect the architect of the so-called Gateway project because it is only in its infancy stages of development and because of its singular importance to our downtown. Urged council to not include this as an exemption. We must focus on getting specific work products in the designated time and use this moratorium effectively so as to not compromise future development opportunities. We already have FORA's RUDG and MBEST Specific Plan, both are excellent documents. Hopes that the planning commission ad-hoc committee could be of assistance for time efficiency. Recommend that the city council and planning commission have many joint meetings together to establish this common vision. We depend on you once again to make the best decision.

- Ron Lebda, Economic Development Commissioner & Marina Chamber of Commerce President – we have a vested interest in the revitalization of downtown Marina. We've been waiting a long time for this to happen. Been on the EDC for several years and we have dedicated a lot of time to the future of Marina. If the specific plan is approved, there are in the specific plan some issue about infrastructure and public safety, second street bypass and pedestrian on Reservation & del Monte. If the specific plan is passed do, we have to wait before fishes are vindicated before we can start construction or are we going to lift the moratorium and allow construction to proceed while have these issues as public safety?
- Lisa Berkley – Been in Marina for a couple of years. Part of moving forward is figuring out what kind of city plans do we have? What kind community are we looking to develop? When looking to do proper urban development, we're supposed to be including the values of the community, not just the development and economics of the city. Clearly the economic are very important however, we have a diverse population that needs to have a voice and needs to have clear representation. Planners have done an excellent job and we should be giving them an opportunity to do their work and do it well, to reflect our values. Heard a desire to create a model city. What does a model city look like? If we take this pause of 10 months to work together, to create a clear vision and clear plan I think in the longer term we'll be better. When you think about the future and our children what is the legacy we want to leave?
- Terri Lebda – Are there going to be within the period of time public forums so that we can get some input from the public as to where this downtown might lead? We work with a lot of people in the downtown area and they are very concerned about the council or the city in general forgetting about downtown and realizing that The Dunes is such a profitable place right now. I hope that we are not forgetting downtown, it doesn't look like it based on what we have going here. Concerned that if this moratorium is passed it will be extended again and again until such time that downtown is the ugly duckling that has never been able to mature. Hopes council does consider the timeline that was put forth, have community input and consider the businesses of our downtown.

AMADEO/MORTON: TO APPROVE ORDINANCE NO. 2017-05, AN UNCODIFIED ORDINANCE OF THE CITY OF MARINA AS AN URGENCY MEASURE EXTENDING FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS A TEMPORARY MORATORIUM ON THE ISSUANCE OF ALL DEVELOPMENT PERMITS IN THE DOWNTOWN VITALIZATION SPECIFIC PLAN AREA WITH EXCEPTION OF JUNSAY OAK APARTMENTS, EXISTING DEVELOPMENT APPLICATIONS AT 264 CARMEL AVENUE, 225 CYPRESS AVENUE AND 3108 SEACREST AVENUE, AND EXEMPTING SIGN PERMITS AND BUILDING PERMITS FOR CHANGES IN BUILDING PAINT COLORS AND BUILDING PERMIT INTERIOR TENANT IMPROVEMENTS THAT DO

NOT REQUIRE A CONDITIONAL USE PERMIT, WITHIN THE CITY OF MARINA. 5-0-0-0
Motion Passes by Roll Call Vote.

5. ADJOURNMENT: The meeting adjourned at 6:00 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor