



CITY OF MARTINEZ

PLANNING COMMISSION AGENDA
January 27, 2009

TO: Planning Commission

FROM: Karen L. Majors, Assistant City Manager Community and Economic Development
Corey Simon, Senior Planner

SUBJECT: Pre-Application Workshop on the Rehabilitation and Expansion of 630 Court Street

DATE: January 22, 2009

RECOMMENDATION: The purpose of this pre-application workshop is to provide the developer, Goldenberg and Associates, with preliminary comments on their proposal prior to submitting a formal application to the City of Martinez.

BACKGROUND: The Sharkey Building, commonly referred to as 630 Court Street, was purchased by the City of Martinez from Contra Costa County several years ago for the sole purpose to find a private developer to rehabilitate and retrofit the building and to provide new tenants that will serve as a catalyst for downtown revitalization efforts. The property had not been in active use for many years and is in need of rehabilitation and seismic retrofit. The City of Martinez issued Requests for Proposals (RFPs) on several occasions soliciting proposals to return this property to active use. In February, 2007, the City sent out the third RFP. This third RFP reflected the fact that in February 2007, the State Historical Resources Commission added 630 Court Street to the California Register of Historic Resources. Proposals were due and opened on April, 2007. The 630 Court Street City Council Sub-Committee reviewed the proposals and interviewed each of the four development teams that submitted proposals. The Council Sub-Committee recommended selection of Goldenberg and Associates. Their proposal includes the rehabilitation, retrofit and expansion of 630 Court Street including the lowering and enlarging the existing basement, a street side café, and an additional story. The enlarged basement, possible street side cafe and first floor are proposed to be used a restaurant. The second floor and an additional story are proposed to be leased as office space

The City Council approved an Exclusive Negotiating Rights Agreement (ENRA) with Goldenberg and Associates in June, 2007. The ENRA was extended twice to provide the developer additional time to undertake and analyze structural and hazardous materials investigations and city staff the time needed to complete the City's lengthy property disposition process. The soil analysis provided information that enabled the development team to determine that the expansion of the basement and the addition of a third story was technically and financially feasible. However their hazardous materials investigation identified some groundwater and soil contamination that can be addressed as part of the basement expansion but will increase some construction costs. The purchase and sale agreement includes a provision that

adjusts the price, or a portion thereof, for the remediation costs. The City Council and staff have completed all the required steps to sell 630 Court Street. A purchase and sale agreement was approved by the City Council July, 2008.

Since the approval of the Purchase and Sale agreement, the Goldenberg development team has undertaken additional soils and hazardous materials testing and now has a full understanding of the structural/retrofit modification and enhancements that are needed and the hazardous material remediation costs. They retained the consultant services of a preservation architect (Alan Dreyfuss of Wiss, Janney Elstner Associates), who along with development partner and architect Allen Sayles prepared the preliminary plans for the Planning Commission workshop discussion. The plans have also been reviewed by the State Office of Historic Preservation, and Alan Dreyfuss will be present at the workshop to review their proposal and his discussions with the State Office of Historic Preservation.

DISCUSSION: Below are items for discussion and consideration:

- 630 Court Street as a Historic Resource: The State Historical Resources Commission listed 630 Court Street as a Historic Resource in February 2007, finding that the 1926 commercial building is “associated with the lives of persons important to our past” (State Senator William R. Sharkey, publisher of the Martinez Daily Standard). The building contained his office while serving as a Senator from 1926-1948. CEQA Guidelines state that any proposed re-use, or addition to, can not “cause a substantial adverse change in those physical characteristics that account for its eligibility for inclusion as a Historic Resource. Alan Dreyfuss of Wiss, Janney Elstner Associates will be at the workshop to discuss how the proposal will not materially alter those physical characteristics that has made 630 Court Street a Resource “associated with the lives of persons important to our past” Generally modifications and additions that are in substantial compliance to the Secretary of the Interior’s Standards for Rehabilitation (which are attached as part of the Downtown Martinez Specific Plan – Historic Overlay District regulations, and are applicable to this site), are considered to be “less than a significant impact on the historic resource” (again, as per CEQA Guidelines). It is staff’s understanding that Alan Dreyfuss has reviewed the proposal with the State Office of Historic Preservation staff, which has found the proposal consistent with the CEQA requirement that the proposed changes have “a less than significant impact.”
- Improvements within Court-Street right-of-way: In order to make the ground floor viable for the intended restaurant use, the Court Street frontage would be reconfigured to use the existing sidewalk area for outdoor dining, narrowing the street’s travel way and relocating the sidewalk and parking area. “Island” areas are proposed for planning area, and a trash enclosure which, as with the “off-site” outdoor seating, will help facilitate the use of the limited ground floor area as a restaurant.
- Development Standards and Parking: As currently designed, the proposal conforms to the Downtown Specific Plan’s 3 story/40’ height limit. As a commercial structure within the “downtown core,” yard setbacks are not required. The site is also within the Downtown Parking District, and as such, no on site parking is required.

ATTACHMENTS:

- Martinez Downtown Specific Plan, Historic Overlay (excerpts, pg 6-4 & 6-5)
- Comments of Commissioner Donna Allen (unable to attend meeting)
- Correspondence from Kirsten Henderson

EXHIBITS

Developer's preliminary plans, and photos of historic and current conditions

F:\Community Development\All Projects\Non-Residential-Commercial\Court St. 630 - Goldenberg\630 Court St - PC Workshop\RPT-2009 01 27.doc



6.3 DESIGN STANDARDS AND GUIDELINES

The City of Martinez treasures its heritage of historic structures. The historic architecture of the Downtown is one of the City's most important resources. Establishing and enforcing guidelines for the treatment of historic buildings and structures in historic districts will help maintain this resource. The presence of these guidelines serves a dual purpose: to protect the heritage of the City of Martinez and to protect the interests of property owners and residents.

While the design standards for Listed Buildings and guidelines in this chapter are a part of the Downtown Martinez Specific Plan, they are designed to be a useful tool to any property owners seeking advice about the appropriate treatment of their historic property. This Chapter primarily addresses commercial, mixed-use, and civic structures. Historic residential structures are discussed in Chapter 8, Downtown Neighborhood. The publications listed at the end of this Chapter and in Chapter 8 contain a wealth of information on the treatment of historic building materials not covered in these guidelines.



6.3.1 Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. These standards are mandatory for Listed Buildings. These Standards are the basic principles from which the advisory Design Guidelines in this Chapter were developed.

The Standards are:

- a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

6.3.2 State Historical Building Code

The owner of a Listed Building, or other qualified structure, may voluntarily choose to utilize the provision of the State Historical Building Code.

The purpose of the State Historical Building Code (SHBC) is to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by a governmental jurisdiction. Such standards and regulations are intended to facilitate the restoration or change of occupancy to preserve their original or restored elements and features, to encourage energy conservation and a cost effective approach to preservation, to provide for reasonable safety from fire, seismic forces or other hazards, and to provide reasonable availability and usability by the physically disabled.

The State Historical Building Code is set forth in Sections 18950 to 18961 of the California Health and Safety Code (H&SC). The 2001 California Historical Building Code is the most recent published regulation of the State Historical Building Code. The California Historical Building Code is Part 8 of Title 24 of California's Code of Regulations. The California Historical Building Code is also published as Chapter 34, Division II of the California Building Code.

Some of the issues the SHBC addresses, all of which facilitate sensitive and cost-effective rehabilitation, include the following:

- a) Accessibility - Both the Americans with Disabilities Act of 1992 (ADA) and the SHBC make provisions for reasonable levels of equivalency for, and - under special circumstances - exemption from, accessibility mandates.
- b) Seismic/Structural - SHBC governs these issues, permitting design based on real values of archaic materials, and solutions based on engineering principles and judgment rather than on prescriptive formulas.

Corey Simon

From: donna allen [donnaallen@pacbell.net]
Sent: Sunday, January 18, 2009 9:16 PM
To: Corey Simon; Karen Majors
Cc: Frank Kluber; Fred Korbmacher; Mark Hughes; Lynette Busby; Mike Marchiano; Harriett Burt; Anamarie Avila Farias
Subject: 630 Court Street
Attachments: 630 Court Street.docx

I have attached my preliminary comments on the 630 Court Street project. I will not be at the meeting on the 20th, but would like the applicant and staff to consider my comments. It does appear to be a marked improvement over the previous submittal. I am anxious to hear the outcome of the meeting. If there is any chance to tape it that would be wonderful.

Thanks,
Donna

Generally I like the proposal. I am providing some questions and thoughts that I would put forth if I were at the study session.

1. All of the elements of Chapter 6 (Downtown Historic Overlay District) must be addressed starting with input from Design Review and the Martinez Historical Society. Some specifics are mentioned below.
 - New additions...shall be differentiated from the old...and be compatible.
 - Awnings.... should be similar in materials, design and operation to those used historically (and) only...utilized... where their use was likely in historic periods.
 - Adding openings to historic facades is discouraged.
 - Roof mounted equipment should be screened from view...and users of adjacent buildings
 - Additions should be located away from the architectural façade.
 - Additions should be subordinate in massing
 - Rooftop additions should be located to the rear of the structure.
 - Architectural details should be arranged to emphasize the vertical aspect of facades.
 - Recessed entryways are strongly encouraged.
 - On...corner lots, corner entryways with strong architectural emphasis should be encouraged.
2. There must be a better location for the trash enclosure. Adjacent to the street within the public sidewalk area, regardless of screening is absolutely not acceptable.
3. Although we do have pockets within the right of way used for restaurant seating elsewhere in the City, they do not appear to be so permanent and private. This outdoor space is called out as "rentable". Does that mean the public right of way will actually be rented from the City by the tenant? I would like to see more detail on the outdoor seating area.
4. Has there been any consideration of using the top floor for owner occupied residential uses?
5. Could consideration be given to stepping back the third floor leaving a balcony appearance and possible plantings?
6. If awnings are found to be appropriate what can be done to assure that they remain attractive? Faded or worn awnings at this location (a main entry to the downtown) would cause a negative feeling for all who enter. Could we consider bonding?



7. There is no seating capacity indicated, however it appears that there is proposed only one (or maybe two) each men's and women's bathrooms (on the 2nd floor above the basement) for the entire ground level restaurant including outdoor seating and the basement as well as the proposed offices. I think this is woefully under planned.
8. I would like to see some street tree planting.
9. Has there been any consideration to incorporating the use of the adjacent (now vacant) former Alternate Defender's Office into a common or at least compatible commercial project?
10. Please show the clock on the site plan.

3/27

2h

From: Kristin Henderson [mailto:hendersonkristin@hotmail.com]
Sent: Monday, December 22, 2008 2:10 PM
To: Karen Majors; Laura Austin; Corey Simon
Cc: Mercy Cabral
Subject: FW: public comment to the City of Martinez.

For Planning Commission. Please distribute to all members without changes. This is for the Administrative Record. Thank you.

RE: 630 Court Street

The development of 630 Court/Sharkey is one that is dependent on the treatment of a historic property. Under CEQA law, [15064.5 SUBD (b)(3)]: United States Secretary of Interior (USSI Standards) shall be considered mitigation of significant impacts on a historical resource to less than significant level. Pub Res Code 21084.1: "A project that may cause a substantial adverse change in the **significance** of a historical resource is a project that may have a significant effect on the environment." (League of protection of Oakland's Architectural and Historic Resources v. City of Oakland 1997). The significance of a building is what puts it on a register and gives it protections. However, if USSI Standards are followed, then the project is exempt from CEQA. The general principles of USSI Standards for Rehabilitation are found here: <http://www.nps.gov/hps/tps/standards/rehabilitation.htm>. And from Technical Brief #14 <http://www.nps.gov/hps/tps/briefs/brief14.htm> part 2 "If a new addition is being connected to the adjacent historic building on a primary elevation, the addition may be set back from the front wall plane so the outer edges defining the historic form are still apparent. In still other cases, some variation in material, detailing, and color may provide the degree of differentiation necessary to avoid changing the essential proportions and character of the historic building." Moreover, part 3: "Rather than establishing a clear and obvious difference between old and new, it might seem more in keeping with the historic character simply to repeat the historic form, material, features, and detailing in a new addition. But when the new work is indistinguishable from the old in appearance, then the "real" ...property may no longer be perceived and appreciated by the public." The additional story must be set back and separate but not incompatible with the original 2 stories of Sharkey. Otherwise, it is an adverse affect to the significance of the building to add a 3rd floor that seems as though it is part of the original building. There are also rules about removing materials, changing window and door frame shapes, and more. Plus, CEQA 15004 sub (b)(1)(18) is clear that "Project sponsors shall include environmental consideration at the earliest feasible time prior to acquisition of a site...". The City has now had over a year to work out all issues with the developer, including at the time it accepted its RFP, and instead there is only a rendering that says "what if" with obvious significant changes to character defining features such as the dimensions of the building and the shape of the doors and windows on the first floor, and does not describe what materials will be removed, replaced, or rehabilitated.

Kristin Henderson
925-335-9563
2241 LaSalle Street
Martinez, CA 04553



630 COURT ST. ~ 3 STORY PROPOSAL

J. ALLEN SAYLES ARCHITECT, INC.

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COMMUNITY DEV. DEPT.

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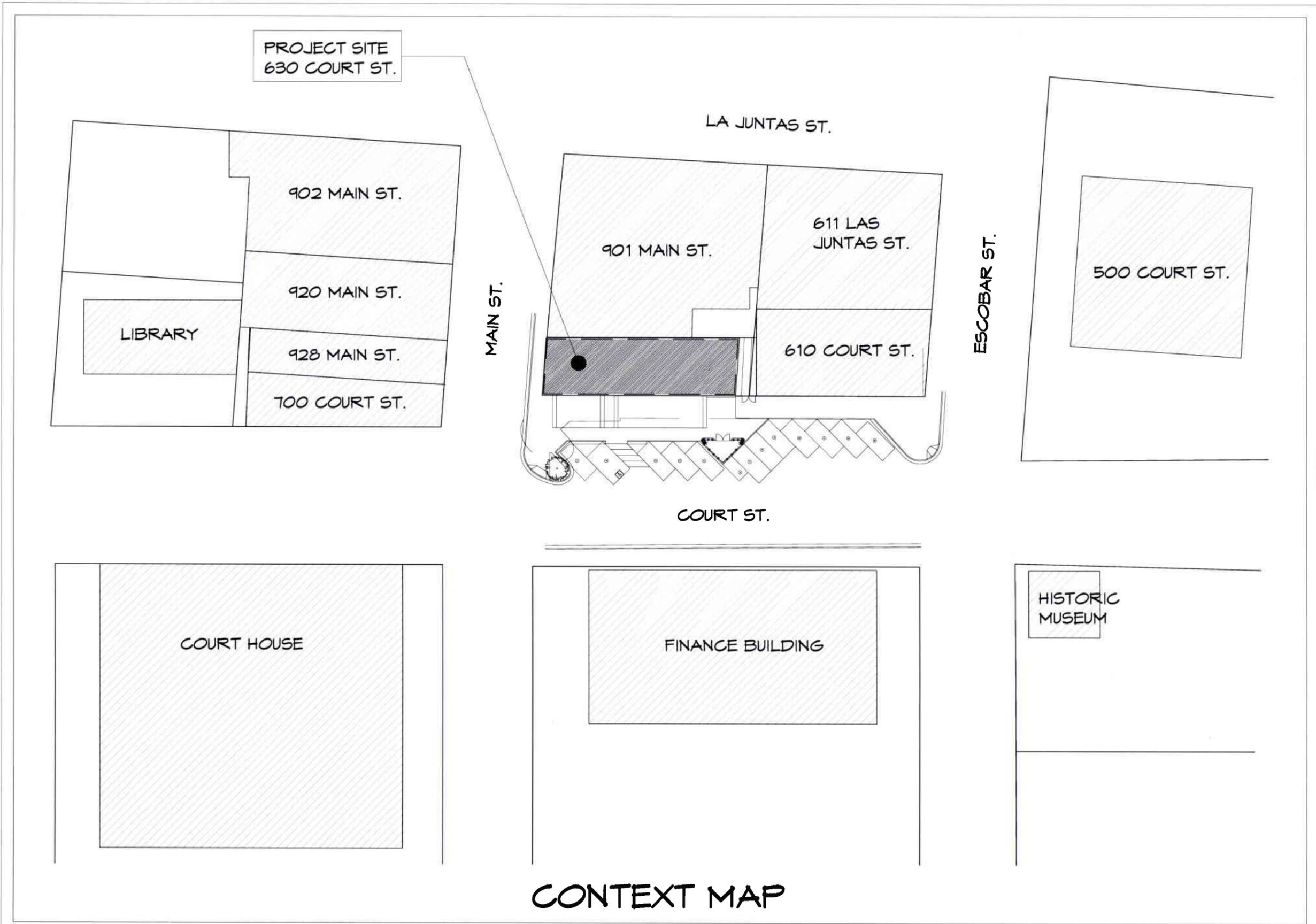


AERIAL PHOTO

630 COURT ST.~ PROPOSAL

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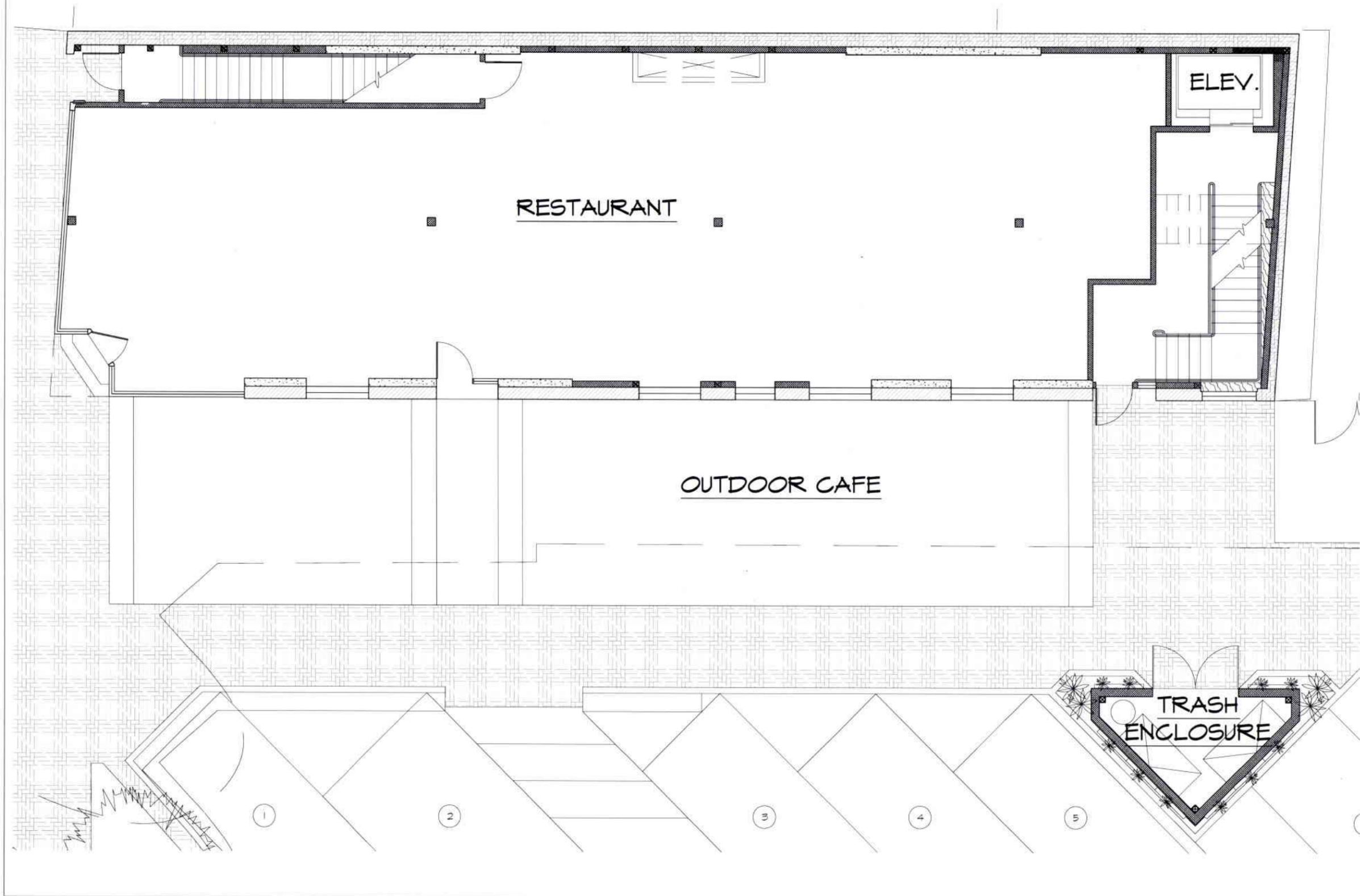


CONTEXT MAP

630 COURT ST.~ PROPOSAL

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MAIN FLOOR PLAN

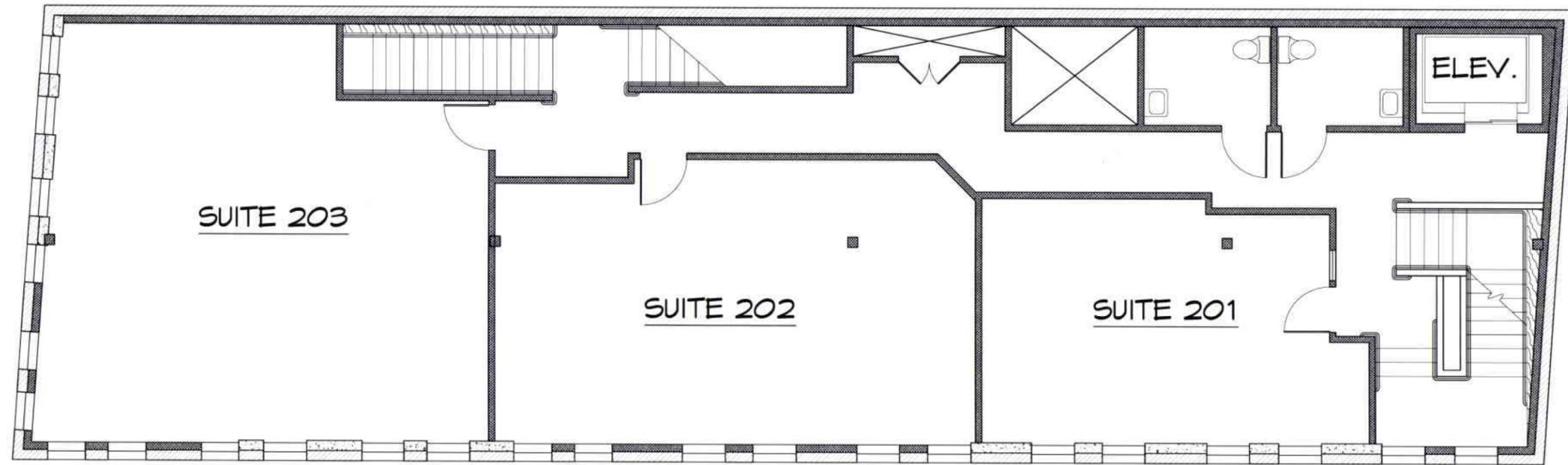


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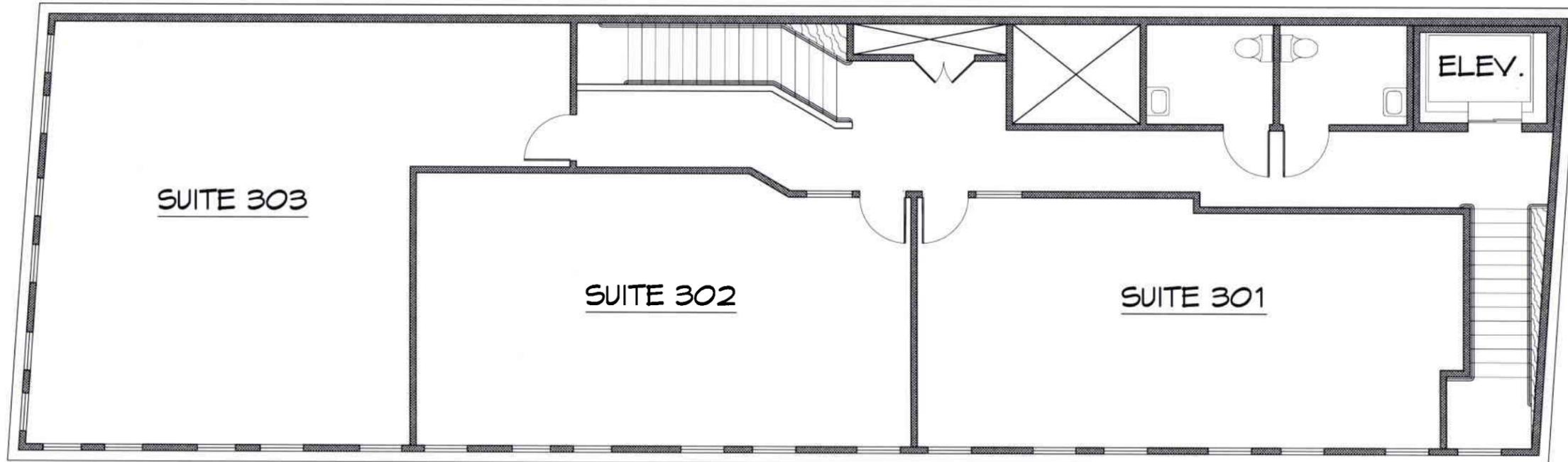
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SECOND FLOOR PLAN

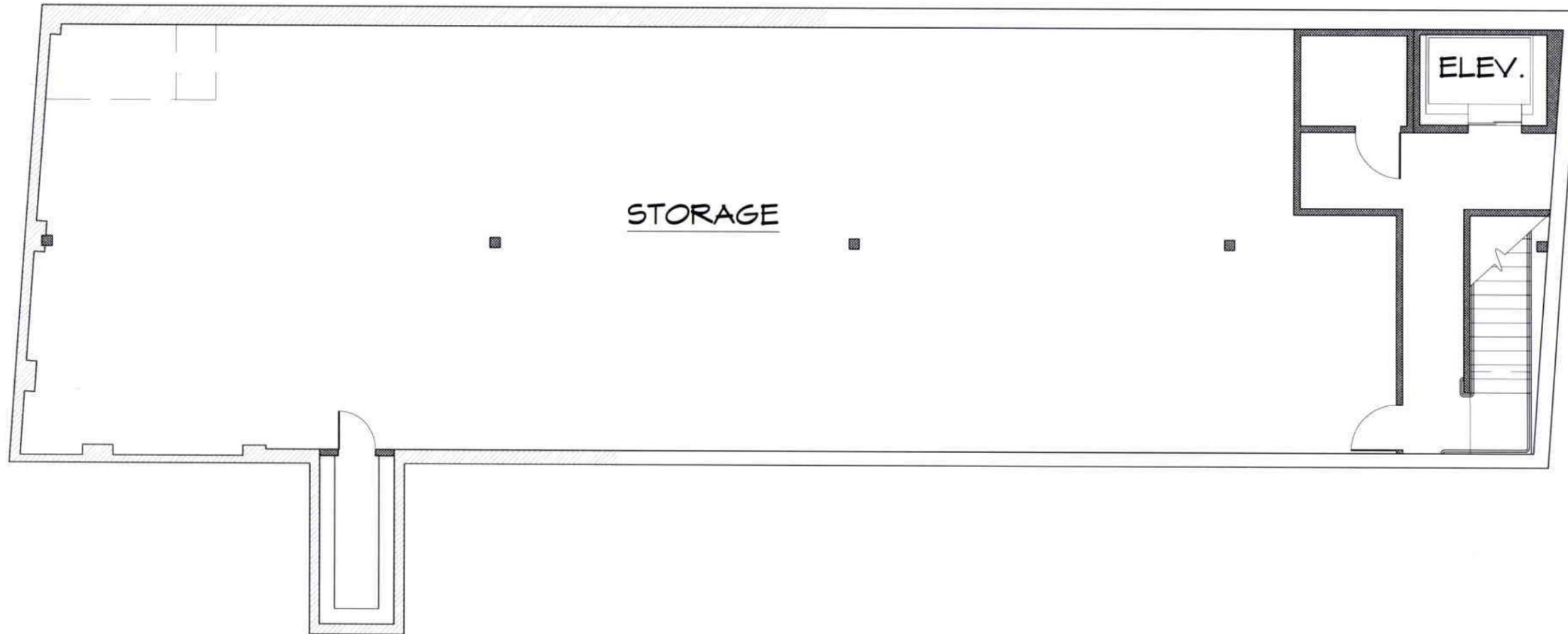


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THIRD FLOOR PLAN



BASEMENT PLAN



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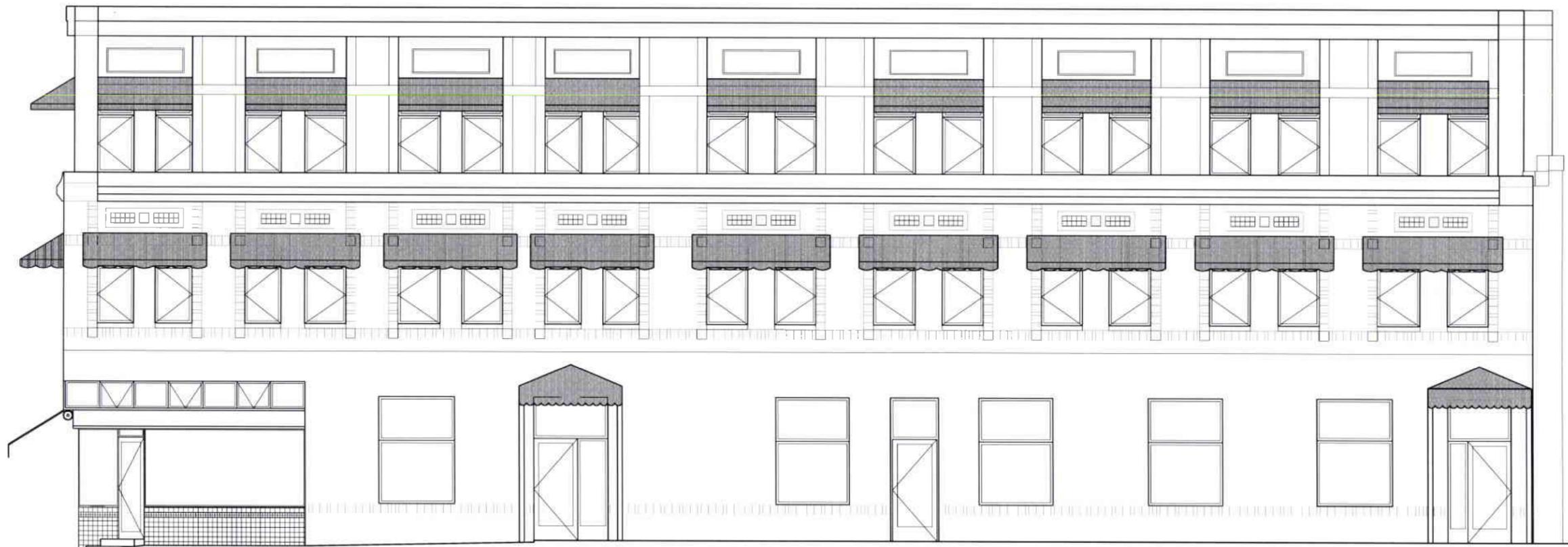


EAST ELEVATION

630 COURT ST.~ PROPOSAL

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EAST ELEVATION
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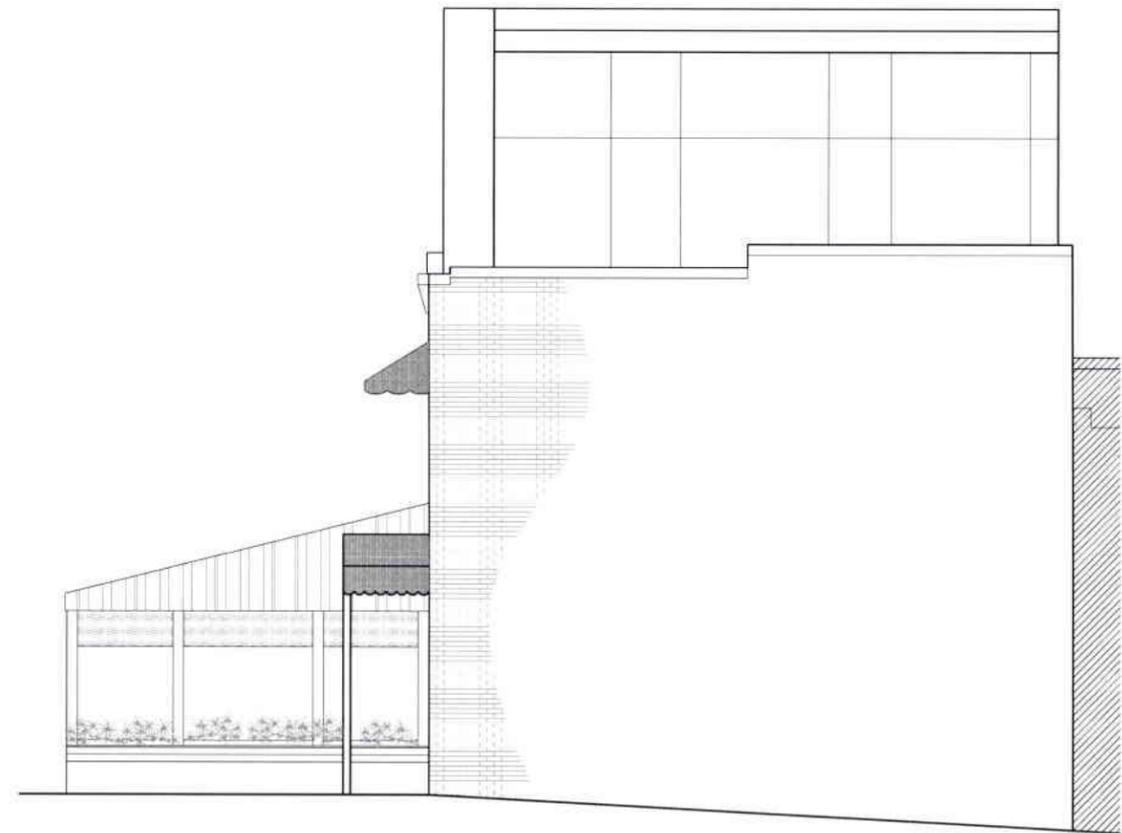
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SOUTH ELEVATION

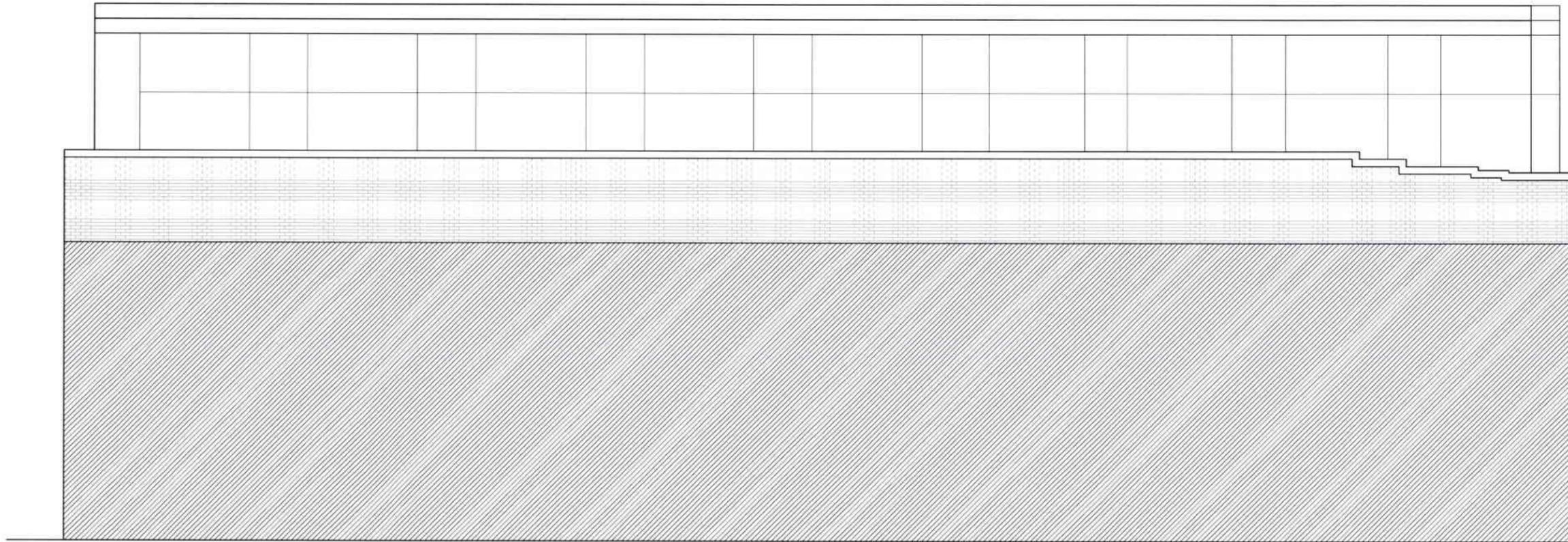


NORTH ELEVATION

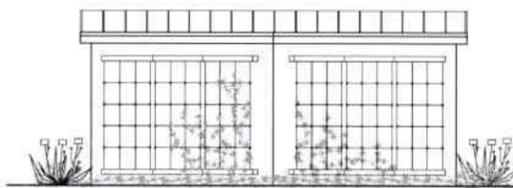
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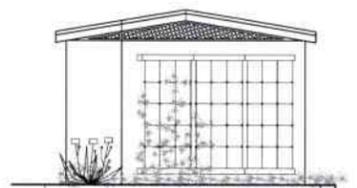
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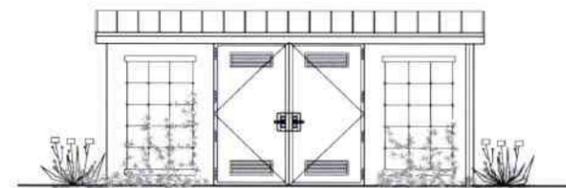
WEST ELEVATION



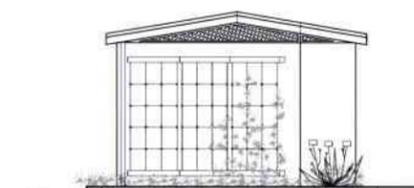
EAST



SOUTH



WEST



NORTH

TRASH ENCLOSURE

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