



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
January 21, 2015**

TO: Mayor and City Council

FROM: Alan Shear, Acting City Manager

PREPARED BY: Dina Tasini, Planning Manager

SUBJECT: Public hearing to consider approving **a)** a Resolution to approve a Mitigated Negative Declaration and Mitigation Monitoring Program and adopt findings pursuant to the California Environmental Quality Act; and **b)** a resolution to approve a General Plan Amendment to i) amend the Hidden Lakes Specific Plan Area to delete Section 32.32 and ii) amend Land Use Map 1 to change the land use designation from OS/R Open Space and Recreation, Permanent to R-0-6 units for a 25.9 acre parcel; and **c)** Ordinance to rezone 25.9 acre parcel located at 451 Vine Hill Way from M-OS/RF (Mixed Use Open Space/Recreational Facilities) to R-7.5/PUD Overlay (Family Residential, minimum 7,500 square feet per dwelling unit/planned development overlay); and approve Planned Unit Development Plan; and **d)** Vesting Tentative Map for the development of 99 single family residences to be located at 451 Vine Hill Way – The Meadows.

DATE: January 21, 2014

RECOMMENDATION:

Approve the following actions for a proposed 99 single family residences to be located on the property located at 451 Vine Hill Way:

- a) Adopt a resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- b) Adopt a resolution amending the General Plan (text amendment) to delete Section 32.32 and amend the land use map 1 designation from Open Space and Recreation, Permanent to Residential 0-6 units per gross acre for the project site.
- c) Introduce an Ordinance rezoning the subject property from M-OS/RF to R- 7.5/PUD Overlay and Planned Unit Development Plan; and
- d) Adopt a resolution approving a /Vesting Tentative Map.

BACKGROUND:

ENVIRONMENTAL REVIEW:

An initial study evaluating the project's environmental impact was prepared and circulated on March 14, 2014. Revisions to the initial study were needed and the initial study was recirculated on March 21, 2014 for a 30 day period ending on April 21, 2014 (Attachment A). The City received thirty two (32) comment letters on the Initial Study and Proposed Mitigated Negative Declaration (MND).

The California Environmental Quality Act does not require a lead agency to provide written response to comments on the mitigated negative declaration. Nevertheless, the City, acting as the Lead Agency chose to prepare responses to the comments (Attachment B). Responses to comments received during the comment period did not involve any new significant impacts or significant new information, so no further environmental review is necessary.

PROJECT DISCUSSION:

The applicant has submitted an application for a General Plan Amendment, Rezone/Planned Unit Development, and a Vesting Tentative Map (Figure 3) that would permit the development of 99 single family residential units on approximately 25.9 acres at the intersection of Center Avenue and Vine Hill Way. The applicant has also submitted a preliminary landscape plan, preliminary grading and drainage plan, preliminary utility plan, preliminary stormwater control plan, and a preliminary tree removal plan and a demolition plan for removal of the structures on the property. The 25.9-acre project site (APN 162-020-019) is located within the City of Martinez and currently has an OS/R (Open Space & Recreation, Permanent) General Plan Land Use Designation.

The information below provides some context for the proposed discussion and recommendations regarding the General Plan Text Amendment, General Plan Amendment and the associated Initial Study/Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program.

DISCUSSION:

In order to better understand the development patterns within the Hidden Lakes Specific Area Plan boundary, a short history along with maps can be found below:

History of the Annexation

1970-71 – “COWARD-VALERGA ANNEXATION” (54.4 ac.)



- Both the Coward and Valerga properties are annexed into the City from Contra Costa County as agricultural lands, agricultural lands are typically zoned A-2 permitted commercial recreational facilities when the principal use is not in a building, therefore the golf course was a permitted use. The *Valerga property* had one house on it, the northeast portion of *Coward property* contained the 25 ac +/- *Pine Meadow Golf Course*, but was otherwise vacant pasture land.
- Upon annexation, the City placed both parcels into the “H” – HOLDING Zoning District, which at the time, allowed the City to annex land without committing to any changes in permitted land uses. Therefore, only those uses that were permitted under the County’s previous zoning regulations were initially permitted by the City. The County’s designation of Agricultural permitted such uses as the golf course and residential units, with minimum 5 acre lots as permitted under agricultural zoning.

1972-74
APPLICATION for “GRANITE OAKS” SUBDIVISION (21 ac.),
DENIED BY CITY COUNCIL – HIDDEN LAKES AREA PLAN
APPROVED

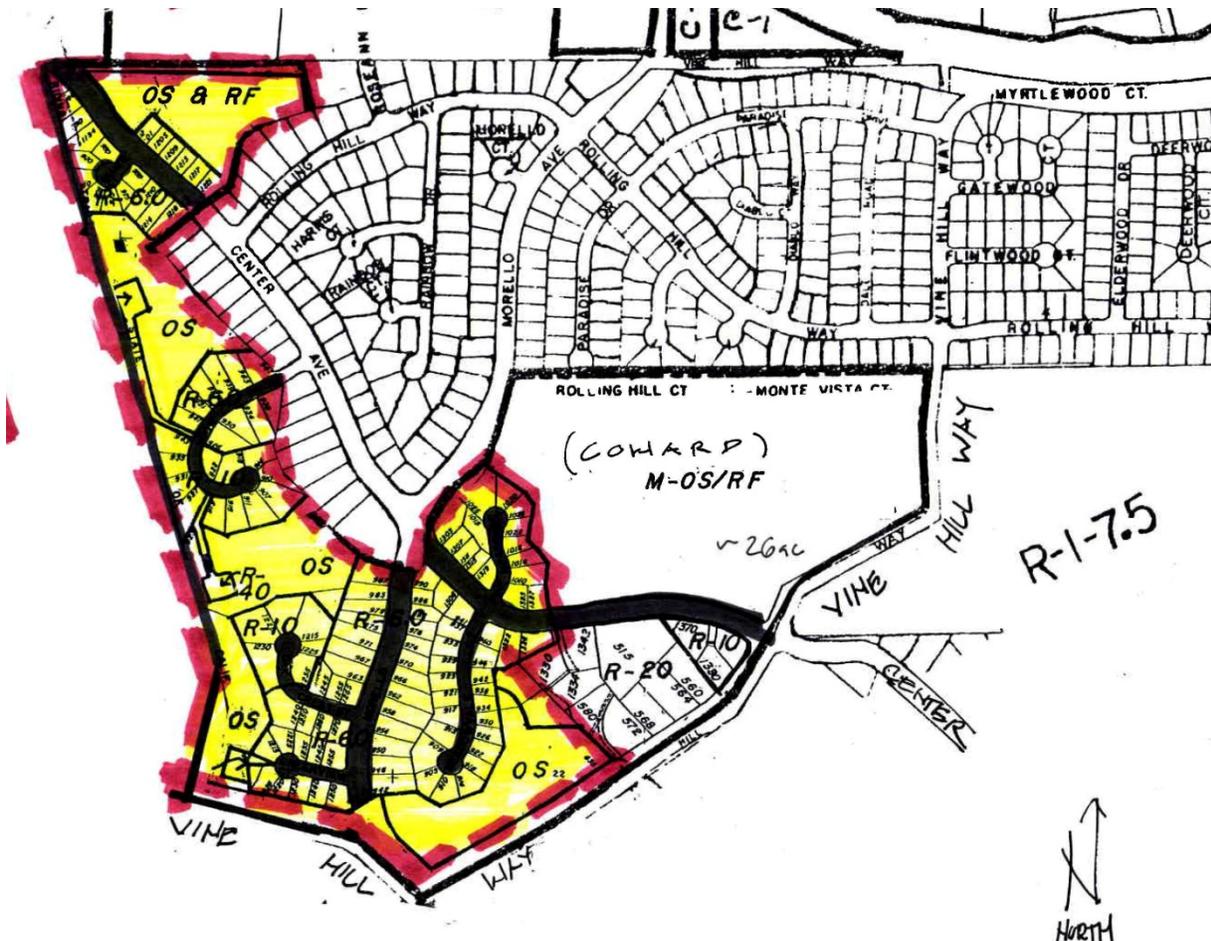


- An application was filed to entitle the southwesterly 21 ac. of the *Coward property* (shown in yellow) as the “Granite Oaks” subdivision, rezoning the site from “H” (Holding) to “R-1-7500” (equivalent to today’s “R-7.5” single-family zoning district).
- After a recommendation of denial from the Planning Commission, the City Council upheld the denial, which found the project in conflict with the *Hidden Lakes Specific Area (General Plan) Study* that was underway at the time. Many members of the Planning Commission and City Council believed that all or part of the *Coward property* should be acquired by the City to be preserved as public open space.

- Options for public acquisition for all or part of the *Coward property* were explored as part of the Hidden Valley Open Space Committee that studied the undeveloped lands and identified areas to preserve and purchase. City staff along with the Hidden Valley Open Space Committee conducted surveys and outreach, through the public outreach process the Committee found that there was not enough support to raise funds to purchase the property.
- In 1973, the final *Hidden Lakes Specific Area Plan* (part of the State Mandated General Plan) was adopted. The Area Plan included the following:
 - Residential development (at a lower density than had been proposed for “Granite Oaks”) was to be permitted at the southeasterly 10+/- ac. of the *Coward property*.
 - The Golf Course and remainder of the *Coward property* was given the *Permanent Open Space/Recreation* General Plan Map designation, with the corresponding “M-OS/RF” (Mixed Use – Open Space/Recreation Facility) zoning designation.
 - At the time of the approval of the *Hidden Lakes Specific Area Plan* both the property originally proposed for the Granite Oaks Subdivision and the Golf Course property were owned by the same person/entity and a subdivision was not approved at that time.

1975 -76

**APPLICATION for "PINE MEADOWS" SUBDIVISION (59 ac.),
APPROVED BY CITY COUNCIL**



- In/around 1975, application was again submitted to subdivide a portion of the Coward property consisting of the property previously proposed for the Granite Oaks Subdivision. This application was submitted as the Pine Meadows Subdivision. The Pine Meadows Subdivision/development plan went through several revisions, with the council giving final approval to the revised plan in 1976. The entitlements for the Pine Meadows Subdivision project also included zoning and general plan amendments to conform to the approved development plan for the subdivision.
- The Pine Meadows subdivision included 21 acres of property previously considered for the Granite Oaks Subdivision and purchased from Coward. The remaining *Coward property* (excepting the Coward residence and two other residential lots at the southwest corner of Vine Hill Way and Center Avenue) became a separate 26 ac parcel, retaining the *Permanent Open Space/Recreation* General Plan Map designation, which the corresponding "M-OS/RF" (Mixed Use – Open Space/Recreation Facility) Zoning from the 1973 *Hidden Lakes Specific Area Plan*.

Since 1973, the Golf Course property has retained the Open Space and Recreation, Permanent land use designation and a zoning designation of Mixed Use Open Space/Recreational Facilities (M-OS/RF). The General Plan designation of permanent was placed on this property over 40 years ago. Within the 1972 General Plan the use of the term Permanent Open Space and Open Space/Conservation designations applied to areas where natural conditions such as steep or potentially instable slope, hazardous geological conditions, watershed stability and floods hazard, seismic hazard, which constitute major constraints to development or threats to life and property, where soils, land forms, vegetation, watersheds, creekways, and water bodies combine to provide either a significant habitat for wildlife or agricultural resource and where land forms, vegetation, waterways and surfaces constitute a major scenic and recreational resource which should be preserved either for purposes of public use or protection of the scenic setting of the community (Section 21.21 Land Use Element). No residential density was assigned to Permanent Open Space.

General Plan Land Use Designation from Open Space to Residential

a. General Plan Land Use Designation. The Martinez General Plan currently designates the site as Open Space and Recreation, Permanent. The project is located within the Hidden Lakes Specific Plan Area. When adopted in the early 1970's, the Hidden Lakes Area Plan consisted of 565 acres of undeveloped pasture lands surrounded by residential subdivision. The intent of the Specific Area Plan was to preserve the string of small lakes at the center of the Plan Area as well as the natural knolls and ridges at its border adjacent to the City of Pleasant Hill. The string of lakes has been preserved and is city owned and can be found within the Hidden Lakes Park. The project site, at the northern portion of the Area Plan has been a private golf course since the 1960's, the facility is not considered park land or preserve, the project site is not a significant knoll or ridge. The use of the property of the golf course for the past 50 years with its manicured greenways, building and parking areas enforces the concept that this property is not open space and the proposal to designate the site residential will not impact the natural knolls and ridges. The proposed designation of residential and development of the property with single family homes is consistent with surrounding uses.

b. Text Amendment. The Hidden Lakes Specific Plan must be amended to delete text pertaining to the golf course to insure consistency within the General Plan. The proposed General Plan Text Amendment is to delete the following language:

Hidden Lakes Specific Area Plan

~~32.32 The existing golf course is an appropriate use within the Plan area:~~

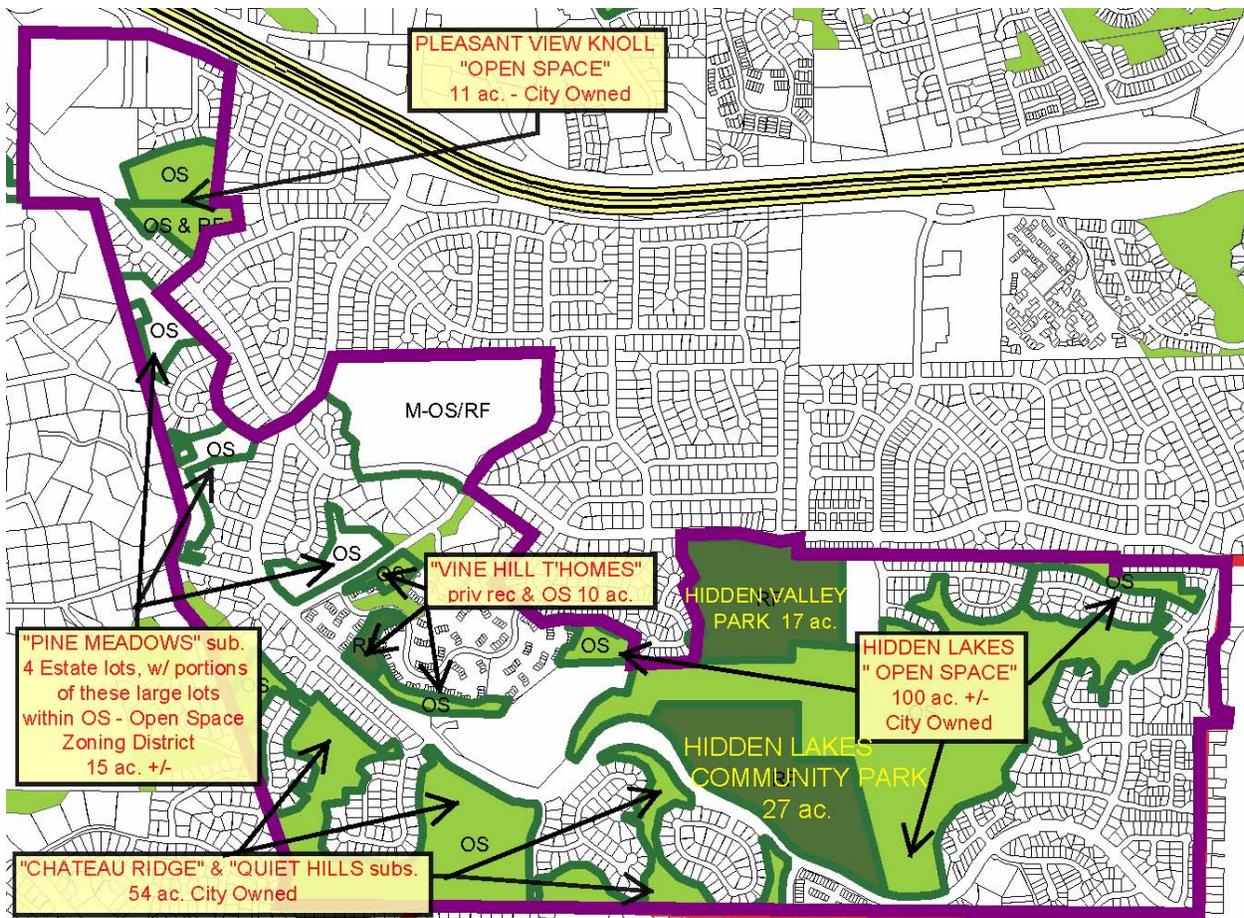
c. Discussion of the Proposed Land Use Change. During review of the draft Initial Study and during two of the Planning Commission hearings, the Commission and public expressed concern regarding the loss of open space. Loss of an area designated open space will result if the golf course is converted to residential uses. The Planning Commission requested staff conduct an analysis of existing open space within the Hidden Lakes Specific Plan Area in order to determine if the existing open space is sufficient and meets the requirements of the Hidden Lakes Specific Area Plan.

The Hidden Lakes Specific Area Plan is comprised of 565 Acres of which 190 acres is designated open space. Residential development in the Plan Area is permitted at 7,500 square feet per unit, resulting in a permitted maximum of 3,277 units. Currently there are approximately 1229 units within the Plan Area; and 190 acres of Open Space. Staff did not include the golf course within this calculation since it has been used as a privately owned golf course for the past 50 years and is not accessible to public unless fees are paid.

The Area Plan essentially provided a trade off of development at a density that was slightly greater than otherwise would have likely been permitted in portions of the Plan Area, in exchange for the preservation of sensitive hills, ridges and in the Hidden Lakes Park. This development concept of exchanging areas to be developed for preservation of the natural knolls and ridges is memorialized throughout the Area Plan. Staff determined that the Area Plan assumed a balance of housing and open space such as provided in Policy 32.411 which states: “Essential open space masses and vital elements of terrain should be protected while still allowing development densities reasonably consistent with the patterns established on adjoining properties”.

Park/Open Space

Staff analyzed the existing land use patterns within the Hidden Lakes Specific Area Plan to provide information regarding the location and size of existing open space. The areas analyzed included passive open space, active City parks and private recreation areas such as the Vine Hill Townhome development. The map below depicts the existing open space areas:



The City maintains approximately 226.52 acres of parks throughout the City. Since the 1980's the City has established a ratio of number of acres of parks per population to be 5 acres of park space per 1,000 residents. Pursuant to the Quimby Act (California Government Code Section 66477 (a)(2)), 5 acres per 1,000 residents is at the highest end of the range for which a City can impose park dedication requirements or in lieu fees. The population estimate for 2013 for the City of Martinez is 37,165 the Martinez residents currently enjoy 4.5 acres of park space per every 1,000 residents.

In addition, Martinez residents have access to over 410 additional acres of publicly accessible Open Space areas, such as the *Hidden Lakes Open Space* properties. These natural areas are maintained by the City, East Bay Regional Park District, and/or Muir Heritage Land Trust and provide local and regional trails that support hiking, biking and horseback riding.

PLANNING COMMISSION ACTION:

On October 28, 2014 the Planning Commission held a public hearing, took testimony and requested that staff provide additional information related to parks and open space, tree removals and provide a brief discussion regarding any negotiations the City of Martinez had with respect to purchase of the property for public use. The meeting was continued to November 12, 2014, and the Planning Commission was provided with additional information regarding open space and tree removals. The Planning Commission took public testimony, closed the public hearing and recommended approval of the Mitigated Negative Declaration, General Plan Amendment, and Rezoning/Planned Development.

However, after further review staff found that the PUD plan had not received preliminary Design review pursuant to Municipal Code Section 22.42.080(B) and the PUD plan was referred back to the Design Review Committee. The Design Review Committee held a public hearing on December 10, 2014, took public testimony and recommended to the approval of the PUD plan. On January 6, 2015 the Planning Commission held a special public hearing to consider the rezoning and Planned Development Plan for the proposed project. The General Plan was previously considered and recommended for approval to the City Council, additional review was not required at this time and therefore no discussion and or vote on the General Plan Amendment took place and it was not part of the action taken at the Planning Commission meeting. The Planning Commission took public testimony and voted to recommend approval of the rezoning of the property and the associated Planned Unit Development.

FINDINGS AND ACTION OF CEQA:

The initial study determined that the project and its associated actions could not result in potentially significant impacts. However, mitigation measures were identified that will reduce all potentially significant impacts to a less than significant level. Based on the findings in the initial study a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program were prepared in compliance with the California Environmental Quality Act (attachments A-C).

FINDING AND ACTION ON THE GENERAL PLAN AMENDMENTS:

Pursuant to Government Code Section 65358 a legislative body may amend all or part of an adopted general plan. Furthermore, no mandatory element of the general plan shall be amended more frequently than four times per calendar year and each amendment may include more than one change. In addition, Government Code Section 65352.5 requires consultation with water supply agencies to insure that proper water supply occurs in order to accommodate projects. The project applicant has undergone review by the water agency and it was determined that the proposed development can be accommodated.

FINDING AND ACTION ON REZONE TO R-7.5/PUD OVERLAY and PLANNED UNIT DEVELOPMENT PLAN/VESTING TENTATIVE MAP

The proposed site plan is generally consistent with the development standards of the R-7.5 District (including maximum density and minimum yards). The flexible standards of the PUD overlay are primarily needed for setbacks, lot sizes. The proposed project has some lot sizes and setbacks smaller than those permitted in the R 7.5 Zoning District, which allows a tighter grouping of lots in the center of the project site as well as a mix of housing types and sizes. In contrast, a project adhering to the conventional R 7.5 standards would have lots measuring 7500 square feet throughout the development with little or no variation. The variation in lot sizes allows for the clustering of smaller lots in the center and relocation of houses closer to the center or street frontage to allow for either greater rear yards and or the proposed common landscape buffer along a portion of the perimeter of the project site. The lot sizes range from 5077 square feet to 13,046 square feet and a combination of one and two story residences to add variety and interest to the streetscape. In addition, the homes (lots 1-23) along "A" Street will be located at a minimum of 10 feet from front property line to provide sufficient buffer to the existing residences to the north by increasing the rear yard to 30 feet and provide a street frontage that is not static by proposing different home sizes and facades along the street.

The Planning Commission's findings for approval for the Planned Ynit Development/Tentative Map are below:

a. **The proposed PUD Plan development is in conformance with the applicable goals and policies of the general plan and any applicable specific plan;**

The project is in conformance to the Housing policies of the Hidden Lakes Specific Plan in particular Section 32.411 in that essential open space masses and vital elements of the terrain are being protected while still allowing development densities reasonably consistent with the patterns established on adjoining properties. Furthermore, Section 32.421 of the Hidden Lakes Specific Plan states that development shall be consistent with the trends in the adjoining lands, as well as with the Martinez General Plan, the housing units should be single family sale units to the extent feasible.

b. **The proposed PUD Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities;**

The proposed plan development is immediately adjacent to existing residential developments and established routes to commercial centers both walking, private transportation. In addition the area is largely developed except for this site, and fully serviced by utilities.

- c. **Streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development;**

The existing streets are improved to carry vehicular traffic from this site. The proposed landscape buffer and meandering pathway on Vine Hill Way and Center Avenue provides a connection between neighborhoods and a trail to walk safely.

- d. **The proposed PUD Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title;**

The site is a 25.9 acre site and is well suited for development of this type. The property has been used as a golf course for 50 years and is vacant of structures except for a clubhouse and storage sheds. All proposed development can be accommodated on the site.

- e. **The proposed PUD Plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications;**

The requested exceptions to front yard will allow the applicant to increase the rear yard setback and provide a buffer for the adjacent property owners to the north. The reduced setback is only necessary for lots 1-23 where the proposed development abuts an existing subdivision and in order to mitigate any visual impacts an additional 10 feet of rear yard setback is required. The density at this site is appropriate since it is an infill site adjacent to existing residential development and existing roadways allowing housing opportunities for single, elderly and first time homeowners to locate in Martinez.

- f. **The location, access, density/building intensity, size and type of uses proposed in the PUD Plan are compatible with the existing and future land uses in the surrounding neighborhood.**

This is an infill site one that lends itself to the proposed type and density of development. It is compatible with existing development in the area because it will provide a housing opportunity site in an area that is largely built out and desirable. The area is easily served by existing roadway network and in close proximity to freeways.

In addition, the Planning Commission found that notwithstanding exceptions to the aforementioned zoning regulations, for which the above Planned Unit Development findings were made, the Planning Commission finds the proposal substantially conforms to the requested R-7.5 Zoning District, the State Subdivision Map Act, and Title 21 (“Subdivisions”) of the Martinez Municipal Code, and hereby recommends that the City Council approve the Vesting Tentative Map for Major Subdivision #9358

FISCAL IMPACT:

No fiscal impact. There general plan amendment application is entirely based on cost recovery from the applicant and does not impact the General Fund. Upon development of the project area there will be a fiscal impact with respect to police, fire, water and roads.

ACTION:

Motion to:

- 1) Adopt a resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- 2) Adopt a resolution amending the General Plan (text amendment) to delete Section 32.32 and amend the land use map 1 designation from Open Space and Recreation, Permanent to Residential 0-6 units per gross acre for the project site; and
- 3) Introduce an Ordinance rezoning the subject property from M-0S/RF to R-7.5/PUD Overlay and approving the Planned Unit Development Plan; and
- 4) Adopt a resolution approving a /Vesting Tentative Map.

Attachments

- A. ***Initial Study and Mitigated Negative Declaration****
 - Appendix B – Air Quality
 - Appendix C – Biological Resources Evaluation
 - Appendix D – Prelim Arborist Evaluation/Tree Survey Base w/photo
 - Appendix E – Cultural Report
 - Appendix F – Preliminary Geotechnical Evaluation
 - Appendix G – Supplemental Grading Recommendation
 - Appendix H – Phase 1 ESA
 - Appendix I – Phase II Soils Investigation
 - Appendix J – Noise Report
 - Appendix K – Traffic Report/Vine Hill TIA Technical Appendix
- B. Final Response to Comments on MND
- C. Mitigation Monitoring and Reporting Program
- D. Planning Commission Staff Report, dated October 28, 2014
- E. Planning Commission Staff Report, dated November 12, 2014
- F. Design Review Committee Memo, dated December 10, 2014
- G. Planning Commission Staff Report, dated January 6, 2015
- H. Landscape and Tentative Map plans (consist of 8 pages)

**** Attachment A was provided at the December 3, 2104 meeting and will not be provided as part of this packet.***

Exhibits

(Draft resolutions and ordinance to be provided under separate cover, prior to January 21 meeting.)

APPROVED BY:


Interim City Manager