

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
 725 FRONT STREET, STE. 300
 SANTA CRUZ, CA 95060
 (408) 427-4883
 HEARING IMPAIRED: (415) 904-5200



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MAY 20, 1996

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: TAMI GROVE, DISTRICT DIRECTOR
 DIANE LANDRY, ACTING PLANNING MANAGER
 JOY CHASE, STAFF ANALYST

Den
 5/21/96

SUBJECT: CITY OF MARINA MAJOR AMENDMENT #1-96 TO THE LOCAL COASTAL PROGRAM IMPLEMENTATION ZONING ORDINANCE for public hearing and Commission Action at its meeting of June 13, 1996 to be held at the Marin County Board of Supervisors Chambers, Administration Building, Room 322, Marin County Civic Center, San Rafael

SYNOPSIS

The City of Marina Local Coastal Program received final certification in December 1982. Only two amendments have been processed: LCP No. 1-86 for a sign ordinance and rezoning from residential to open space of several parcels and LCP No. 1-88 which revised LUP and zoning designations for the 25 acre Brown Bulb Ranch from agriculture to planned commercial (Marina Landing Shopping Center) and added coastal permit exemption procedures.

The proposed amendment submittal was received on April 22, 1996 and filed on May 17, 1996. The amendment was organized and submitted in accordance with the standards for amendments to certified LCP's (Coastal Act Section 30514, California Code of Regulations 13551 through 13553). The City Council held noticed public hearings. In addition noticed public hearings were held at the Planning Commission level. Excerpts from the City's amendment submittal are attached as Exhibit X.

Staff has used the certified Land use Plan as the standard of review for the proposed amendments to the Implementation Zoning Ordinance.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendment broadens the definition of resort hotel (17.04.440) to include "vacation clubs" and remove limitations on the number of units allowed kitchens. The proposed amendment defines (17.04.745) "vacation club" as a program for marketing transient occupancy for hotel, and/or motel accommodations to the general public through a membership agreement. It further identifies vacation clubs as "visitor serving

uses" in the Coastal Zone (17.06.100) subject to several findings: including reasonable affordability, availability to the general public and a membership large enough to insure a broad opportunity for visitor use. In addition permit requirements must assure availability of transient occupancy of membership units. The proposed amendment also adds "resort hotel" to parking requirements standards for hotels et al. 17.44.020 G.).

Staffs finds that the standards proposed will allow access opportunity to a wide spectrum of the public and that a vacation club can be found to be a type of visitor serving use. Nothing in the amendment precludes Commission review of the appropriateness of the type of visitor serving use, e.g., public vs. private, low-cost vs. higher cost, or of the appropriateness of the intensity of the development or the impact of the type of development on natural resources. The proposed amendment simply allows for the potential of marketing a transient occupancy destination type resort in the coastal zone of the City of Marina. In addition the finding that a vacation club is a visitor serving use is appealable to the Coastal Commission in those areas of the Coastal Zone, i.e., the Marina Dunes where such development could raise Coastal issues.

Staff recommends approval of LCP Amendment # 1-96 as submitted.

RECOMMENDATION

Staff recommends adoption of the following resolution:

I. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #1-96 AS SUBMITTED.

MOTION:

I move that the Commission reject Amendment #1-96 to the City of Marina Implementaion Plan Zoning Ordinance as submitted by the City of Marina.

Staff recommends a NO vote which would result in approval of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

RESOLUTION:

The Commission hereby approves Major Amendment #1-96 to the Marina Implementation Plan Zoning Ordinance on the grounds that the amendments to the Zoning Ordinance conform with, and are adequate to carry out the provisions of the Land use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of this implementation measure will have on the environment.

RECOMMENDED FINDINGS

1. BACKGROUND AND SETTING

The Coastal Zone for the City of Marina lies mostly seaward of Highway 1. Coastal zone areas landward of the highway are primarily vernal ponds and their associated wetlands. Seaward of the Highway are the Marina Dunes. Development in the 626 acres of dunes has been limited to improvements to the Marina Coast Water District and to Marina State Beach. Monterey Sand Co. extracts a limited amount of sand from its site adjacent to the Marina Water District and the Lone Star Lapis Plant operates a major dune sand mining operation in the northernmost dunes in the City limits. Development proposals have been delayed for the dune area pending completion of the preparation of a Habitat Conservation Plan and a Local Coastal Plan Amendment to define in more detail development standards for the dunes. Work on the HCP and LCP proceeded for several years (1986-1991) but was not finalized and acted on by the City or the Coastal Commission. The City proposes to reestablish the Dunes Task Force.

2. PROPOSED AMENDMENT/PROPOSED MARINA DUNES RESORT

The City of Marina is currently processing an application for the "Marina Dunes Resort", a combined vacation club/hotel resort proposed for the "Monterey Sand Co." site in the Marina Dunes (see Exhibit 1). The initiation of that development proposal prompted a review by the City of its Land Use Plan/Implementation and they concluded clarification of visitor serving uses would be appropriate.

The proposed amendment amends Chapter 17.04 Definitions to add a new Section 17.04.745 Vacation club and to revise 17.04.440 Hotel, resort to expand allowable uses to include, among others, vacation clubs and to remove the limitation on numbers of units with kitchens.

17.04.745 Vacation club. "Vacation club" means a program for marketing transient occupancy for hotel, and/or motel accommodations to the general public through a membership agreement.

17.04.440 Hotel, resort. "Resort hotel" as distinguished from an auto court or motel, means a hotel designed primarily for the convenience of transient guests with a minimum of ten (10) percent of the total area maintained for landscaping, with accessory recreational components as well as service and/or other associated uses such as a full service restaurant and meeting rooms, and which may include a vacation club and/or kitchen or kitchenette units not limited to a percentage of total units nor limited to 350 square feet or less of gross floor area for each such unit.

The proposed amendment adds a new Section 17.06.100 to Chapter 17.06 General Zoning Regulations to describe components needed to find that a Vacation Club is a visitor serving use.

Vacation Clubs as a Visitor-Serving Use in the Coastal Zone

Any proposal for a vacation club, as defined by Section 17.04.745, shall be considered a visitor serving use in the coastal zone subject to the following findings made by the Planning Commission at a duly noticed public hearing as part of the development review process and shall not be considered a visitor serving use in the coastal zone without such findings:

1. Membership of the proposed vacation club is sufficiently large to insure a broad opportunity for visitor use;
2. The purchase price and on-going maintenance fees for membership are reasonably affordable;
3. Membership in the club is easy to achieve and is documented in a membership program;
4. The membership is available to the general public; and
5. Permit requirements are established that will insure availability of transient accommodations to the general public who are not members of the club.

The record of proceedings in such a determination will require the applicant to provide sufficient information and program materials to demonstrate that the proposed vacation club use meets the findings noted above. The Planning Commission's determination shall include a written summary and analysis of this information and written findings of their decision. The Planning Commission may impose conditions as necessary to effect the purpose and intent of this Section. All determinations by the Commission are appealable as provided for under this title.

Finally, the proposed amendment amends Section 17.44.020 G. of Chapter 17.44 Parking Requirement to add Resort Hotel parking requirements consistent with other visitor accommodations and to make explicit that separate parking requirements are needed for ancillary uses.

17.44.020 G. Hotel, Resort Hotel, Motel and Auto Court Accommodations: One (1) space for each unit; one (1) space for the manager and one and one-half (1.5) spaces for any unit in a hotel, resort hotel, motel or autocourt containing a kitchen or kitchenette. Separate parking requirements remain applicable to other uses which may be associated with such complexes such as restaurants, conference centers, or public coastal access.

3. COASTAL ACT/LAND USE PLAN POLICIES

The Coastal Act provides for maximizing public access and recreational opportunities (Section 30213); provides that visitor serving commercial recreational facilities are to enhance public opportunities for coastal recreation and have priority over private residential, industrial and commercial use (Section 30222) and provides that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Additionally, developments providing public recreational opportunities are preferred (Section 30213).

Marina LCP Policies (p.6-8) include policies to encourage and place priority on passive recreational opportunities on the beach and dune areas, provide a level of recreational use consistent with protection of beach and dune environment, give priority to visitor serving commercial and recreational uses and still protect the natural resources, and to concentrate development within or adjacent to developed areas. Visitor serving uses are to be designed to meet a range of visitor needs and priced to be attractive and meet the need of local as well as regional visitors (p.16).

The LUP (p.14-16) separates the dune area, north of Reservation Road, into three planning areas: approximately 20 acres between Dunes Drive and the Highway 1 freeway which is designated Visitor Oriented Commercial; approximately 90 acres west of Dunes Drive fronting on the ocean which are designated Coastal Conservation and Development combined with a Secondary Use Use District, and the approximately 400 acre Lone Star parcels north of Dunes Drive fronting the ocean. According to the LUP the objective of the designations is to provide as many opportunities to visitors as possible while encouraging those visitor activities not requiring location on the coast itself to be located in nearby inland areas. The Marina LCP anticipates future development in the dunes oriented toward less intensive, lower cost visitor facilities.

The dunes east of Dunes Drive are designated Visitor Oriented Commercial with priority to be given to support facilities for the following activities which are dependent on the unique coastal recreation opportunities available in Marina because of its isolated beaches and not available elsewhere in coastal locations in Monterey Bay area: horsebackriding, overnight camping, hanggliding, surf fishing and individualized beach activities.

In the dunes west of Dunes Drive commercial activities must be dependent for economic survival on proximity to ocean, salt water or other elements and only in disturbed areas. However, the three parcels with frontage on Dunes Drive are part of a Secondary Combining District which allows for development of visitor oriented commercial uses if coastal dependent use is found to be infeasible.

Discussion: The proposed amendment would allow for a vacation club type of use as one of many types of visitor serving uses throughout the City of Marina. However the most significant Coastal Act issues would arise with proposals to develop in the dune

areas discussed above. Proposals for dunes development must address environmentally sensitive habitat of the dune ecosystem both from direct impacts and secondary impacts of increased useage of the surrounding dune area. Destination style developments can require ancillary supportive uses which vastly increase the site coverage. A vacation club type of use has the potential to dedicate premium oceanfront land to semiprivate use; that is a use which requires a monetary commitment that is not available to a wide segment of the public. Finally, a vacation club according to the proposed amendments will not limit the number of units which may have kitchens, thus opening up a potential for future conversion of large apartment size units to Coastal Act non priority residential uses. The certified LCP's 15% limitation on hotel or motel rooms with kitchens was the City's way to prevent tourist serving facilities from being utilized as apartment buildings.

The proposed vacation club program amendment standards provide for use by a wide spectrum of the public and will have contractual requirements to limit access to non residential uses. In addition there is no specification that all units in a development must be identified as vacation club units, nor that all units must have kitchens. Nothing in the amendment precludes review of the appropriateness of the type of visitor serving use, e.g., public vs. private, low-cost vs. higher cost, or of the appropriateness of the intensity of the development or of the impact of the type of development on natural resources. The proposed amendment simply allows for the potential of marketing a transient occupancy destination type resort in the coastal zone of the City of Marina. In addition the dune areas of the City of Marina where the most significant issues might arise are within the appeal jurisdiction of the Coastal Commission and the City of Marina's amendment has made it explicit that identification of a "vacation club" as a visitor serving use is appealable.

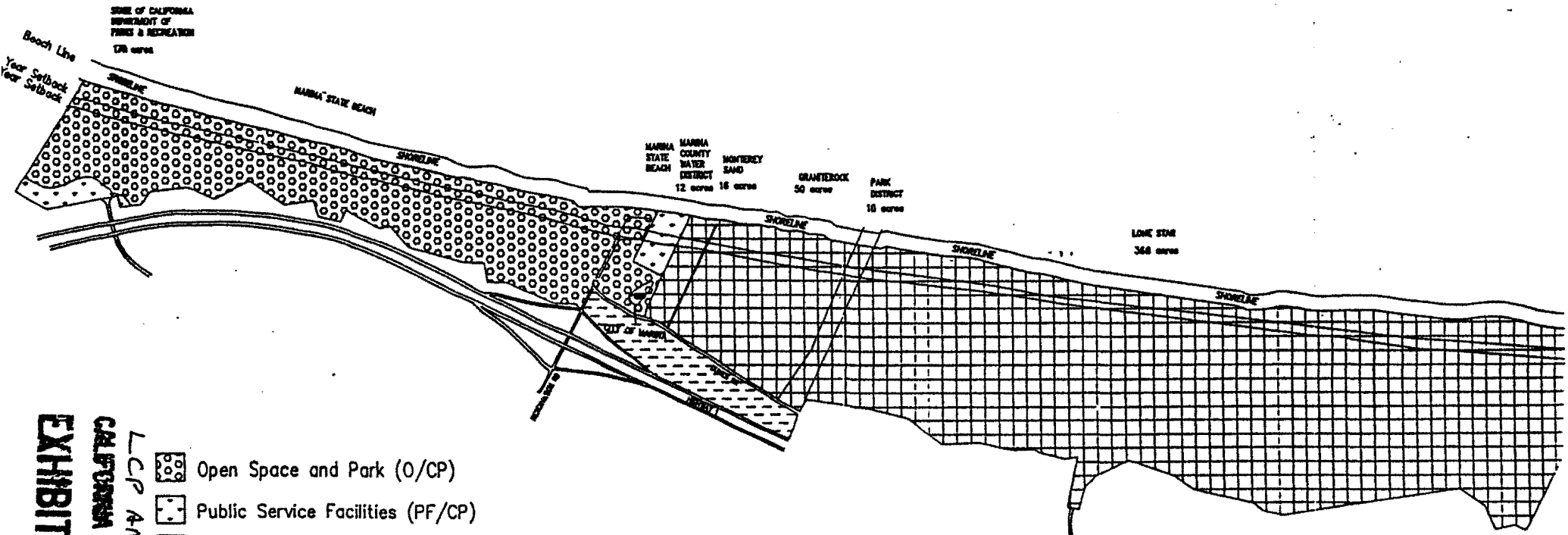
Staffs finds that the standards proposed are likely to allow access opportunity to a wide spectrum of the public and that the appeal process is a safeguard against any inappropriate application of the program.

Therefore, the proposed amendment is not inconsistent with the Land Use Plan designations for visitor serving uses nor with policies which require that visitor serving uses are to be designed to meet a range of visitor needs and priced to be attractive and meet the need of local as well as regional visitors.

4. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Coastal Commission's Local Coastal Program development and certification process has been designated by the Secretary of Resources as the functional equivalent of the California Environmental Quality Act (CEQA). The City found the amendments to be exempt from CEAQ under Sections 15061.c and 15265(a)(1). No significant impacts are associated with the proposed amendments. Therefore, the Commission finds that Major Amendment #1-96 is consistent with the provisions of the California Environmental Quality Act.

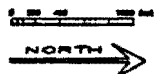
FIGURE 2 -- OWNERSHIP AND EXISTING LCP



- Open Space and Park (O/CP)
- Public Service Facilities (PF/CP)
- Visitor Oriented Commercial (PC/CP)
- Coastal Conservation and Development (CD/CP)

EXHIBIT 1
 CALIFORNIA COASTAL COMMISSION
 LCP AMEND #1-96

Note: Maps are schematic and general in nature only



THOMAS REID ASSOCIATES
 PLANNING AND COLLABORATION

Source: Marine Local Coastal Program, 1982

RESOLUTION NO. 96-45

RESOLUTION OF THE MARINA CITY COUNCIL ADOPTING AN AMENDMENT TO MARINA'S CERTIFIED LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (LCPIP) TO INCORPORATE WORDING CHANGES TO SECTIONS 9, 10, AND 29 AND SUBMITTING IT TO THE CALIFORNIA COASTAL COMMISSION

WHEREAS, upon the recommendation of the Marina Planning Commission, the Marina City Council has, following a noticed public hearing, considered the proposed Local Coastal Program Implementation Plan (LCPIP) amendment in the context of a) the California Coastal Act, b) Marina's Local Coastal Program, and c) a Staff Report for the April 16, 1996 City Council meeting.

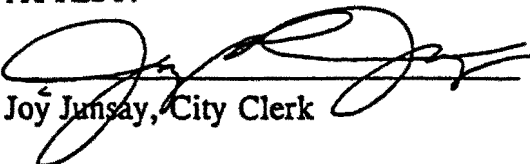
NOW, THEREFORE, BE IT RESOLVED THAT THE MARINA CITY COUNCIL:

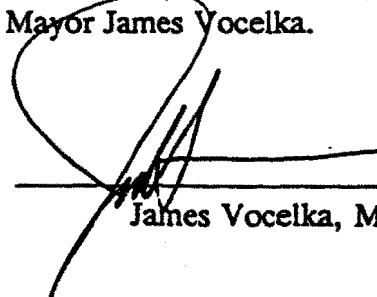
- 1) Finds that the proposed amendment to Marina's LCPIP is exempt from further review under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15265(a)(1).
- 2) Hereby adopts as an amendment to Marina's LCPIP those wording changes to Sections 9, 10, and 29 attached as Exhibit I with additions to the previous wording shown by italicized and bold text and with deletions shown by lined out or struck out text, and which has wording identical to companion amendments to Marina Zoning Ordinance Chapters 17.04, 17.06 and 17.44, and
- 3) Approves the submittal of the subject LCPIP amendment to the California Coastal Commission, and
- 4) Intends to carry out the subject LCPIP amendment in a manner fully consistent with the California Coastal Act, and
- 5) Intends the LCPIP amendment to take effect automatically upon its approval by the California Coastal Commission.

Passed and Adopted by the Marina City Council at a regular meeting duly held on April 16, 1996 by the following vote:

AYES: COUNCIL MEMBERS: Howard Gustafson, James Perrine, John Wilmot, Mayor Pro Tem Loyde Yates and Mayor James Vocolka.
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

ATTEST:


Joy Junsay, City Clerk


James Vocolka, Mayor

LCP AMEND #1-96
CALIFORNIA COASTAL COMMISSION
EXHIBIT 2

EXHIBIT "I" - DRAFT LCPIP AMENDMENT WORDING

with *proposed additions shown in bold italics text*
and with ~~proposed deletions shown in strikeout text~~

[THE FOLLOWING WORDING IS A MODIFICATION TO SECTION 9 B.(41) ON PAGE 6 OF THE MARINA ZONING ORDINANCE ADOPTED BY REFERENCE INTO THE 1982 MARINA LCPIP AND WHICH IS CURRENTLY CODIFIED AS SECTION 17.04.440 OF THE MARINA ZONING ORDINANCE. SECTION 9 IS REFERENCED ON PAGE 20 OF THE 1982 MARINA LCPIP]

~~Hotel, resort.~~ "Resort hotel" *as distinguished from an auto court or motel*, means a hotel and ~~accessory recreational components as well as service uses~~ designed primarily for the convenience of *transient* guests, ~~and containing guest rooms with a maximum density of ten (10) guest rooms per acre and~~ with a minimum of ten (10) percent of the total area maintained for landscaping, *with accessory recreational components as well as service and/or other associated uses such as a full service restaurant and meeting rooms, and which may include a vacation club and/or kitchen or kitchenette units not limited to a percentage of total units nor limited to 350 square feet or less of gross floor area for each such unit.*

[THE FOLLOWING WORDING IS AN ADDITION TO SECTION 9 B. ON PAGE 9 OF THE MARINA ZONING ORDINANCE ADOPTED BY REFERENCE INTO THE 1982 MARINA LCPIP AND WHICH WILL BE CODIFIED AS SECTION 17.04.745 OF THE MARINA ZONING ORDINANCE. SECTION 9 IS REFERENCED ON PAGE 20 OF THE 1982 MARINA LCPIP]

Vacation club "Vacation club" *means a program for marketing transient occupancy for hotel, and/or motel accommodations to the general public through a membership agreement.*

[THE FOLLOWING WORDING IS AN ADDITION TO SECTION 10 B. ON PAGE 13 OF THE MARINA ZONING ORDINANCE ADOPTED BY REFERENCE INTO THE 1982 MARINA LCPIP AND WHICH WILL BE CODIFIED AS SECTION 17.06.100 OF THE MARINA ZONING ORDINANCE. SECTION 10B. IS REFERENCED ON PAGE 23 OF THE 1982 MARINA LCPIP]

Vacation Clubs as a Visitor-Serving Use in the Coastal Zone

Any proposal for a vacation club, as defined by Section 17.04.745, shall be considered a visitor-serving use in the coastal zone subject to the following findings made by the Planning Commission at a duly noticed public hearing as part of the development review process and shall not be considered a visitor serving use in the coastal zone without such findings:

1. *Membership of the proposed vacation club is sufficiently large to insure a broad opportunity for visitor use;*

2. *The purchase price and on-going maintenance fees for membership are reasonably affordable;*
3. *Membership in the club is easy to achieve and is documented in a membership program;*
4. *The membership is available to the general public; and*
5. *Permit requirements are established that will insure availability of transient accommodations to the general public who are not members of the club.*

The record of proceedings on such a determination will require the applicant to provide sufficient information and program materials to demonstrate that the proposed vacation club use meets the findings noted above. The Planning Commission's determination shall include a written summary and analysis of this information and written findings of their decision. The Planning Commission may impose conditions as necessary to effect the purpose and intent of this Section. All determinations by the Commission are appealable as provided for under this Title.

[THE FOLLOWING WORDING IS A MODIFICATION TO SECTION 17.44.020 G. OF THE CURRENT MARINA ZONING ORDINANCE ADOPTED INTO THE MARINA LCPIP AS "CITY OF MARINA LCP AMENDMENT SUBMITTAL NO. 1-86" REPORTED TO THE COASTAL COMMISSION ON 2/24/1987]

17.44.020 G. *Hotels, Resort Hotel, Motels and Auto Courts Accommodations: One (1) space for each unit; one (1) space for the manager and one and one-half (1.5) spaces for any unit in a hotel, resort hotel, motel or auto court containing a kitchen or kitchenette. Separate parking requirements remain applicable to other uses which may be associated with such complexes such as restaurants, conference centers, or public coastal access.*

**SUBMITTAL OF MARINA LCP AMENDMENT APPROVED BY CITY ON 4/16/96 TO
CALIFORNIA COASTAL COMMISSION**

The City of Marina submits the enclosed LCP Amendment package for an amendment to Marina's certified Implementation Program. The contact person with the City regarding this amendment is Jeffrey P. Dack, Director of Planning, (408) 384-2721, extension 7300. The following is a brief summary of the amendment proposal:

Amendments to Marina's Zoning Ordinance and Local Coastal Program Implementation Plan (LCPIP) to add Section 17.04.745 as a definition of Vacation Club, add Section 17.06.100 to be entitled "Vacation Clubs as a Visitor Serving Use in the Coastal Zone", to amend Section 17.04.440 to revise the definition of Resort Hotel, and to amend Section 17.44.020 G. to clarify that 1.5 parking spaces must be provided for each hotel and vacation club unit containing a kitchen or kitchenette.

- (1) Resolution of Submittal and (2) Resolution Adopting Amendment

The resolution accomplishing these is attached. (# _____)

- (3) = Discussion of the Amendment's Relationship to and Effect on Other Sections of the Previously Certified LCP. Including the Access Component

Visitor accommodations, to possibly include Resort Hotels and Vacations Clubs as well as the associated parking are allowable conditional uses in the Planned Commercial, or PC District and can also become allowable conditional uses in the Coastal Zone Secondary Use Combining, or SU, District. These areas correspondingly are also or can become regulated/designated in the LCP Land Use Plan as areas for Visitor Oriented Commercial uses. This proposed amendment would primarily be applicable in areas of Marina's portion of the Coastal Zone which are or can become designated for Visitor Oriented Commercial uses and subject to PC District Zoning and LCPIP regulations. Its primary intent is to provide clarifications of a few existing Zoning Ordinance and LCPIP provisions applicable to visitor accommodations. Following is a discussion of each of the components of the proposed Zoning Ordinance and LCPIP amendment.

- a. Hotel, resort - modification of existing definition

The primary intent of this component of the proposed Zoning Ordinance and LCPIP amendment is to provide clarifications of a few existing Zoning Ordinance and LCPIP provisions applicable to visitor accommodations and to bring this definition into better consistency with the remainder of the LCP with regards to how allowable intensity of a resort hotel would be determined.

Much of the following discussion and rationale for this definition modification is taken from an excerpt of a Staff Report for the January 22, 1996 Marina Planning Commission meeting which first discussed the proposed modification.

In many respects, one can probably trace many basic concepts and provisions of Marina's Zoning Ordinance as incorporated into Marina's LCP Implementation Plan, including its

CALIFORNIA COASTAL COMMISSION

definitions, back to zoning ordinances of the 1930's through the 1950's. This appears to be the case for the current definitions related to motels and hotels as found below. For example, Marina's Zoning Ordinance and LCPIP do not list a separate definition for "motel", but instead include the term "motel" within the definition of "auto court". This latter term has not been widely used for many years. Although in many cases, the concepts within these older provisions remain valid, the terms can be confusing to the modern user of the Ordinance and LCPIP. The Zoning Ordinance and LCPIP amendment proposed at this time would revise the definition of "Resort Hotel". This modification has been initiated at this time to help clarify the status of the proposed Marina Dunes Resort project within the Zoning Ordinance.

Current Zoning Ordinance and LCPIP provisions relevant to the discussion of the proposed amendment are found below. The last provision cited is from Title 3 of the City Code entitled "Revenue and Finance".

17.04.070 Auto court. "Auto court" means a group of two or more buildings, containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers. Also includes motels.

17.04.440 Hotel, resort. "Resort hotel" means a hotel and accessory recreational components as well as service uses designed primarily for the convenience of guests and containing guest rooms with a maximum density of ten (10) guest rooms per acre and with a minimum of ten (10) percent of the total area maintained for landscaping.

17.06.020 L. No more than fifteen (15%) percent of the units in any motel or auto court may be provided with a kitchen or kitchenette. No unit in any motel or auto court containing a kitchen or kitchenette shall exceed three hundred and fifty (350) square feet of gross floor area. Each unit in a motel or auto court containing a kitchen or kitchenette shall be provided with one and one-half (1.5) on-site parking spaces.

3.12.020 H. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, time-share arrangement or ownership or agreement, or other agreement of whatever nature, for a period of twenty nine consecutive calendar days or less, counting portions of calendar days as full days. Any person so occupying space in a hotel shall be deemed to be transient if his actual total period of occupancy or entitlement to occupancy does not exceed twenty-nine days. Unless days of occupancy or entitlement to occupancy by one person are consecutive without break, then prior to or subsequent periods of such occupancy or entitlement to occupancy shall not be counted when determining whether a period exceeds the stated twenty-nine calendar days.

Upon close review, it can be determined that although the current Zoning Ordinance and LCPIP definitions of Auto Court (including Motel) and Resort Hotel both describe lodging facilities, these are of quite a different nature from each other. The former is much more oriented to "transient automobile travelers" with no mention of accessory services or amenities, whereas the latter describes a destination facility with a much fuller set of services including "accessory recreational components" as on-site amenities. Upon this close review, Marina Planning Staff concluded that the two uses are mutually exclusive categories and that the proposed Marina Dunes Resort project is a Resort Hotel instead of an Auto Court under the terms of the Marina Zoning Ordinance LCPIP. With a clear realization of this distinction, Marina Planning Staff concluded that under current wording, Section 17.06.020 L does not apply to a Resort Hotel such as the Marina Dunes Resort currently proposed in Marina.

However, even with the above conclusion, Marina Planning Staff was cautious about the possibility of similar confusions from other parties in the future. Therefore, City Staff worked with the Marina Dunes Resort project proponents and local staff of the Coastal Commission to revise the definition of "Resort Hotel" by updating, expanding and hopefully clarifying it. You will note that the proposed revisions to the definition of Resort Hotel include the following features. 1) It would now be more explicitly "distinguished from an auto court or motel". 2) It deletes any reference to density of a resort hotel. 3) It directly includes the term "vacation club" consistent with other aspects of the proposed Zoning Ordinance and LCPIP amendments. 4) It clarifies that resort hotels are "designed for transient guests" (emphasis added) which are defined elsewhere in the City Code to be occupancies of less than 30 days which is also consistent with and supports the Visitor-Serving Commercial uses appropriate in the Coastal Zone.

Following is the rationale for deletion of any reference to density of a resort hotel which is taken primarily from an excerpt of a Staff Report for the April 8, 1996 Marina Planning Commission meeting.

Marina's current LCP includes no density provisions for non-residential uses in any district in the Coastal Zone, except just by accident of history in the definition of resort hotels because this definition was (and still is) in the old County code Marina inherited and adopted when the City incorporated and later incorporated into the LCPIP. City Planning Staff assume that drafters of the 1982 LCP made this approach of not including density calculations as a conscious decision to let densities instead be determined through full and careful permit and environmental review commensurate with the rather unique character of sites, conditions and potential development within Coastal Zone. The City feels that this was and remains a valid approach in the Coastal Zone. The City feels that density limits are appropriate in areas of relative homogeneity where such a gross tool can reasonably be applied to a broad range of areas or sites. However, the City also expressed that density limits are an inappropriately gross regulatory approach in an area such as the Coastal Zone or another highly sensitive or constrained site area which demands (and receives) the requisite thorough and special attention to

define appropriate development on a site by site basis. Also, leaving a density formula in the definition could be confusing and misleading for persons who might then extrapolate such a formula to other parcels in the Coastal Zone, particularly the northerly sensitive area of Marina's portion of the Coastal Zone. Deletion of any reference to density brings the definition of Resort Hotel into better consistency with the LCP's general approach to determining appropriate development areas and intensities as well as with other more detailed aspects of Marina's LCP.

- b. Added definition of Vacation Club and added provision of criteria by which to determine Vacation Clubs as a Visitor-Serving Use in the Coastal Zone

These provisions proposed to be added would primarily be applicable in areas of Marina's portion of the Coastal Zone which are designated for Visitor Oriented Commercial uses. They will provide a uniform and documented mechanism to define the vacation club use and to determine whether or not a particular vacation club proposal can qualify as a Visitor-Serving Use in the Coastal Zone. These provisions serve to update Marina's LCP with regards to the vacation club form of accommodations which has evolved since Marina's LCP was adopted in 1982.

- c. The City understands that the proposed provisions should be consistent with the Coastal Commission's treatment of membership projects in other local jurisdictions, including certification of the Del Norte Forest LCP, approvals of a Northern Californian Golf Association permit in 1983, and research conducted for the 1992 Pebble Beach Company applications for membership programs.

- c. Modification to parking requirements for "17.44.020 G. Hotels, Resort Hotel, Motels and Auto Courts Accommodations"

This last proposed Zoning Ordinance and LCPIP change is to clarify parking requirements for visitor accommodations. It specifically relates to other parking requirements by clarifying that accommodation parking requirements are applied in addition to those for other uses which may be associated with such complexes such as restaurants, conference centers, or public coastal access. This will ensure adequacy of parking under Marina's LCPIP for accommodations which have associated uses in the Coastal Zone. This section is the only component of the overall Zoning Ordinance and LCPIP amendment which has a direct relationship with provisions for coastal public access. This section is supportive of public access because it clarifies that the parking required to serve public coastal access is to be applied in addition to the parking requirements for the accommodations themselves.

- (4) Area Between Shore and First Public Road (Affect of amendment on certified public access component)

Visitor accommodations, to possibly include Resort Hotels and Vacations Clubs (along with the parking associated with visitor accommodations), are allowable conditional uses in the PC District and can also become allowable conditional uses in the SU District. Both

of these Districts fall between the shore and the first public road. These areas correspondingly are also or can become designated in the LCP Land Use Plan for Visitor Oriented Commercial uses. Therefore, the proposed Zoning Ordinance and LCPIP amendment has the potential to affect the certified public access component even though only one component of the amendment even briefly mentions public access. Following is a brief analysis of the affect of the components of the amendment on public access.

a. Hotel, resort - modification of existing definition

This modification does not affect the LCP public access component.

b. Added definition of Vacation Club and added provision of criteria by which to determine Vacation Clubs as a Visitor-Serving Use in the Coastal Zone

These sections are proposed to be added largely to provide a means to ensure that any vacation club approved in Marina's portion of the Coastal Zone would be fundamentally visitor oriented. Although this may not affect the LCP public access component directly, it certainly is supportive of the intent that in the area between the shore and the first public road, Marina provide broadly available opportunities for beach and coastal access by visitors to the Coastal Zone who may wish to stay overnight in Marina's portion of the Coastal Zone.

c. Modification to parking requirements for "17.44.020 G. Hotels, Resort Hotel, Motels and Auto Courts Accommodations"

As mentioned above, this section is directly supportive of public access because it clarifies that parking required to serve public coastal access is to be applied in addition to the parking requirements for visitor accommodations themselves.

(5) Amendments Involving a Change in Density or Public Serving Provisions

This is largely addressed in item (3) above at the beginning and end of the discussion of the modification to the definition of Resort Hotel. The following additional brief analysis is offered primarily with respect to consistency with policies of Chapter 3 and 6 of the Coastal Act. As discussed above, the proposed Zoning Ordinance and LCPIP amendment would serve to bring the definition of Resort Hotel into better consistency with the remainder of the LCP with regards to how allowable intensity of a resort hotel would be determined. As mentioned above, Marina's current LCP includes no density provisions for non-residential uses in any District in the Coastal Zone, except just by accident of history in the definition of resort hotels because it was (and still is) in the old County code Marina inherited and adopted when the City incorporated. The City supports this as a valid approach in the Coastal Zone to let densities be determined through full and careful permit and environmental review commensurate with the rather unique character of sites, conditions and potential development within the Coastal Zone. We have indicated that the City finds that density limits are an inappropriately gross regulatory approach in an area such as the Coastal Zone or another highly sensitive or constrained site area which demands (and receives) the thorough and special attention necessary to define appropriate

development on a site by site basis. Also, leaving a density formula in the definition could be confusing and misleading for persons who might otherwise extrapolate such a formula to other parcels in the Coastal Zone, particularly the northerly sensitive area of Marina's portion of the Coastal Zone.

Since 1) the proposed deletion of any reference to density brings the definition of Resort Hotel into better consistency with the general approach of the Marina LCP to determining appropriate development intensity and also into better consistency with other more detailed aspects of Marina's certified LCP, and 2) this LCP has been found by the Coastal Commission to be consistent with the entire Coastal Act (including Chapter 3 policies), we must conclude that this component of Marina's Zoning Ordinance and LCPIP amendment are also consistent. Furthermore, since 1) the proposed LCPIP amendment is being submitted in compliance with the Coastal Commission's implementing regulations and procedures for LCPs, and 2) the amendment is consistent with certified coastal access provisions as discussed in item (4) above, we also conclude that this component of Marina's Zoning Ordinance and LCPIP amendment are also consistent with Coastal Act Chapter 6 policies.

(6) Environmental Review

The attached resolution finds that the proposed amendment to Marina's LCPIP is exempt from further review under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15265(a)(1).

(7) Summary of Measures Taken to Ensure Public and Agency Participation

Copies of public notices and the mailing list for these are attached.

Copies of all public comments received (beyond those submitted by Coastal Commission Staff) and any City responses are also attached as found in letters dated 2/19/96 and 2/20/96 from David Watson and in minutes of the meetings of the Planning Commission and the City Council as this may be supplemented by a record of comments and responses at the April 16, 1996 City Council meeting when the LCPIP amendment was approved.

(8) Staff Reports and Other Information Addressing Adequacy of Implementation Program. As Amended, to Carry Out Certified LUP.

This nine item submittal document contains the most recent and accurate set of information on the relationship of the LCPIP amendment to the certified LUP. The LCPIP amendment is supportive of the particular relevant land use designations in the LUP as well as supportive of the more general intent and policies of the LUP. Preceding City Staff Reports do not contain additional information on this subject beyond that found in this submittal document.

(9) Agricultural Use Viability

This is not applicable.