



**CITY OF MARTINEZ**

**PLANNING COMMISSION AGENDA**  
**July 22, 2008**

**TO:** Planning Commission

**FROM:** Karen L. Majors, Assistant City Manager Community and Economic Development

**SUBJECT:** Public Hearing to consider recommending an Amendment to the 2006 Ordinance Rezoning the Villa Del Sol site, eliminating the requirement for Buena Vista LLC to contribute \$5,000.00 per unit into the City's anticipated Affordable Housing Trust Fund to the City Council

**DATE:** July 16, 2008

**RECOMMENDATION:** Hold Public Hearing and consider recommending the proposed amendment to the 2006 Ordinance rezoning the Villa De Sol site to accommodate 8 units, eliminating the requirement for Buena Vista LLC to contribute \$5,000.00 per unit to the City's anticipated Affordable Housing Trust Fund to the City Council.

**BACKGROUND:** As the Planning Commission will recall, the development entitlements for the Villa Del Sol project were completed in September, 2006. It was the first residential project approved and constructed after the adoption of the Downtown Specific Plan. At the time the Villa De Sol Project was going thru the entitlement process, the City of Martinez had recently completed the Housing Element of the General Plan and the mayor appointed a task force to draft an inclusionary housing ordinance for review and consideration by the Planning Commission and City Council. The City's new Housing Element included the development of an inclusionary housing ordinance as one of its implementation programs. Although the City of Martinez did not have an inclusionary housing ordinance when the Villa Del Sol project was approved, because of the recently adopted Housing Element, city officials had a heightened awareness of the need for affordable housing in the community.

The Black Mountain Project (located at the corner of Arnold Drive and Pacheco Blvd.) went thru the entitlement process at about the same time as Villa Del Sol. As a result of an appeal, the City Council required this 46 unit townhouse project to include 4 affordable units as part of their development approval. This project has not been built yet. In a gesture of fairness, the City Council requested Buena Vista LLC, the developer of Villa Del Sol, to contribute to the City's yet to be created affordable Housing Trust Fund since it would be difficult to include an affordable unit in an 8 unit downtown infill project. Buena Vista LLC agreed to contribute \$5,000 per unit. The funds were to be transmitted to the City when each unit received its certificate of occupancy.

When the project developer, Buena Vista. LLC (Isidro and Anamarie Avila Farias), obtained project financing and when the 8 townhouse units were first completed in December, 2007, the

two bedroom units were marketed at \$500,000 and the three bedroom units at \$589,000. The downturn in the real estate market did not support these values. Over the last several months Buena Vista LLC has restructured their financing enabling them to reduce the purchase prices and to continue to market the units for ownership. The prices of the units have been reduced to \$349,000 for the 2 bedroom units and \$427,000 for the 3 bedroom units. In addition, Buena Vista is now offering 100% financing which includes participation in a 97% first time buyer financing program thru FHA for qualified buyers. This program requires the developer to put up the remaining 3%. Buena Vista LLC is requesting that the City eliminate the \$5000 per unit contribution so that they can provide the funding needed to participate in the FHA program.

In order to determine if this was a reasonable request staff contacted Kara Douglas, Contra Costa County Housing Specialist. She provided us with updated information regarding moderate income levels and corresponding housing prices. The two bedroom Villa Del Sol units priced at \$349,000 are considered affordable by a moderate income family of 3. At 110% of the average median income, a 3 person family with an annual income of \$85,250 can afford a home priced at \$349,000 or below. Based upon this information, half of the Villa Del Sol units (the four two bedroom units) can now be considered moderate income units. The price reduction in addition to the down payment assistance program being offered is evidence that the developer is providing moderate income housing on site, eliminating the need for the developer to pay into the City's Affordable Housing Trust Fund. The developer will utilize these funds to support the price reduction and down payment assistance program to actually create affordable housing.

If this proposed amendment is recommended to the City Council and the requirement to contribute \$40,000 into the Affordable Housing Trust Fund is eliminated, the Villa Del Sol project will provide 4 moderate income home ownership opportunities that meet several goals of the City's Housing Element Goals including #1 Achieve an adequate supply of decent housing for all segments of the community..., #3 Expand and conserve housing opportunities for low and moderate income families and individuals, and #5 Pursue efforts to meet the City's regional housing needs.

Since the City Council imposed this condition on the Villa Del Sol project, staff initially took this request to them. The City Council discussed this request and indicated their support and directed staff to begin the process to amend the Ordinance that included the \$5,000 per unit contribution. All zoning ordinances and amendments thereto must begin with the Planning Commission.

**ACTION:** Hold Public Hearing and consider recommending the proposed amendment to the 2006 Ordinance rezoning the Villa De Sol site to accommodate 8 units, eliminating the requirement for Buena Vista LLC to contribute \$5,000.00 per unit to the City's anticipated Affordable Housing Trust Fund to the City Council.

**FISCAL IMPACT:** None. In lieu of contributing funds to the newly created Affordable Housing Trust Fund, Buena Vista LLC will provide 4 moderate income ownership units on site.

**ATTACHMENTS:**

- 1) Letter from Buena Vista LLC
- 2) Original Ordinance and Site Plan

# Buena Vista, LLC

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June 24, 2008

Karen Majors, Community Development Director  
**City of Martinez**  
525 Henrietta Street  
Martinez, CA 94553

RE: Villa Del Sol – Request to Modify Conditions of Approval

Ms. Majors,

We would like to request a modification to our Subdivision Improvement Agreement for the Villa Del Sol Project. We would like rescind our voluntary contribution to the Affordable Housing Trust fund in the amount of \$40,000 (\$5,000 per Unit). We are requesting this modification due to the current real estate market forces; which consequently has forced us to realign and readjust project pricing and budget.

We had various goals and visions with Villa Del Sol some that have and have not materialized for us. However, below are some of our accomplishments and contributions to the City of Martinez to date:

- Designing Eco-Friendly Housing: 1<sup>st</sup> Green Residential building in Martinez & Contra Costa County. Our development is 1 of 11 LEED for Homes certified projects in California
- Maximized land resources by developing an infill site that had environmental issues
- 1<sup>st</sup> project to utilize adopted Downtown Specific Plan
- 1<sup>st</sup> Multi-Family Townhome Development promoting Homeownership in Downtown
- Promoting Livable Communities (housing near transportation)
- Over 2 Million Dollars invested in Downtown area.
- Over \$100,000 Infrastructure Improvements to Downtown area

Although we are excited about our contributions to date we are concerned with the fact that our goal to establish homeownership has yet to materialize in a timely manner. In this declining housing market this goal has been difficult to achieve; however, we are very

committed to establishing this development as an owner-occupied project. In order for us to fulfill our goal we need to continue our sales and marketing of Villa Del Sol and continue to fund our interest reserve fund with our lender. These items combined will allow us to stay in the market longer and to obtain our needed sales.

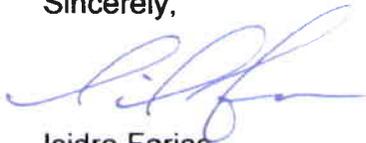
We are requesting this revision modification to our Subdivision Improvement Agreement due to the following reasons:

- Current Housing Market Prices: The prices of the Villa Del Sol units are now inline with affordable housing prices. As a result of foreclosure pricing and having to still be competitive in this market we have had to drastically reduce prices. The Prices of these units are in the range of \$349,000 to \$427,000.
- 100% financing: We have also established a 100% financing option to qualifying potential buyers. The down payment assistance program requires additional funding resources from us.
- Affordable Housing Fund & Inclusionary Housing: The Affordable Housing fund has not been created and the Inclusionary Housing Ordinance is on hold and has not been approved. Payment of this fee was to be the first of future payments made by other projects in the future. The City of Martinez has been delayed in setting the framework for this to occur.
- Home Sales Timeframe: It has taken us over 6 months to secure the sale of one unit. Unfortunately, being in the market this long has reduced our construction loan interest reserve which was put in place for purposes of paying on the loan during and after construction. Since we are unsure of how much longer it will take for us to secure more sales, we would like to use the funds that were originally targeted for the Affordable Housing Fund to use towards the Interest Reserve. Consequently, this will allow us to stay on the market a little longer to continue selling additional units.
- City of Martinez Infrastructure Improvements: As part of this project our company spent upwards of \$100,000 of infrastructure improvements that were not originally budgeted when the project was approved by the City of Martinez. The scope of these improvements included:
  - Storm drain line extension from the property frontage to the intersection of Berrellesa Street & Buckley Street
  - Installation of drainage facilities along this new drain line
  - Related street & curb improvements
  - Engineering & surveying costs for this line extension

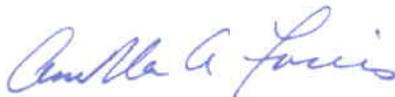
It was always our intention to comply with this condition; however, in this very difficult market it is impossible for us to continue selling these units without all parties involved making some concessions. In our case, we have drastically reduced prices and the Bank has agreed to a third loan extension with some workable conditions, etc. As you are aware, in this buyer's market, the low prices is what is selling homes. Therefore, there is no way for us to recover additional fees or costs as we had all originally anticipated.

Please feel free to contact us if you have any questions or if you need any additional information.

Sincerely,



Isidro Farias  
Member



Anamarie A. Farias  
Member

11/1/07

ORDINANCE NO. 1331 C.S.

AMENDING THE CITY OF MARTINEZ ZONING MAP BY REZONING A 10,000 SQUARE FOOT PARCEL LOCATED AT 500 BERRELLESA STREET FROM ITS CURRENT R-2.5/D DESIGNATION TO THE R-1.5/D MULTIFAMILY RESIDENTIAL DESIGNATION (APN 373-233-002)

WHEREAS, the City of Martinez received a request for a Planned Unit Development for the construction of an eight unit attached single family development; and

WHEREAS, to accommodate the project a change in zoning is required to increase density; and

WHEREAS, Section 22.02.020 of the Martinez Municipal Code identifies that the zoning code consists of a zoning map, and a process for amending the zoning map is identified in Chapter 22.46 (Amendments); and

WHEREAS, the Planning Commission of the City of Martinez, after a duly noticed public hearing on May 23, 2006, approved the land use entitlements for the project, and also recommended that the City Council introduce an ordinance to rezone the parcel to accommodate the project; and

WHEREAS, the Planning Commission on May 23, 2006 also approved a Negative Declaration for the project, and no new information has been submitted to require additional review; and

WHEREAS, on July 24th, 2006, the City Council of the City of Martinez held a duly noticed public hearing on the proposed ordinance and approved the land use changes, directing staff to prepare the ordinance herein; and

WHEREAS, pursuant to Section 22.46.090B the Council finds that the change to the zoning map is required to achieve the objectives prescribed in Section 22.02.010, which are to protect and to promote the general health, safety, peace, comfort, convenience, prosperity and general welfare of the public; and

WHEREAS, this ordinance is consistent with the Residential Group 4 General Plan designation; and

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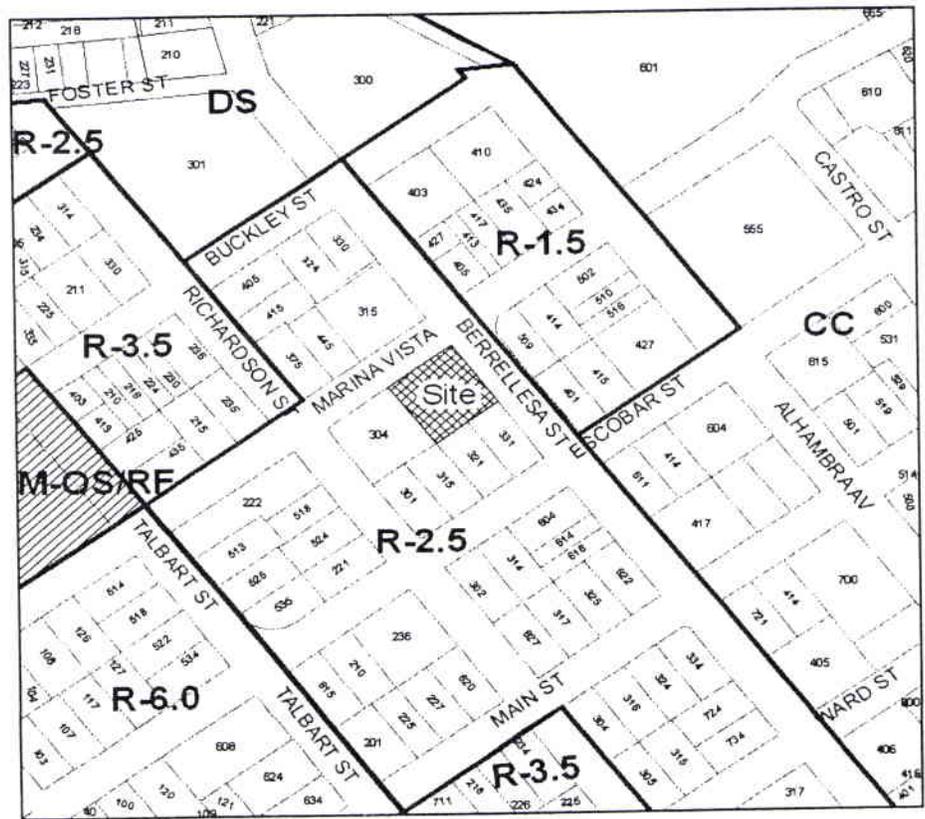
WHEREAS, as a condition of approval for the rezoning, the project applicant modified the project to include payment of \$40,000 (\$5,000 per unit) to the City's affordable housing trust fund, to implement the policies of the City of Martinez Housing Element to promote the creation and retention of affordable housing.

NOW, THEREFORE, the City Council of the City of Martinez does ordain as follows:

SECTION I. All the findings contained above are part and parcel of this ordinance and are incorporated herein by this reference.

SECTION II. The City of Martinez Zoning Map as defined in section 22.02.020 is hereby amended as follows:

**Site Map  
Rezoning (REZ#06-02)  
500 Berrellesa Street  
From R-2.5/D to R-1.5/D**



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**SECTION III. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and adopted each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, clauses or phrases be declared invalid or unconstitutional on there face or as applied.

**SECTION IV. Effective date.** This ordinance shall become effective no sooner than 30 days from its adoption, and upon execution of an affordable housing agreement signed by the project applicant stipulating the time and manner for deposit of the \$5,000 per unit proposed as part of the revised project to the City's affordable housing fund.

**SECTION V. Posting.** The City Clerk shall cause this ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED: \_\_\_\_\_  
Rob Schroder, Mayor

ATTEST: \_\_\_\_\_  
Mercy G. Cabral,  
Deputy City Clerk

\* \* \* \* \*

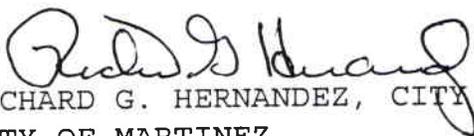
I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at an Adjourned Regular Meeting of the City Council of the City of Martinez, held on the 20th day of September, 2006, and duly passed and adopted at a Regular Meeting of said City Council held on the 4th day of October, 2006, by the following vote:

AYES: Councilmembers Kennedy, Ross, Wainwright, Vice Mayor DeLaney and Mayor Schroder

NOES: None

ABSTAIN: None

ABSENT: None

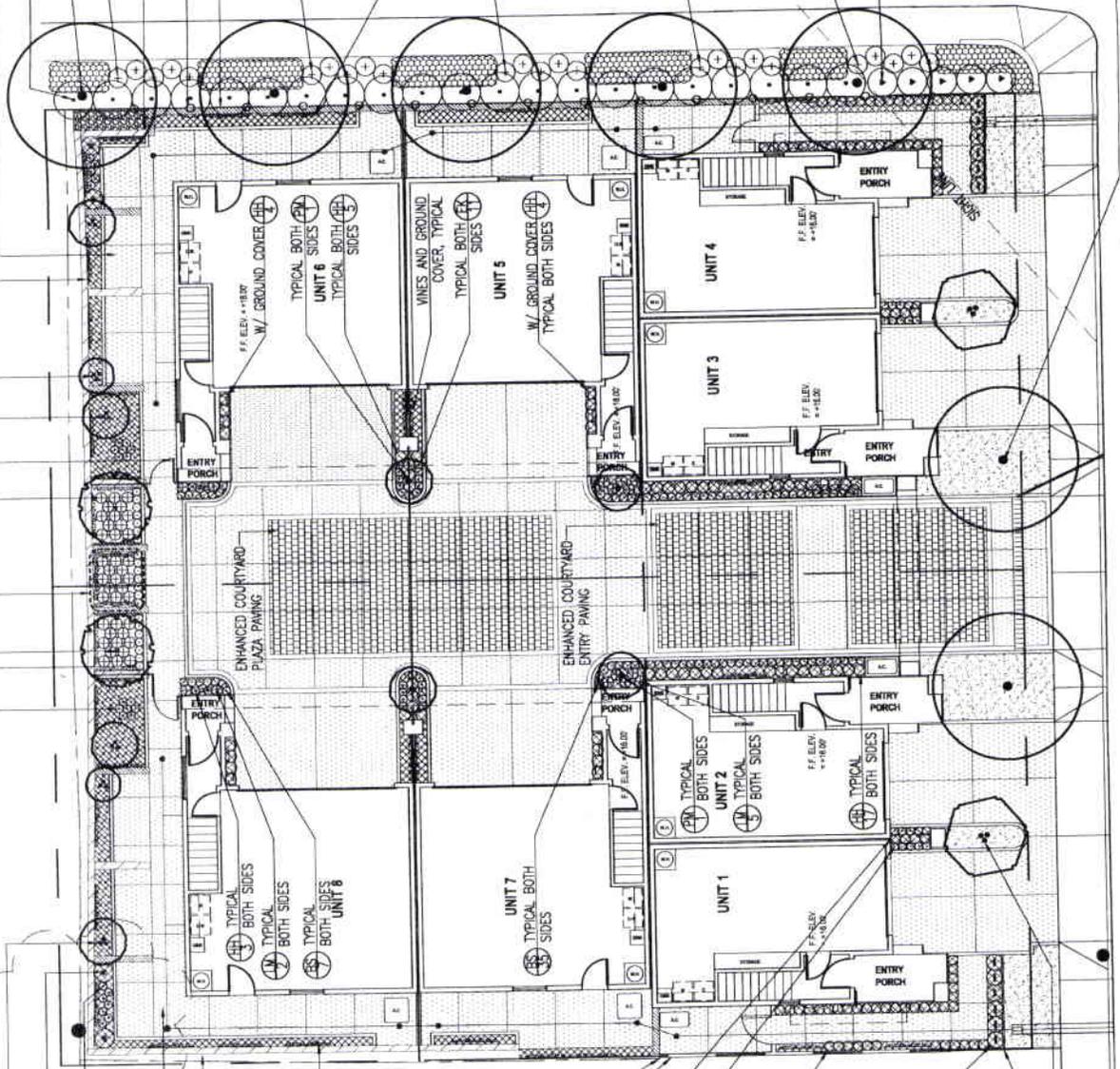
  
RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ



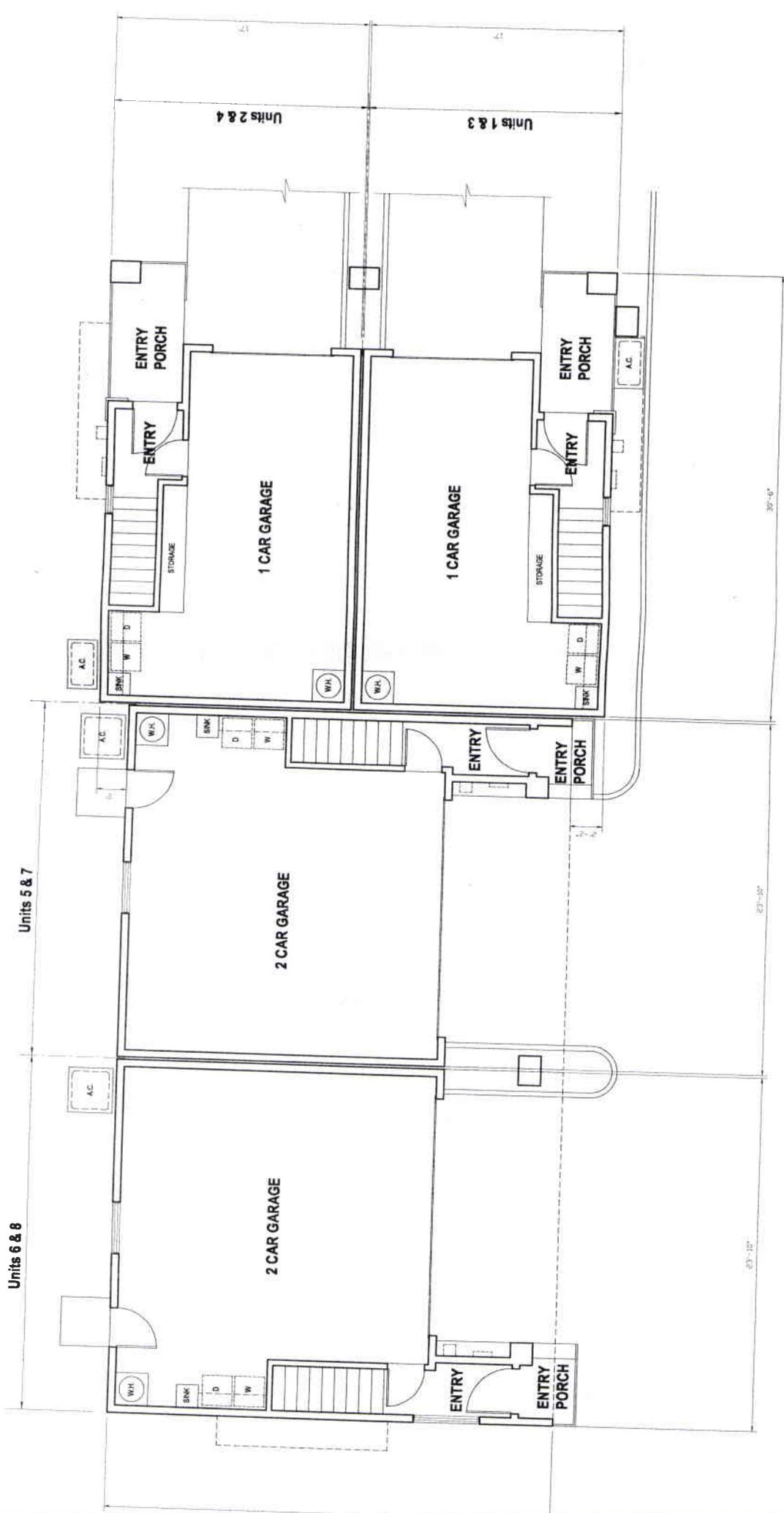
MARINA VISTA

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- FOCAL POINT - CLIMBING ROSE GROTTTO
- TYPICAL BOTH SIDES
- TYPICAL BOTH SIDES
- TYPICAL BOTH SIDES
- TYPICAL BOTH SIDES
- PATIO AREA CONCRETE PAVING
- CONCRETE WALL, EXISTING
- VINES AND GROUND COVER BETWEEN WALL AND CONCRETE PAVING, TYPICAL
- EXISTING CHAIN LINK FENCE
- 8' WOOD PRIVACY FENCE
- TYPICAL ALL UNITS
- TYPICAL FRONT UNITS
- TYPICAL BOTH SIDES
- TYPICAL BOTH SIDES
- HEADER BOARD, TYPICAL BOTH SIDES



BERRELESA STREET



**UNIT FLOOR AREAS:**  
 Units 1 through 4:  
 Garage Area = 307 SF  
 Entry Porch Area = 49 SF  
 1st Floor Area = 49 SF

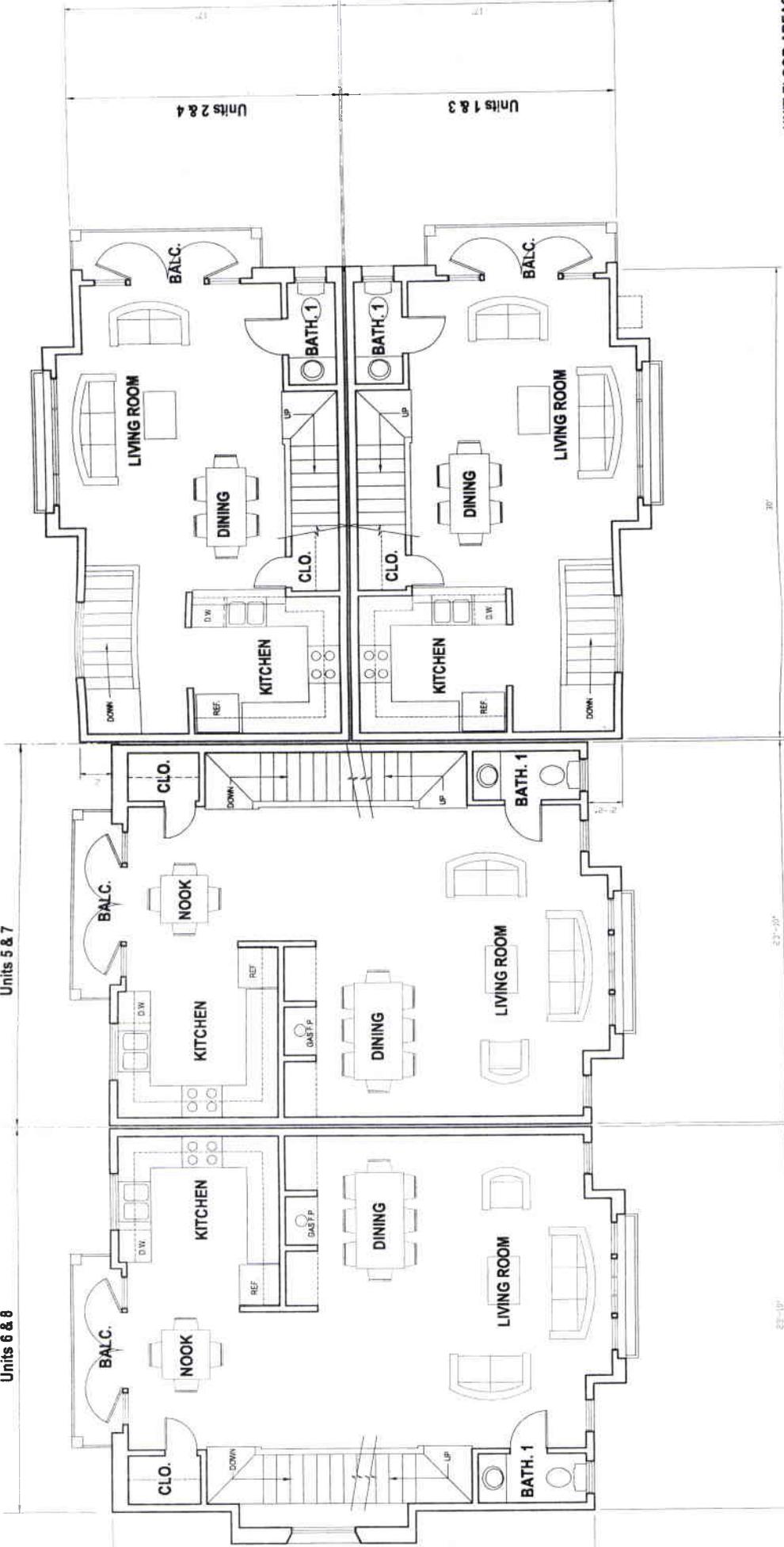
3/4

Units 6 & 8

Units 5 & 7

Units 2 & 4

Units 1 & 3



30'

23'-10"

23'-10"

30'

UNIT FLOOR AREAS:

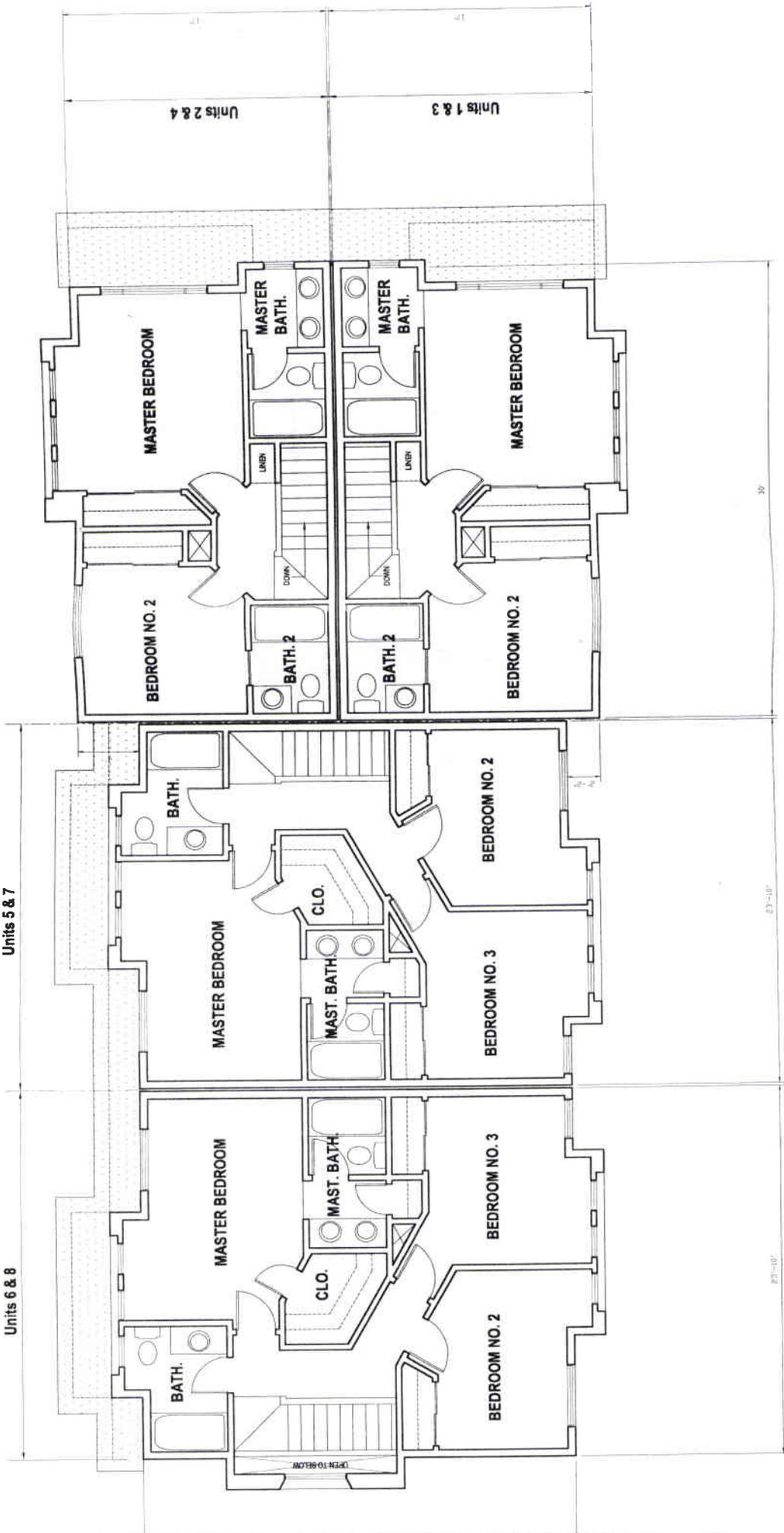
Units 1 through 4:  
 Balcony Area = 37 SF  
 2nd Floor Area = 483 SF

Units 5 & 7:  
 Balcony Area = 37 SF  
 2nd Floor Area = 673 SF

Units 6 & 8:  
 Balcony Area = 37 SF  
 2nd Floor Area = 689 SF

*W.A.*

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**UNIT FLOOR AREAS:**

- Units 1 through 4:  
3rd Floor Area = 472 SF
- Units 5 & 7:  
3rd Floor Area = 654 SF
- Units 6 & 8:  
3rd Floor Area = 669 SF

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**FARIAS & MARRUGO ARCHITECTS**  
ARCHITECTURE & CONSTRUCTION MANAGEMENT

235 Main Street, Suite 206  
Martinez, CA 94553  
Tel: 925.278.8856  
Fax: 925.278.8824

EMAIL: FARIAS&MARRUGO@GMAIL.COM

Architect: Farias & Marrugo Architects  
235 Main Street, Suite 206  
Martinez, CA 94553  
Tel: 925.278.8856  
Fax: 925.278.8824  
Contract: John Farias, Principal

Landscaper/Architect:  
Farias & Marrugo Architects  
235 Main Street, Suite 206  
Martinez, CA 94553  
Tel: 925.278.8856  
Fax: 925.278.8824  
Contract: Farias & Marrugo Architects

Civil Engineer:  
Curtis Engineering, Inc.  
10000 Sycamore Drive, Suite A  
Rockville, CA 94588  
Tel: 925.741.8300  
Fax: 925.741.8301  
Contract: Vince H. Curtis

Surveyor:  
Herndon Surveying  
10000 Sycamore Drive, Suite A  
Rockville, CA 94588  
Tel: 925.258.8010  
Fax: 925.258.8011  
Contract: Michael N. Herndon

Geotechnical Engineer:  
Fugro West, Inc.  
10000 Sycamore Drive, Suite 200  
Rockville, CA 94588  
Tel: 925.258.0461  
Fax: 925.258.0462  
Contract: Cory L. Dore



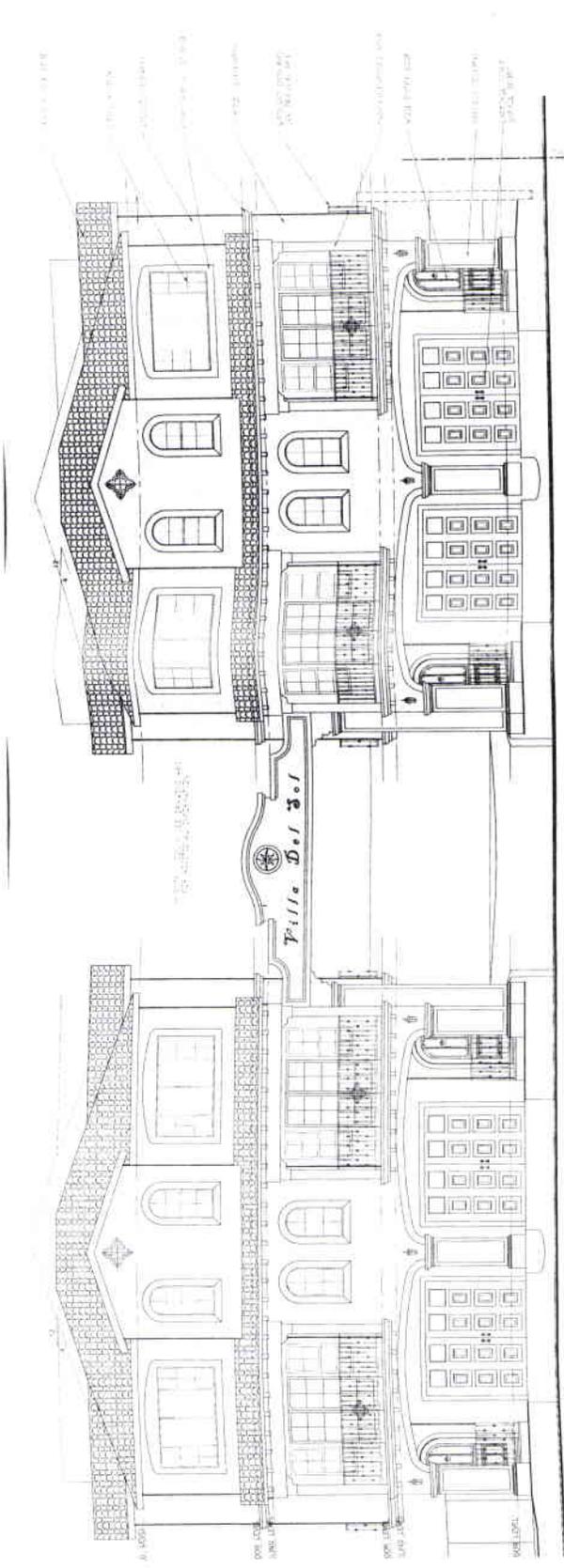
REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/10	Initial Design
2	02/10/10	Revised Design
3	03/05/10	Final Design

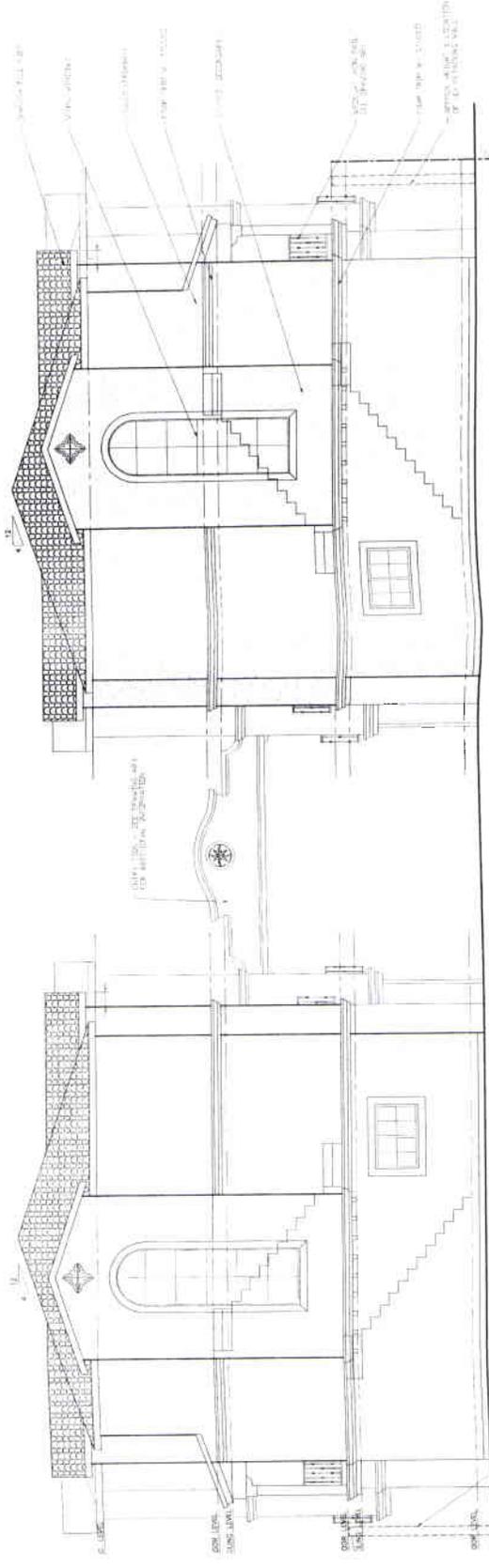
**VILLA DEL SOL**  
500 Berrellesa Street  
Martinez, CA 94553

**PRELIMINARY EXTERIOR ELEVATIONS**  
Scale: 1/4" = 1'-0"

**A2.1**



**EAST ELEVATION (ELEVATION FROM BERRELLESA ST.)**



**WEST SIDE ELEVATION**

**EXTERIOR FINISH MATERIALS**

ITEM	DESCRIPTION	QUANTITY	UNIT
1	BRICK - COMMON	1000	SQ. YD.
2	CONCRETE - 4" THICK	100	SQ. YD.
3	CEMENT PLASTER - 1/2" THICK	100	SQ. YD.
4	PAINT - EXTERIOR	100	SQ. YD.
5	ROOFING - ASPHALT/FLY	100	SQ. YD.
6	GLASS - 1/2" THICK	100	SQ. YD.
7	WOOD - 2" x 4" STUDS	100	LF.
8	WOOD - 2" x 6" JOISTS	100	LF.
9	WOOD - 2" x 8" RAFTERS	100	LF.
10	WOOD - 2" x 10" TRUSSES	100	LF.
11	WOOD - 2" x 12" BEAMS	100	LF.
12	WOOD - 2" x 14" PILLARS	100	LF.
13	WOOD - 2" x 16" PLATES	100	LF.
14	WOOD - 2" x 18" BRACKETS	100	LF.
15	WOOD - 2" x 20" BRACKETS	100	LF.
16	WOOD - 2" x 22" BRACKETS	100	LF.
17	WOOD - 2" x 24" BRACKETS	100	LF.
18	WOOD - 2" x 26" BRACKETS	100	LF.
19	WOOD - 2" x 28" BRACKETS	100	LF.
20	WOOD - 2" x 30" BRACKETS	100	LF.

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**FARIAS & MARRUGO**  
**ARCHITECTS**  
 ARCHITECTURE & CONSTRUCTION MANAGEMENT

535 MAIN STREET, SUITE 200  
 MARTINEZ, CA 94553  
 TEL: 925.228.8828  
 FAX: 925.228.8829  
 EMAIL: FARIAS@FARIASARCHITECTS.COM

**Project Title:**  
**Architectural Firm:**  
 Farias & Marrugo Architects  
 535 Main Street, Suite 200  
 Martinez, CA 94553  
 Tel: 925.228.8828  
 Fax: 925.228.8829  
 Contact: Jeff Farias, Principal

**Landscape Architect:**  
 Frank Koller, Landscape Architect  
 8114 Koller, Suite 100  
 Martinez, CA 94553-1204  
 Tel: 925.228.4728  
 Fax: 925.228.4728  
 Contact: Frank Koller, ACLA

**Civil Engineer:**  
 Corona Engineering, Inc.  
 10000 S. Main Street, Suite A  
 Hayward, CA 94542  
 Tel: 510.241.6200  
 Fax: 510.241.6200  
 Contact: Steve H. Cunha

**Structural Engineer:**  
 Northside Surveying  
 10000 S. Main Street, Suite 200  
 Martinez, CA 94553  
 Tel: 925.228.8010  
 Fax: 925.228.8010  
 Contact: Michael H. Northside

**Geotechnical Engineer:**  
 Egan West, Inc.  
 10000 S. Main Street, Suite 200  
 Oakland, CA 94627  
 Tel: 510.268.5461  
 Fax: 510.268.5461  
 Contact: Corey T. Davis

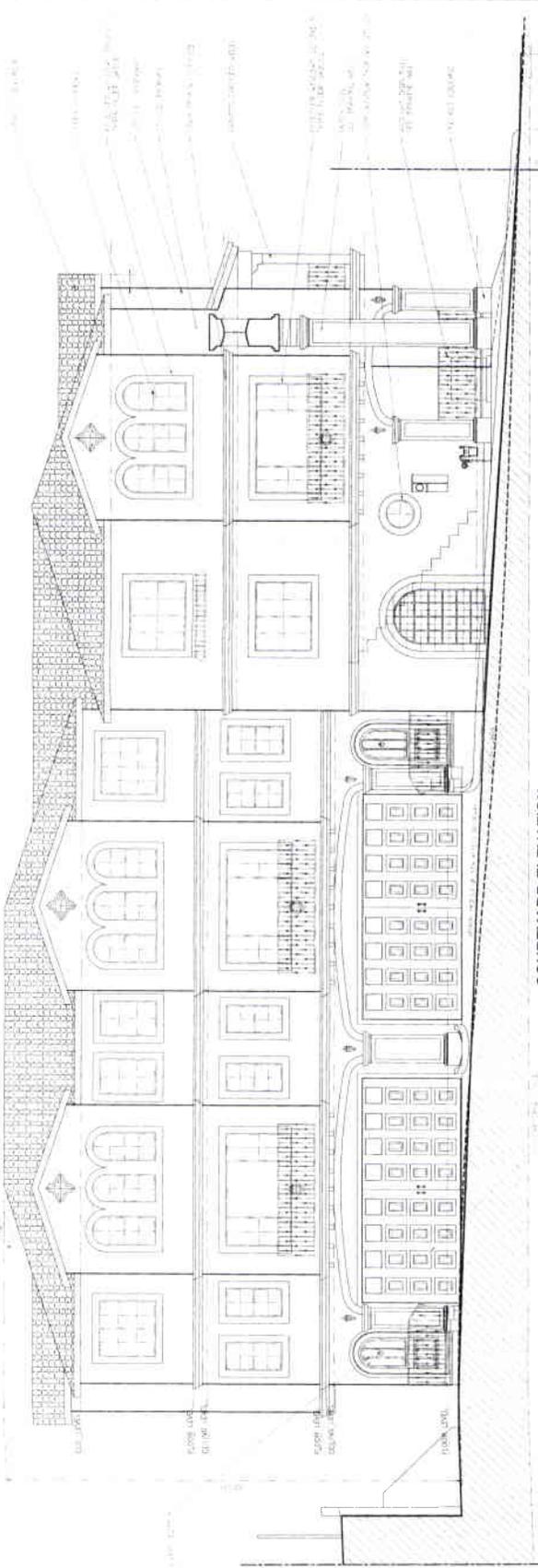


NO.	DESCRIPTION	DATE
1	PRELIMINARY EXTERIOR ELEVATIONS	11/15/2017
2	REVISIONS	11/15/2017
3	REVISIONS	11/15/2017
4	REVISIONS	11/15/2017
5	REVISIONS	11/15/2017

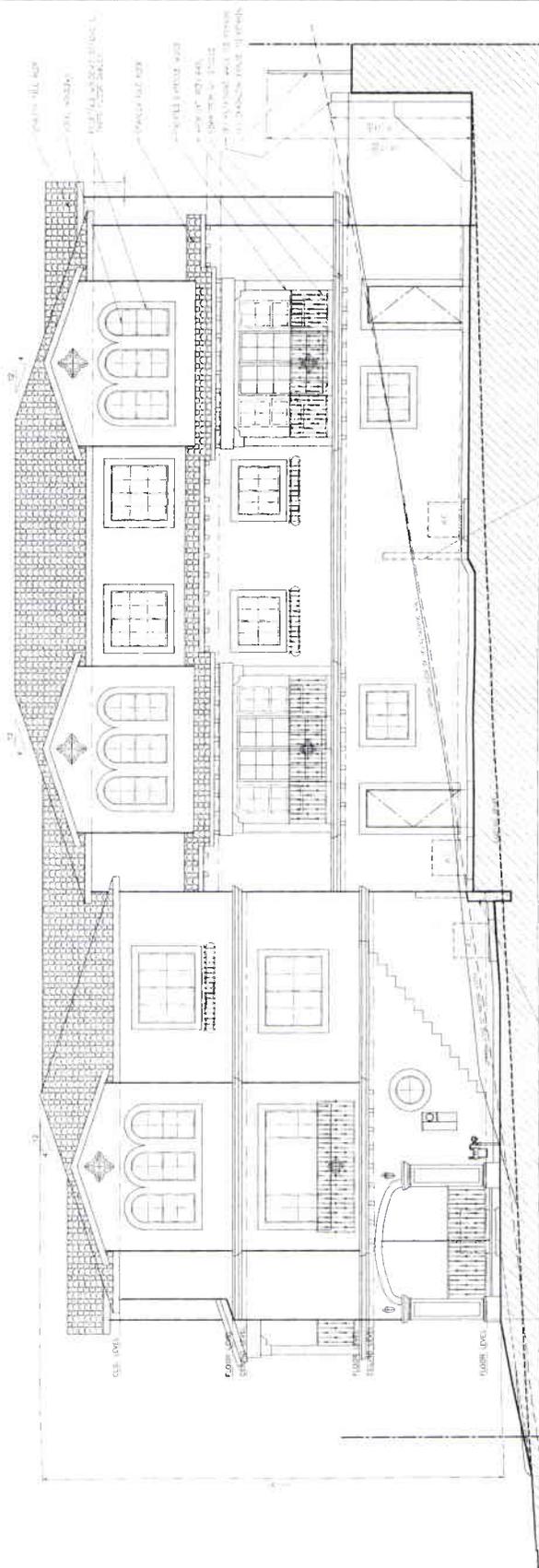
**VILLA DEL SOL**  
 500 Berrellesa Street  
 Martinez, CA 94553

**PRELIMINARY EXTERIOR ELEVATIONS**

Project No.	2017-001
Sheet Number	A2.2
Scale	AS SHOWN
Date	11/15/2017



COURTYARD ELEVATION



ELEVATION FROM MARINA VISTA

SR