

ATTACHMENT D

DOWNTOWN SPECIFIC PLAN – DESIGN GUIDELINES – COMPLIANCE MATRIX

Berrellesa Palms Senior Apartments, 310 Berrellesa Street

Martinez Downtown Specific Plan – Downtown Neighborhood District Compliance with Chapter 9 – *Downtown Shoreline* & Chapter 10 – *General Design Standards and Guidelines*

Project: Berrellesa Palms
Martinez, CA 94553

Date: June 10, 2009 (updated by staff July 22, 2009)

Legend:

- (+) = Complies
- (-) = Does not comply
- (NA) = This item is not applicable to this project

Y = Staff concurrence [staff comments are provided –“SEE STAFF REPORT “ - where additional commentary and/or support of a warranted deviation from *Guidelines* is provided]

Prepared by: Jill Williams, Project Architect, and as annotated by staff

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
CHAPTER 9 - DOWNTOWN SHORELINE			
9.6 DOWNTOWN SHORELINE (AREA-SPECIFIC) DESIGN STANDARDS AND GUIDELINES 7.4 DENSITY			
9.6.1 Downtown Shoreline Character Defining Statement The character of the Downtown Shoreline area is defined by its proximity to Downtown residential neighborhoods to the south and the Martinez Regional Shoreline to the	(+)	The project complies with this requirements as follows: <ul style="list-style-type: none"> • The chosen style is historically significant and occurs in this District • The design integrates a modulated bay 	"SEE STAFF REPORT" (in compliance)

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<p>north. This is primarily a district for residential uses, including semi- and/or fully-attached single-family homes, live-work uses, and small multifamily structures. New development should be planned to create views of the Shoreline from Downtown where possible. Large industrial uses are encouraged to relocate out of the District, but smaller, self-contained service commercial uses may coexist with existing and new residential uses.</p> <ul style="list-style-type: none"> • Building Orientation <ol style="list-style-type: none"> Traditional orientation to street First floor set above sidewalk level (up to 4 feet) Privacy between residences preserved by offsetting windows New streets should be oriented where possible to provide views into the waterfront. 	<p><u>Building Orientation:</u> a) = (+) b) = (+) c) = (+) d) n/a</p>	<p>window element to break down the scale of each street scene on Buckley and Foster. The Berrellessa street scene brings together these two wings with the central entry home that is the focal point of the design.</p>	<p>"SEE STAFF REPORT" (Generally in compliance, alternative design appropriate due to the security needs of senior residents, which precludes individual street entries.)</p>
<p>9.6.2: Site Planning</p> <ul style="list-style-type: none"> • Style <ol style="list-style-type: none"> New buildings should have a traditional residential style, reminiscent of existing residences in the adjacent Downtown Neighborhood District A consistent architectural style should be used for a building and the elements that relate to it, such as trellises, carports, roof forms, windows and detailing. While specific architectural styles are not dictated, several styles predominate in the 	<p><u>Style:</u> a) = (+) b) = (+) c) = (+)</p>	<p>The proposed project complies as follows: <u>Building Orientation:</u></p> <ul style="list-style-type: none"> • <u>Section a):</u> The building faces the street on Buckley, Berrellessa and Foster. Additional set-back is provided on Richardson with the central courtyard. • <u>Section b):</u> The first floor is above the sidewalk level by about 3' – controlled by storm drainage – it is necessary to maintain handicap accessibility at all entry points. • <u>Section c):</u> The windows proposed on the units will provide privacy within each of the units since the units are "side by side". The main windows of living spaces face the public street or a larger courtyard. 	<p>"SEE STAFF REPORT" (in compliance)</p>

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<p>Downtown Neighborhood District and the other residential parts of Downtown Martinez and should provide inspiration to help maintain Martinez' unique character. Styles need not be replicated literally, but should be clearly reflected in a proposed project.</p> <p>c) For buildings with more than six residential units, or projects with more than two residential buildings, design shall be varied, not uniform or monotonous</p>			
<ul style="list-style-type: none"> Scale <ol style="list-style-type: none"> New buildings should respect the overall massing scale of the neighborhood. Long blank walls should be avoided. 	<p><u>Scale:</u></p> <ol style="list-style-type: none"> (+) (+) 	<p><u>Scale:</u></p> <ul style="list-style-type: none"> <u>Section a):</u> Massing of building is consistent with style and works with existing site <u>Section b):</u> There are no long blank walls. 	<p>"SEE STAFF REPORT" (in compliance)</p>
<ul style="list-style-type: none"> Roof Design The typical roof in this area should be a pitched design reflective of nearby residences. 	<p><u>Roof Design:</u> (+)</p>	<p><u>Roof Design:</u></p> <ul style="list-style-type: none"> The Roof Design is consistent with styles found in nearby residences and also provides the best solution to the discussion on the mass of the building. 	<p>"SEE STAFF REPORT" (alternative design appropriate, as proposed flat roof lowers height in height sensitive area, and is more contextual appropriate for neo-traditional architectural style proposed than a pitched roof would be.)</p>
<ul style="list-style-type: none"> Windows All windows on a building should be related in operating type, proportion and trim. Unifying elements such as common headers and sills are encouraged. 	<p><u>Windows:</u> (+)</p>	<p><u>Windows:</u></p> <ul style="list-style-type: none"> Windows throughout are related in operating type 	<p>Y</p>

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<ul style="list-style-type: none"> Colors and Materials <ol style="list-style-type: none"> Predominant materials should be stucco, wood siding, shingle roofing, and wood framed windows and doors. Colors should be appropriate to the style and period of the building. For example, Craftsman styles use muted earth tones, while Victorian styles use brighter, more contrasting colors. 	<p><u>Colors & Materials:</u></p> <ol style="list-style-type: none"> (+) (+) 	<p><u>Colors & Materials:</u></p> <ul style="list-style-type: none"> <u>Section a):</u> The building incorporates lap siding(cementitious) throughout with composition shingle roofing and wood trim surrounds <u>Section b):</u> The colors will be in keeping with the chosen architectural style 	Y
<p>9.9.4: Landscaping</p> <ul style="list-style-type: none"> Plant Types Plant types should be typical of residential plantings, with limited lawn in the front yard, foundation shrubbery, and limited use of small-scale trees as accents. 	<p><u>Plant Types:</u></p> <p>(+)</p>	<p><u>Plant Types:</u></p> <ul style="list-style-type: none"> The plant types and planting plan will incorporate minimal lawn and incorporate low water use plants. 	Y
<ul style="list-style-type: none"> Scale Pedestrian scale plantings should predominate, with larger plantings used as accents. 	<p><u>Scale:</u></p> <p>(+)</p>	<p><u>Scale:</u></p> <ul style="list-style-type: none"> The plant types and planting plan will incorporate the noted landscape design guidelines. 	Y
<ul style="list-style-type: none"> Relationship to Development <ol style="list-style-type: none"> Plantings should be arranged to frame the architecture, provide a green carpet between the street and the building, and soften the view of the building foundation. The public parkway along the street should be landscaped. Pathways, pergolas and trellises that are in character with the architectural style of the building to add shade and interest are encouraged. 	<p><u>Relationship to Development:</u></p> <p>to Development:</p> <ol style="list-style-type: none"> (+) (+) (+) 	<p><u>Relationship to Development:</u></p> <ul style="list-style-type: none"> <u>Section a) & b):</u> The plant types and planting plan will incorporate the noted landscape design guidelines. <u>Section c):</u> There may be an opportunity to add such elements as design develops 	Y
<ul style="list-style-type: none"> Hardscape <ol style="list-style-type: none"> Paving should be on a small scale and limited to walkways, driveways, and rear yard parking areas. Varied paving textures and/or elevation changes should be used to define entrances, pedestrian 	<p><u>Hardscape:</u></p> <ol style="list-style-type: none"> (+) (+) 	<p><u>Hardscape:</u></p> <ul style="list-style-type: none"> <u>Section a) & b):</u> Paving is located only where necessary and will vary depending on its use. 	Y

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areas, and crosswalks.			
CHAPTER 10 – GENERAL DESIGN STANDARDS AND GUIDELINES			
10.3 SITE DESIGN STANDARDS AND GUIDELINES			
10.3.1: Additions, rehabilitation and new structures: a) New structures shall be sited in a manner compatible with surrounding development and with the façade facing the public street designed in a manner that enhances the pedestrian environment. b) Additions shall be compatible with the existing building in scale, materials, and design. c) Wherever possible, mature trees shall be preserved or relocated on site. d) New structures and parking areas shall enhance existing pedestrian connections to existing outdoor pedestrian spaces, such as sidewalks and plazas, and create new connections where none exist.	a) = (+) b) = (NA) c) = (NA) d) = (+/-)	a) Development is consistent b) <u>Not Applicable</u> – this is a new development. c) The existing palms are being considered for transplanting d) The main entry is situated on Berrellessa with a grand front porch steps up from the public sidewalk (ramp accessible also).	Y
10.3.2: Building Access: a) Main entries to buildings shall be clearly demarcated, visible and accessible from the street and/or pedestrian corridors. Secondary entries may be from parking areas. Entries shall not occupy more than one third of the ground floor façade. b) Retail entrances shall not be recessed more than five feet and should be located no more than 50 feet apart. c) Primary entrances to corner building shall be at corners wherever possible.	a) = (+) b) = (NA) c) = (+/-)	a) Entrances are clearly demarcated and take up less than 33% of ground floor façade. The common spaces of the development do extend to approximately 50% of the Berrellessa frontage. b) <u>Not Applicable</u> c) The Berrellessa/Buckley corner is necessary for garage access due to existing grades. The entry porch wraps on the corner of Berrellessa and Foster – the entry is better situated mid block for drop off.	Y
10.3.3 Parking and Site Access All parking and service/loading areas shall be developed per developed per the requirements of Section 22.36 of the Zoning Code. In addition: a) If provided, on-site parking shall be consolidated in one	a) = (+) b) = (+) c) = (NA) d) = (+)	a) Parking is consolidated b) Only 2 curb cuts are necessary – one for the common garage and one for the small parking lot c) <u>Not Applicable</u> – no service area in this project	Y

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<p>area rather than wrapping around the building.</p> <p>b) Driveways shall be kept to a minimum and shared site access is encouraged.</p> <p>c) All service/loading areas shall be screened from view from public streets and walkways and removed from pedestrian oriented areas. These screens shall be located at the setback line to maintain continuity of setback patterns within the district.</p> <p>d) All parking areas shall be landscaped per the requirements of Section 22.36.080 of the Zoning Code.</p>		<p>d) <i>Landscape design complies with requirements.</i></p>	
<p>10.3.4 Trash and Utility Enclosures</p> <p>a) Trash storage areas and utility structures should be located to the rear of the site and, where possible, screened from view from public streets and walkways and removed from pedestrian oriented areas.</p> <p>b) Colors and materials used to enclose these elements should be compatible with all other buildings on site.</p>	<p>a) = (+)</p> <p>b) = (NA)</p>	<p>a) <i>Trash bins to be stored in common garage.</i></p> <p>b) <u><i>Not Applicable</i></u></p>	<p>Y</p>
<p>10.3.5 Mechanical Equipment Screening</p> <p>a) All roof-mounted mechanical equipment should be screened from view of pedestrians and users of adjacent buildings by either a building parapet or mechanical penthouse.</p> <p>b) The parapet should be designed as an integral part of the building. Mechanical penthouses shall be designed and painted to blend in with their visual background.</p> <p>c) Wooden screens should not be permitted.</p>	<p>a) = (+)</p> <p>b) = (+)</p> <p>c) = (+)</p>	<p>a) <i>The roof design is created to protect the view of adjacent building and the parapet of the flat roof areas are tall enough to protect view.</i></p> <p>b) <i>The parapet is an integral part of the design</i></p> <p>c) <i>no wood screens proposed</i></p>	<p>Y</p>
<p>10.3.6 Site Landscaping</p> <p>a) In general, landscaping should be used to soften large building walls and parking areas and enhance building entrances.</p> <p>b) Site area devoted to landscaping should be greater than 5% of the overall parcel area, except as noted within the Downtown Core.</p> <p>c) The use of flowering vines is encouraged along fence lines, perimeter walls and blank building elevations.</p>	<p>a) = (+)</p> <p>b) = (+)</p> <p>c) = (+)</p> <p>d) = (+)</p> <p>e) = (+)</p> <p>f) = (+)</p> <p>g) = (+)</p> <p>h) = (+)</p>	<p>a) <i>Through j): Project complies with requirements</i></p>	<p>Y</p>

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<p>d) Both deciduous and evergreen trees should be planted to provide variety in textures, color and form.</p> <p>e) Canopy trees to provide shade are encouraged in parking lots and front setback areas.</p> <p>f) Colorful accent plants should be used to enhance entrances and add interest at special locations. These may be provided in pots, planter boxes, and hanging baskets as well as ground plantings.</p> <p>g) Landscaping in and around parking areas should not exceed three feet in height, with the exception of trees.</p> <p>h) Stretches of screening (landscaping, walls, or hedges) longer than 45 feet should include accent points using a different element or plant material or combination of the two to create a visual break in the screening material</p> <p>i) Hedges and other landscape screening materials should consist of evergreen plant materials.</p> <p>j) In addition to the standards for water conservation contained in Chapter 22.35 of the Zoning Code, general criteria for plant material selection also include compatibility with the building architecture and low maintenance needs.</p>	<p>i) = (+)</p> <p>j) = (+)</p>		
10.4 ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES			
<p>10.4.1 Massing, Form and Scale (All new structures, including additions)</p> <p>a) The size and mass of new structures, including additions, should be in relation to surrounding structures.</p> <p>b) Architectural features should reflect or be compatible with the character-defining architectural features of surrounding structures or with the predominant architectural styles within the Area.</p> <p>c) To create visual interest, where appropriate, varied roof or parapet heights and/or shifts in wall plane should be used.</p> <p>d) Building corners may be emphasized by the use of</p>	<p>a) = (+)</p> <p>b) = (+)</p> <p>c) = (+)</p> <p>d) = (+)</p> <p>e) = (+)</p>	<p>a) The surrounding structures played an important part in placement of the buildings and design of the elevations. This site is to create a transition from the surrounding neighborhood. There are duets and apt houses on Buckley (2 and 3 stories), single-family on Richardson and industrial on Berrellesa and Foster.</p> <p>b) The architecture reflects the architecture found in the surrounding neighborhood</p> <p>c) Roof heights vary at appropriate intervals and to accentuate the entry feature. The</p>	Y

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<p>architectural elements or entries.</p> <p>e) Building articulation can be accomplished with the placement of windows and entries, volume changes, significant color and material changes, and the creation of shadow textures with trellises and overhangs.</p>		<p>bay windows create visual interest in the wall planes.</p> <p>d) Building corners are emphasized</p> <p>e) The use of building overhangs, parapets and bay windows create an interest in the building elevations</p>	
<p>10.4.2 Building Façade and Elevation Design (All new structures, including additions)</p> <p>a) Building walls that are visible from a public street, major pedestrian corridor, or public open space should include architectural features such as windows, arcades, canopies, and trim to create visual interest.</p> <p>b) Street-facing building façades should not have a section of blank wall exceeding 30 linear feet without being interrupted by a window or entry.</p> <p>c) At least 60 percent of the linear length of street-facing non-residential façades, on each story, should contain windows, doors, or arcades. Clerestory windows or other windows with sills more than four feet above the exterior grade do not count toward the 60 percent requirement.</p> <p>d) The appearance of building mass may be reduced through the use of arcades, courtyards, pergolas and stepping stories back above the ground level.</p> <p>e) Windows and doors should be proportioned to and integrated with the façade modulation. Establish clear vertical and/or horizontal hierarchy and patterns in the placement of openings and assemblies.</p> <p>f) Details or elements should be integral to the design and reflect the structural or material integrity of the building, rather than appearing added on.</p> <p>g) Color and material changes should be used to add interest and reduce a building's apparent scale.</p>	<p>a) = (+)</p> <p>b) = (+)</p> <p>c) = (NA)</p> <p>d) = (+)</p> <p>e) = (+)</p> <p>f) = (+)</p> <p>g) = (+)</p>	<p>a) <i>Materials selected for this project help create a visual interest</i></p> <p>b) <i>There are no walls longer than 30' without an architectural interruption</i></p> <p>c) <i>Not Applicable: This is a residential project</i></p> <p>d) <i>The mass has been broken down by style specific bay windows and the modulation of the building. The Buckley façade takes advantage of the grade differential to tuck a common parking garage below grade, further diminishing the overall mass.</i></p> <p>e) <i>Window size is well proportioned and the rhythm is appropriate in the elevations</i></p> <p>f) <i>Materials & details reflect the structural & material integrity</i></p> <p>g) <i>Varied use of siding materials are used to reduce the building's scale and create interest in the elevations</i></p>	<p>Y</p>
<p>10.4.3 Architectural Elements</p> <p>a) Retail storefronts should have large display windows oriented toward the public street or major pedestrian corridors and a simple entry door centrally located on</p>	<p>a) = (NA)</p> <p>b) = (NA)</p> <p>c) = (NA)</p>	<p>a) <i>Not Applicable: This is a residential project</i></p> <p>b) <i>Not Applicable: This is a residential project</i></p>	<p>Y</p>

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<p>the building façade.</p> <p>b) Retail storefronts should be broken up by architectural features approximately every 25 feet.</p> <p>c) Display windows should provide a clear view of store merchandise and a view into the business interior. To achieve this purpose, at least two-thirds of the window surface should remain clear and free of obstructions. This zone should be between four and eight feet from the base of the façade. Ground floor wall sections without windows should not be more than five feet in width for retail uses.</p> <p>d) Display windows should consist of a single pane of glass. When required to be divided into smaller sections, windows should have clear silicone vertical joints or minimally sized glazing bars or muntins, used to enhance the architectural style.</p> <p>e) A bulkhead between 15 and 24 inches in height should be provided at the base of the storefront display window. However, new storefront buildings may use floor-to-ceiling display windows if the design is compatible with surrounding architecture and appropriate to the area.</p> <p>f) Where pilasters will enhance the architectural style of the building, they should be used on the façade to create a visual frame. Pilasters may extend the full height of the building or be limited to the storefront level.</p> <p>g) Transom windows may be provided above the display windows. The transom window height depends on the overall ceiling height and ranges from eighteen inches to three feet. Transom windows may have clear, tinted or etched glass.</p> <p>h) Awnings should not cover the storefront piers or pilasters and should be divided into sections to reflect the major vertical division of the façade. The awning should be mounted such that its valence is between eight and nine feet above the sidewalk with a projection of between four and eight feet from the building face,</p>	<p>d) = (NA)</p> <p>e) = (NA)</p> <p>f) = (NA)</p> <p>g) = (NA)</p> <p>h) = (NA)</p> <p>i) = (NA)</p> <p>j) = (+)</p> <p>k) = (NA)</p> <p>l) = (+)</p> <p>m) = (+)</p> <p>n) = (+)</p>	<p><i>project</i></p> <p>c) <u>Not Applicable: This is a residential project</u></p> <p>d) <u>Not Applicable: This is a residential project</u></p> <p>e) <u>Not Applicable: This is a residential project</u></p> <p>f) <u>Not Applicable: This is a residential project</u></p> <p>g) <u>Not Applicable: This is a residential project</u></p> <p>h) <u>Not Applicable: This is a residential project</u></p> <p>i) <u>Not Applicable: This is a residential project</u></p> <p>j) <u>Building corners on this project are emphasized</u></p> <p>k) <u>Not Applicable</u></p> <p>l) <u>Windows are clear and not tinted</u></p> <p>m) <u>A flat roof design was selected due to concerns of overall height and mass. The parapet is well designed with a strong cornice line and will screen view to the roof. For the entry element on Berrellesa, a pitched roof design was incorporated to highlight the grand entry.</u></p> <p>n) <u>The design incorporates angled bay windows, a double cantilevered corner bay and box bays.</u></p>	

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<p>but no closer than five feet to the street curb. Retractable awnings are encouraged, but barrel-shaped awnings are discouraged.</p> <p>i) The upper level windows should be symmetrically arranged. The number of windows should be based on the storefront modulation at the street level. The windows may be combined into pairs, triples or bands. These windows should be articulated with delineated sills, lintels, or frames so as to create shadow lines.</p> <p>j) Building corners should be enhanced with higher massing and entries.</p> <p>k) The cornice should enhance the architectural style of the building. A brick-front building may have a corbelled cornice. A plaster front building may have a stone still or terra cotta or ceramic tile detail at the parapet line.</p> <p>l) Windows should be clear glazing. Reflective or tinted glass is not permitted.</p> <p>m) New buildings may have flat or sloping roofs, depending on which is most compatible with the architectural style of the building and others in the area. Parapets should appear integrated with the building and must always include a cap and corner detail to create a shadow line. Mansard roofs are discouraged.</p> <p>n) Towers, bay windows and cupolas are dramatic features of Victorian and Edwardian residential architecture. Appropriate contemporary expression of these elements is encouraged in new buildings. Particular care should be taken in using these elements in terms of scale, proportion, and architectural compatibility with the rest of the building.</p>			
<p>10.4.4 Colors</p> <p>a) The colors chosen should accentuate the architectural details of the building and be consistent with the architectural style.</p> <p>b) In general, the building should incorporate a minimum of three colors: a base color on the majority of the building, which is often the lightest color; a major trim</p>	<p>a) = (+) b) = (+) c) = (N/A) d) = (+) e) = (N/A) f) = (+)</p>	<p>a) Colors chosen for the project work with architectural style b) At least three colors are to be used in this building c) No masonry. d) Color and location of sign TBD and will</p>	<p>Y</p>

AWB

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<p>color to accentuate certain elements such as the cornice, window frames, and storefront bulkhead; and a minor trim color for window sashes and doors. In addition, an accent color may be used to highlight small details and should contrast with the base and trim colors. Accent colors should be used sparingly.</p> <p>c) Stone and masonry should not be painted. Other colors on the façade should be chosen to complement the colors of exposed materials.</p> <p>d) Colors for graphics, such as signs, should be related to the colors used on the building. The accent, major or minor trim colors may be used for signs.</p> <p>e) Awning colors should be compatible with the building colors. Darker, saturated colors that pick up the highlights of the building colors are preferred. Simple stripes or tweeds are allowed.</p> <p>f) The maximum number of colors, including both building and signage colors, should not exceed six.</p>		<p>comply with requirement.</p> <p><u>Not Applicable:</u> No Awnings will be used on this project</p> <p>f) The number of paint colors will not exceed 6.</p>	
<p>10.4.7 Site Lighting</p> <p>a) Lighting fixtures should be compatible with the architectural character of the project and surrounding area. While some nondescript fixtures may be appropriate, significant use should be made of fixtures that have architectural value and accent the building and site.</p> <p>b) All lighting fixtures, including spotlights, electrical reflectors, and other means of illuminating signs, structures, landscaping, parking, loading, and similar areas, should be focused, directed, and arranged to prevent horizontal glare or direct illumination on adjoining property or streets. Lighting shall be directed toward walls and landscaping to avoid shining light up into the sky or onto an adjacent property. No lamp or lens may be visible. No mercury vapor utility yard lights or other light fixtures with high intensity discharge lamps or bulbs which are not designed to limit or control light direction, or which do not shield</p>	<p>a) = (+)</p> <p>b) = (+)</p> <p>c) = (+)</p>	<p>a) Lights selected will be compatible with architectural style</p> <p>b) Selected building lights and landscape lights will comply with this requirements</p> <p>c) Selected building lights and landscape lights will comply with this requirements</p>	<p>Y</p>

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<p>the light source from view of adjacent properties, should be permitted.</p> <p>c) Indirect illumination of neighboring residential properties or uses by any on-site lighting should not exceed 0.5 foot candles at the property line, as measured from the adjacent grade to a height of 14 feet.</p>			
<p>10.4.8 Architectural Lighting</p> <p>a) Architectural - Accent lighting of architectural features is encouraged to highlight building massing and enhance the pedestrian environment. Accent lighting should not be a source of glare, reflected glare, or excessive light, especially when viewed from residences, streets, walkways, or open spaces. Neon lighting does not qualify as, and is not permitted for, accent lighting.</p> <p>b) Building entries - Building entries with high activity levels shall be illuminated. Appropriate treatments include: accentuating building entries with light, allowing the building interior light to glow through glazing, or using decorative lighting fixtures to announce entries.</p> <p>c) Service areas - Building-mounted downlight fixtures, in combination with pole fixtures, are preferred for the illumination of building service areas. Such fixtures do not cause glare or light leakage beyond the service areas.</p> <p>d) Landscaping and furnishing - Uplighting is recommended for all landscaping and furnishings (in both public and private areas) that require accenting (such as specimen trees, shrubs, and sculptural features).</p> <p>e) Landscaped walkways and plazas- Landscaped walkways and other pedestrian paths should be lit by pole or bollard type fixtures that are human scale, typically not to exceed 16 feet or 4 feet in height, respectively. Lighting bollards should have a colored metal finish and a diameter of approximately eight</p>	<p>a) = (+)</p> <p>b) = (+)</p> <p>c) = (+)</p> <p>d) = (+)</p> <p>e) = (+)</p>	<p>a) <i>Lights will be designed to accent the building architecture</i></p> <p>b) <i>Building entrances will be illuminated</i></p> <p>c) <i>Not Applicable. This is a residential building</i></p> <p>d) <i>Landscape uplights may be incorporated to highlight specimen trees</i></p> <p>e) <i>Landscape common area and walkway lights will comply with this requirements</i></p>	<p>Y</p>

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<p>inches. Around the light source near the top of the bollard, horizontal louvers should be used to stylistically complement the luminaries and direct light downward.</p>			
<p>10.4.9 Security Grilles a) Visible security grilles are prohibited. b) Existing security grilles in the Downtown Core District should be removed.</p>	a) = (NA) b) = (NA)	a) <u>Not Applicable</u> : No Security Grilles are proposed b) <u>Not Applicable</u> : No Security Grilles are proposed	
<p>10.4.10 Sidewalk Dining</p>	<p><i>Not Applicable for Residential</i></p>	<p><i>Not Applicable for Residential</i></p>	<p><i>Not Applicable for Residential</i></p>
10.5 ADDITIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT			
<p>10.5.3 Design Standards A. Housing Types: A diverse range of housing types is permitted and encouraged within each land use designation. At the same time, some housing types may be inappropriate to certain areas. The housing types allowable in each Specific Plan District, where residential use is otherwise permitted by the applicable district use regulations, are shown in the following table: (Table 10-1. Allowable Residential Types by Plan District)</p>	-	-	-
<p>B. Development Standards: The development standards for each residential building type are specified in each zoning District.</p>	-	-	-
<p>C. Building Orientation: A. Buildings should have a strong street presence, with public entrances and front doors oriented toward the street or to a public pathway adjacent to open space. B. Privacy between units should be maintained by</p>	<p>Building Orientation: A. = (+) B. = (+)</p>	<p>Building Orientation: A. Public entrances face the street B. Unit privacy was maintained since windows on each of units do not face each other except across a large interior courtyard.</p>	Y

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>locating windows away from windows in adjacent units.</p> <p>D. Vehicular Access and Parking:</p> <p>A. All garages should be set back at least 20' from the front property line to provide an adequate parking apron and should be set back from the residence's front façade a minimum of 5'.</p> <p>B. For single-family homes and duplexes, front-loading garages should not make up more than 50% of the street-facing width of the house. For townhomes and green court homes, the garage shall be accessed from the rear.</p> <p>C. For multi-family residential, garages should not make up more than 33% of any street-facing façade, and rear-accessed garages or interior parking lots are encouraged.</p> <p>D. If parking is provided within the building footprint, the first floor of the residential units should not occur more than four feet above the finished grade level. Parking may need to be lowered partially or completely below grade. Finished grades of front entrances may be raised by up to four feet to accommodate this arrangement. These parking areas should not be visible from the street.</p>	<p>Vehicular Access and Parking:</p> <p>A. = (N/A)</p> <p>B. = (NA)</p> <p>C. = (+)</p> <p>D. = (+)</p>	<p>Vehicular Access and Parking:</p> <p>A. No private garages with driveway aprons</p> <p>B. <u>Not Applicable:</u> This is a multifamily project</p> <p>C. The common garage is exposed on Berrellesa and then diminishes in to the slope on Buckley.</p> <p>D. The first floor of residential above the common garage starts at 10' above street and then continues to -3' at the corner of Buckley. There are some screened openings to the garage along Berrellesa and Buckley to protect the view of the cars but allow some natural ventilation.</p>	<p>Y</p>

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>E. Entrances: Porches and Entries for Single-Family and Attached Single-Family: All front entrance areas should be easily recognizable from the street and include a welcoming architectural feature such as a porch or covered entry. This is critical not only for practical purposes, but because an important element of residential environments is the relationship of the private home to the public street and sidewalk.</p> <p>A. <i>Porches</i> should be covered and should extend at least 10' along the front wall of the house, not including the garage face. The minimum depth of the porch should be 6'. Porches may be raised or at ground level. Porch floors should be a hard surface material such as concrete, wood, tile, brick, or cut or flat stone. Porches should be an integral architectural feature with the main structure. All porches should incorporate railings, either 24" min. ornamental or code height when required by UBC. Porches may extend up to 5 feet into the front setback.</p> <p>B. <i>Entries</i> should be accompanied by a projecting overhead element such as a shed, arch, or gable which provides roof coverage and weather protection. Entries should be a minimum of 6' wide and 4' deep, with floors of a hard surface material such as concrete, wood, tile, brick, or flat or cut stone. Entries should be architecturally integrated with the main structure.</p> <p>C. <i>Single Family Detached and Duplex Garages:</i> Acceptable Corner Locations Garages should be set back from the side street by at least 1' for every 2' of garage facade width. Driveways from the front street should be on the interior side of the lot.</p> <p>F. Fencing: Fences help to define the edges of yards and give privacy to side and rear yards. They are considered</p>	<p>Entrances: Porches and Entries for Single-Family and Attached Single-Family: A. = (NA) B. = (NA) C. = (NA)</p> <p>Fences: A. = (+)</p>	<p>Entrances: Porches and Entries for Single-Family and Attached Single-Family: A. Not Applicable B. Not Applicable C. <u>Not Applicable</u></p> <p>Fences: A. Proposed fence locations comply with</p>	

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & Chapter 10	Applicant's Notes	Staff Comments
<p>background elements that help to highlight landscaping and architecture. The following guidelines apply to new fencing throughout the Specific Plan area:</p> <p>A. Locations: Side Yard – permitted in side yard setback, except within 5 feet of front building façade. Side Yard on Corner Lot – 10 feet minimum setback from side street right-of-way; one-half of lot depth minimum setback from front street right of way. Alley Fences – minimum 2 feet setback from rear property line.</p> <p>B. Height: 6 feet maximum at rear and side yards; 3 feet six inches maximum in front yard.</p> <p>C. Acceptable Materials: Metal, Wood, Plastic-wood composite (e.g. Trex), Masonry (including veneer). Chain link fencing should not be permitted.</p> <p>D. Design: When a fence is taller than 48 inches, the top 18-24 inches of the fence facing a public street or alley should have a transparency of 30% or greater.</p> <p>G. Open Space: The following requirements shall determine the amount of required private and common open space:</p> <p>A. New Projects</p> <p>(a) Private Usable Open Space: At least 50% of the dwelling units in a project should include private usable open space, as defined in Section 22.04.560 of the Zoning Code, of a minimum of 50 square feet. Private open space may include porches, balconies, and privately owned front and rear yards. All dwelling units in a project are encouraged to include private usable open space. A rectangle inscribed within each private usable open space should have no dimension less than six feet. At least one</p>	<p>B. = (+) C. = (+) D. = (+)</p>	<p>requirements B. Fences will not exceed 6' high C. Any Fences and gates will be made of metal D. Fences will comply with this requirement</p>	<p>Y</p> <p>(concession to this standard requested as per State Affordable Housing Density Bonus/Concessions Regulations. Also, omission of Private Open Space appropriate given senior housing use proposed, as common indoor and outdoor spaces, which are provided, are more likely to be of value to residents.)</p>

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>exterior side shall be open above the level of railing or fencing. Balcony/ railing enclosures should not be see-through.</p> <p>(b) Common Usable Open Space: For each unit in a project that does not provide private usable open space as defined above, at least 25 square feet of common usable open space, as defined in Section 22.04.560 of the Zoning Code, should be provided. Common usable open space may be divided into more than one area; however, each area should be a minimum of 450 square feet and a rectangle inscribed within each should have no dimension less than 20 feet. All required common open space should be suitably improved for its intended purposes and all lawn and landscaped areas should be provided with a permanent irrigation system to maintain such areas. Common open space may include courtyards, terraces, and roof decks.</p> <p>B. <u>Conversions of existing buildings:</u> There shall be no minimum open space standards for conversions of existing buildings; however, every</p>			
	<p>Conversion of Existing Buildings:</p>	<p>Conversion of Existing Buildings:</p>	

A45

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>effort shall be made to achieve open space in all of the above categories to the extent feasible for the building being converted.</p>	<p>B. = (NA)</p>	<p>B. <u>Not Applicable</u>: This is new construction</p>	
<p>10.5.4 Architectural Guidelines for Residential Structures</p> <p>A. Style: The residential character of the individual units should be protected while conforming to the urban character of the applicable Area. Multifamily projects in the Downtown Core Area may have a "Main Street" architectural character, while multifamily projects in the other residential Areas may take their design cues from the nearby historic homes and small multifamily buildings.</p> <p>B. Scale:</p> <ol style="list-style-type: none"> 1) The mass and roof forms of buildings should be varied. In addition to porches, stoops and other entry elements, massing elements such as bay windows, balconies and trellises are encouraged. 2) Where considerations of access for people with disabilities allow, the street floor building level should be raised between two and four feet to protect the privacy of ground floor units. 3) Façades of multifamily buildings should be divided into shorter segments a maximum of 30 feet in width, to reflect the mass of individual units within the building. This objective can be achieved with varied setbacks, vertical modulation, texture changes on the façade, porches, and balconies. <p>C. Materials:</p> <ol style="list-style-type: none"> 1) New buildings should reflect prevailing 	<p>Style:</p> <ol style="list-style-type: none"> A. = (+) B. = (+) <p>Scale:</p> <ol style="list-style-type: none"> 1) = (+) 2) = (+) 3) = (+) <p>Materials:</p> <ol style="list-style-type: none"> 1) = (+) 	<p>Style:</p> <ol style="list-style-type: none"> A. Public entrances face street B. Unit privacy was maintained since windows on each of units do not face each other <p>Scale:</p> <ol style="list-style-type: none"> 1) Mass and roof forms are varied on this project 2) First floor is approximately 3' above sidewalk 3) Mass of building is divided to show individuality <p>Materials:</p> <ol style="list-style-type: none"> 1) High level of construction of materials is 	<p>Y</p> <p>Y</p> <p>Y</p>

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>architectural styles in Martinez and maintain a high level of craft in construction and materials.</p> <p>2) Exterior finishes should be primarily wood, masonry, and/or stucco.</p> <p>3) Material changes should not occur at external corners but may occur at "reverse" or interior corners, or as a "return" at least 5 feet from external corners.</p> <p>4) T-1-11 and similar grooved plywoods and pressboards, vinyl or aluminum siding, and vinyl or aluminum trim should not be used.</p>	<p>2) = (+)</p> <p>3) = (+)</p> <p>4) = (+)</p>	<p>proposed on this project</p> <p>2) Exterior is lap siding (cementitious)</p> <p>3) No Material changes at corners</p> <p>4) Materials proposed are siding (cementitious)</p>	
<p>D. Windows:</p> <p>1) Provide each primary room with operable windows on at least two sides for balanced natural light and effective cross ventilation.</p> <p>2) Provide at least one major window which looks out onto the street from a living area. Not only will these "eyes on the street" make each neighborhood a safer place, but this connection to the street will help neighborhood interaction.</p> <p>3) Consider locating the windows on the front and back of each building to match its solar orientation. A façade with more windows will work for both south and east orientations. A façade with fewer windows will work for both north and west. South and west facing windows not shaded by roof overhangs could have trellises or awnings. Tailoring window placement to the home's location creates alternating elevations which vary for practical, ecologically sound reasons.</p> <p>4) Window styles with undivided panes of</p>	<p>Windows:</p> <p>1) = (-)</p> <p>2) = (+)</p> <p>3) = (+)</p> <p>4) = (-)</p>	<p>Windows:</p> <p>1) Since these units are stacked flat apts, it is not possible to add windows on two sides in the interior units</p> <p>2) All units have at least one primary window</p> <p>3) Careful consideration is given to the orientation and potential heat gain.</p> <p>4) Windows will be vinyl with internal grids</p>	<p>Y/N</p> <p>(use of alternatives to "true divided light" or simulated "true divided light" windows is warranted, due to const constraints of affordable housing developments)</p>

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>glass ("single-light windows") are characteristic of many of the architectural styles prevalent in Martinez and are encouraged. However, some prevalent styles include windows with muntin bars dividing the panes of glass ("divided-light windows"), and manufacturers continue to design ways of achieving the look while using larger sheets of glass. If simulated muntin bars or snap-in grills are used to create the appearance of divided lights, exterior muntin bars or snap-in grills are used to create the appearance of divided lights, exterior muntin bars with a raised profile that projects a minimum of one-half inch beyond the glass should be used.</p> <p>E. Trim:</p> <ol style="list-style-type: none"> 1) Trim should be applied consistently around the building. If there is a water-table or fascia in one location on a building, it should occur in all other similar situations on the same building. If there are shutters on one window of a room, there should be shutters on the other windows of that room as well. 2) Trim should be appropriately scaled to the size and style of the building. Exceptionally large or overly elaborate trim on a small building can make it look like a cartoon. A large building with overly small and simple trim can look sparse and stingy. 3) Trim should be applied three-dimensionally. Horizontal trim bands should wrap outside corners and only terminate at inside corners. Fascia should wrap gracefully from rake to eave. 	<p>Trim:</p> <ol style="list-style-type: none"> 1) = (+) 2) = (+) 3) = (+) 	<p>Trim:</p> <ol style="list-style-type: none"> 1) Trim applied consistently throughout this building 2) Trim is appropriately scaled 3) Trim will be installed on building as required per this guideline 	<p>Y</p>

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>F. Roof:</p> <ol style="list-style-type: none"> 1) Keep the overall roof form of each building simple and compact. This is particularly important with smaller buildings. A street of small buildings can feel chaotic if each one has a complex roof. 2) Where pitched roofs are used, main roofs shall not be less than 4/3. 3) Roof materials should be appropriate to the style of the building, roof form, and slope. Heavier or more complex roofing materials (tile, concrete tiles) should be placed on simpler roofs - if they are used on complex roofs, they can cause leakage or unnecessary problems. More complex roofs, however, require monolithic, simpler materials (shingles). Allowable materials for roofs include tile, slate, fire-retardant shake, concrete tiles, and composition shingles. Shingles with an architectural grade shadow line, rather than a simple 3-tab, are preferred. <p>G. Garages:</p> <ol style="list-style-type: none"> 1) All garage doors should be designed to have an attractive appearance. Strong shadow lines should be created around the garage face by recessing the door six inches to a foot behind the adjacent building plane. Another option is to add a trellis that extends at least 2 feet over the garage face such that it adds strong shadows on the garage door face. Instead of a flat door, multi-panel door should be used to break down the scale of the garage doors. 	<p>Roof:</p> <ol style="list-style-type: none"> 1) = (+) 2) = (+) 3) = (+) <p>Garages:</p> <ol style="list-style-type: none"> 1) = (+) 	<p>Roof:</p> <ol style="list-style-type: none"> 1) The roof forms are simple & compact 2) Roof pitch for all roof are within guidelines 3) Composition roof shingles <p>Garages:</p> <ol style="list-style-type: none"> 1) The one Garage opening is recessed and will have a decorative gate design 	<p>Y</p> <p>Y</p>
<p>10..5.5: Landscaping & Site Furniture:</p>			

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
Plant Types: 1) Planting of shrubs and flowering plants to add variety to the setback areas are encouraged. 2) Pathways, pergolas and trellis that are in character with the architectural style of development to add shade and interest are encouraged.	1) = (+) 2) = (+)	1) Shrubs and flowering plants are used throughout 2) Landscape features will be in character with chosen style	Y
10..5.6: Signage: Style: 1) Traditional designs that reflect the building architecture are encouraged. 2) Signage for multifamily uses should be discreet and subdued.	1) = (+) 2) = (+)	1) Any signage will comply with this requirement 2) Signage will be designed to comply with this requirement	Y
10.6 ADDITIONAL STANDARDS FOR LIVE/WORK UNITS			
10.6.3: Floor Area Requirements: 1) The minimum floor area of a live/work unit should be 750 square feet.	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>
10.6.4: Access to Units: 1) Each unit should have access to the living space independent of access to the working space. Access to living space should be provided either directly from the sidewalk or from porches, courtyards, or alcoves, each of which may provide access to up to four units.	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>
10.6.5: Internal Layout: 1) All living space within the live/work unit should be contiguous with an integral part of the working space, with direct internal access between the two areas.	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>
10.6.6: Occupancy and Employees: 1) At least one of the full-time workers of the live/work units shall reside in the unit. The	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>

Chapter 9 & Chapter 10 Sections	Complies with Specific Plan Chapter 9 & 10	Applicant's Notes	Staff Comments
<p>residential area shall not be rented separately from the working space. The business activity occupying the live/work unit may utilize employees in addition to residents as necessary, subject to the occupancy level allowed by the building code. Working space shall be subject to fire code provisions for commercial occupancies.</p>			
<p>10.6.7: Retail Sales: 1) Retail space may be integrated with working space.</p>	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>
<p>10.6.8: Business License: 1) A business license shall be obtained in compliance with the City Code for business activities conducted within the live/work unit.</p>	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>
<p>10.6.9: Zoning: 1) Live-work units shall be added to the new zone district of Downtown Shoreline as conditional use and to the amended CC zone district as a permitted use.</p>	<i>Not Applicable</i>	<i>Not Applicable</i>	<i>Not Applicable</i>

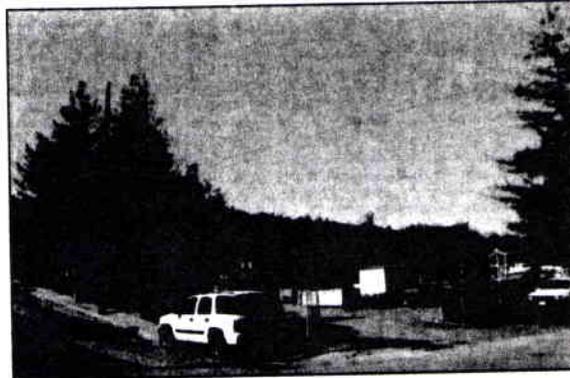
ATTACHMENT E

TREE REPORT

**"Berrellesa Palms" – RCD Senior Apartments
310 Berrellesa Street**



TREE REPORT
Martinez Senior Apartments
310 Berrellesa Street
Martinez, CA



PREPARED FOR
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March 2009

**Tree Report
Martinez Senior Apartments
Martinez, CA**

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Attachments

Tree Survey Forms

Tree Survey Map

Introduction and Overview

Resources for Community Development are planning to develop the Martinez Senior Apartments project in Martinez, CA. The project would create a residential development. The site is largely undeveloped and is occupied by the Alta Fence Company. Two small houses, a garage and outbuildings were located near the corner of Buckley St. and Richardson St. HortScience, Inc. was asked to prepare a Tree Report for the site as part of the application to the City of Martinez. The report provides the following information.

1. A survey of trees within the proposed project area.
2. An evaluation of the condition of each tree.
3. An assessment of the impacts of constructing the proposed project on the trees.
4. Guidelines for tree preservation during the design and construction phases of development.

Survey Methods

Trees were surveyed on March 10, 2009. The survey included trees approximately 6" in diameter and greater, located within the proposed project area. The survey procedure consisted of the following steps:

1. Tagging each tree with an identifying number and recording its location on a map;
2. Identifying the tree as to species;
3. Measuring the trunk diameter at a point 54" above grade;
4. Evaluating the health and structural condition using a scale of 1 – 5:
 - 5 - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
 - 4 - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
 - 3 - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
 - 2 - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
 - 1 - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.
5. Rating the suitability for preservation as "good", "moderate" or "poor". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.

Good: Trees with good health and structural stability that have the potential for longevity at the site.

Moderate: Trees with somewhat declining health and/or structural defects than can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'good' category.

Poor: Trees in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes, and generally are unsuited for use areas.

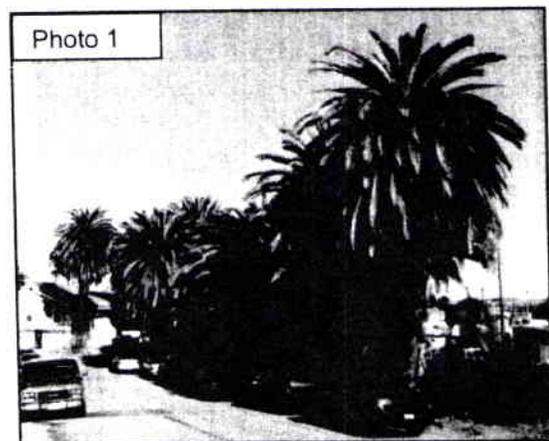
Description of Trees

Twenty-four (24) trees were evaluated, representing four (4) species (see Table 1, next page). Descriptions of each tree are found in the **Tree Survey Forms** and locations are shown on the **Tree Survey Map** (see attachments).

All twenty-four (24) trees met the City of Martinez's criteria for Protected Trees (6.5" diameter trunk or larger, regardless of species).

The most frequently occurring species was Canary Island date palm with 14 trees (58%). Coast redwood was represented by five (5) trees (21%). The remaining two species were represented by four (4) or fewer trees. Trunk diameter ranged from 8" to 36" for single-trunked trees. All of the trees were planted exotics, although some of the Canary Island palms appeared to have naturalized in a grove. None of the species were indigenous to the site.

Canary Island date palms were generally located near the corner Richardson St. near Foster St. (photo 1). The palms were all rated in good to excellent condition. The palms varied from young to mature in development with trunk diameters from 8" to 36", and brown trunk height (trunk height without fronds) that varied from approximately 4' to 25'. The trunks of many palms were partially or completely covered by dense palm growth. Therefore the condition of these trunks could not be observed. The trunks of several palms were next to each other or less than 5' apart.



Coast redwoods were located near the intersection of Berrellessa St. and Buckley St. The trees were semi-mature in development, and tree size ranged from 11-22" in diameter. All the redwoods were in fair health. All the trees had thin crowns (photo 2). Trees #439 and 443 had included bark (a structural defect) where the trunks divided into two stems. Tree #441 was located under utility lines and had been topped.



Four (4) glossy privets and one (1) loquat were located by the two existing houses on Buckley St. Glossy privet #420 was in good condition. The remaining privets and loquat were in fair condition. These trees were characterized by multiple trunks at ground level, decay or sunscald on trunks.

Table 1. Tree condition and frequency of occurrence. Martinez Senior Apartments. Martinez CA.

Common Name	Scientific Name	Condition			No. of Trees	
		Poor	Fair	Good	Specimens	
Loquat	<i>Eriobotrya japonica</i>	--	1	--	1	1
Glossy privet	<i>Ligustrum lucidum</i>	--	3	1	4	4
Canary Island date palm	<i>Phoenix canariensis</i>	--	--	14	14	14
Coast redwood	<i>Sequoia sempervirens</i>	--	5	--	5	5
Total, all trees surveyed		0 0%	9 38%	15 62%	24 100%	
Total, Specimen						24

Suitability for Preservation

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health presents a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**
 Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.
- **Structural integrity**
 Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.
- **Species response**
 There is a wide variation in the response of individual species to construction impacts and changes in the environment. Glossy privet has a moderate tolerance to construction impacts. In contrast, Canary Island date palm and coast redwood are tolerant of site disturbance.

■ **Tree age and longevity**

Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

■ **Species invasiveness**

Species which spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. In this case none of the species surveyed are considered invasive species. However, since the Canary Island date palms have not been maintained they are reproducing and spreading on the site.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (Table 2).

We consider trees with good suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with poor suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Table 2: Tree Suitability for Preservation

Good

These are trees with good health and structural stability that have the potential for longevity at the site. Fourteen (14) trees were rated as having good suitability for preservation, all Protected trees.

Tree No.	Species	Diameter (in.)	Protected Tree?
420	Glossy privet	8	Yes
425	Canary Island date palm	28	Yes
426	Canary Island date palm	28	Yes
427	Canary Island date palm	28	Yes
428	Canary Island date palm	28	Yes
429	Canary Island date palm	25	Yes
430	Canary Island date palm	25.12	Yes
431	Canary Island date palm	14	Yes
432	Canary Island date palm	8	Yes
433	Canary Island date palm	28	Yes
434	Canary Island date palm	20	Yes
435	Canary Island date palm	36	Yes
436	Canary Island date palm	36	Yes
437	Canary Island date palm	30	Yes

Table 2: Tree Suitability for Preservation, continued.

Moderate

Trees in this category have fair health and/or structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "good" category. Eight (8) trees were rated as having moderate suitability for preservation, all protected trees.

Tree No.	Species	Diameter (in.)	Protected Tree?
421	Loquat	10,7	Yes
423	Canary Island date palm	20,16,9	Yes
424	Glossy privet	6,4,4	Yes
438	Glossy privet	8,7,5,4,4	Yes
439	Coast redwood	19,19	Yes
440	Coast redwood	22	Yes
442	Coast redwood	15	Yes
443	Coast redwood	17,12	Yes

Poor

Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Two (2) trees were rated as having poor suitability for preservation, both were Protected trees.

Tree No.	Species	Diameter (in.)	Protected Tree?
422	Glossy privet	7,6,4,3,2,2	Yes
441	Coast redwood	11	Yes

Evaluation of Impacts and Recommendations for Preservation

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The **Tree Survey Form** was the reference point for tree condition and quality. Potential impacts from construction were evaluated using the Preliminary Grading Plan and Utility Plan by Luk and Associates (February 20, 2009), Architectural Site Map by KTG Architectural & Planning (February 17, 2009), and Landscape Plan by Keller Mitchell & Co. (February 17, 2009)

The plan depicted the footprint of the proposed building pads, underground garage, driveways, sidewalks and landscaped areas. Proposed elevations for building pads and spot elevations were included. The utility details were not available for review. Existing utilities, tree locations and trunk elevations were shown.

Impacts to trees will occur in several ways. Demolition of existing site improvements such as the existing houses, outbuildings, driveways, fences and hidden features may damage both tree roots and crowns. Providing access for construction will require pruning of tree crowns. Excavation and grading to construct the proposed improvements may damage tree roots both directly through mechanical injury, and indirectly by altering soil structure, drainage, and biology.

Using these Plans potential impacts from construction were estimated for each tree. The most significant impacts to the trees would occur as a result of the demolition, grading and construction for building pads, underground garage, driveways and sidewalks. The entire site will be largely regraded. Overall, impacts from construction will be significant.

Based upon our evaluation of the Plans, I recommend the preservation of 3 trees, Canary Island date palms #428-430 (Table 3). Preservation of these trees is predicated on the impacts being within the tolerances of the trees and on the implementations of specific recommendations in the **Tree Preservation Guidelines**. If the recommendations cannot be followed selected trees may require removal.

I recommend removal of 21 trees (Table 3). Two (2) trees, (#422 and 441), are recommended for removal because of their poor suitability for preservation. The remaining nineteen (19) trees are recommended for removal due to impacts from construction.

Table 3: Recommended action for trees at Martinez Senior Apartments. Martinez CA.

Tree #	Species	Trunk Diameter (in.)	Action	Comments
420	Glossy privet	8	Remove	Located In graded area.
421	Loquat	10,7	Remove	Located in underground garage.
422	Glossy privet	7,6,4,3,2,2	Remove	Poor suitability for preservation.
423	Canary Island date palm	20,16,9	Remove	Located in underground garage.
424	Glossy privet	6,4,4	Remove	Located in underground garage.
425	Canary Island date palm	28	Remove	Located in parking stall, Richardson St. side.
426	Canary Island date palm	28	Remove	Located in parking stall, Richardson St. side.
427	Canary Island date palm	28	Remove	Located in sidewalk, Richardson St. side.
428	Canary Island date palm	28	Preserve	Located near sidewalk, Richardson St. side.
429	Canary Island date palm	25	Preserve	Located near sidewalk, Richardson St. side.
430	Canary island date palm	25, 12	Preserve	Located near sidewalk, Richardson St. side.
431	Canary Island date palm	14	Remove	Located In graded area.
432	Canary Island date palm	8	Remove	Located In graded area.
433	Canary Island date palm	28	Remove	Located in parking stall, Richardson St. side.

(continued, next page)

Table 3: Recommended action for trees at Martinez Senior Apartments. Martinez CA.

Tree #	Species	Trunk Diameter (in.)	Action	Comments
434	Canary Island date palm	20	Remove	Located in parking stall, Richardson St. side.
435	Canary Island date palm	36	Remove	Located in graded area.
436	Canary Island date palm	36	Remove	Located in driveway off Richardson St.
437	Canary Island date palm	30	Remove	Located in driveway off Richardson St.
438	Glossy privet	8,7,5,4,4	Remove	Located in underground garage.
439	Coast redwood	19,19	Remove	Located in graded area.
440	Coast redwood	22	Remove	Located in driveway off Berrellessa St.
441	Coast redwood	11	Remove	Poor suitability for preservation.
442	Coast redwood	15	Remove	Located In graded area.
443	Coast redwood	17,12	Remove	Located In graded area.

Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees depends on the amount of excavation and grading, care with which demolition is undertaken, and construction methods. Coordinating any construction activity inside the **TREE PROTECTION ZONE** can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing and construction phases.

Design recommendations

1. **Tree Preservation Guidelines**, prepared by the Consulting Arborist, should be included on all plans impacting trees (eg. demolition, grading, utilities and landscaping)
2. Any changes to the plans affecting the trees should be reviewed by the consulting arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition. Trunk locations, trunk elevations and driplines should be included on all plans.

3. Preliminary Grading Plan: a new 7' wide sidewalk is proposed next to the trunks of trees #428-430. To preserve the trees reduce the width of the sidewalk to the minimum ADA requirements (eg. 42" or 48"). Use the smallest size possible. A second option is to meander the sidewalk behind the trees a minimum of 5' from the trunk to connect to Foster St. Design sidewalk within the dripline so that no excavation into the existing grade is required, if possible. Walkway and base material should be placed on top of existing grade, if possible. Consider the use of geotextile fabric under the walk to avoid compacting the soil. At selected locations it may be necessary to ramp the sidewalk over significant roots to reduce impacts to the trees.
4. Preliminary Grading Plan: design grading plan to minimize soil disturbance within 10' from the trunk of trees. Limit soil scarification to a depth of 12" or less within 10' from the trunk to reduce impacts to tree roots to the extent possible.
5. Landscape Plan: specify by note and symbols on the plans the following; no turf, planting or irrigation within 5' of trunk of trees #428-430. Specify on plans that all soil preparation, planting and irrigation work within 10' of the trunk shall be by hand. A tractor, trencher, rototiller or other similar power equipment shall not be permitted within 10' of the trunk.
6. Utility Plan: underground services including utilities, sub-drains, water or sewer shall be routed at least 15' beyond the **TREE PROTECTION ZONE**.
7. A **TREE PROTECTION ZONE** shall be established around each tree. No grading, scarification, compaction, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be placed in the **TREE PROTECTION ZONE**. Spoil from trench, footing, utility or other excavation shall not be placed within the **TREE PROTECTION ZONE**, either temporarily nor permanently. The limits of the **TREE PROTECTION ZONE** will be adjusted following design changes. The tree protection zones shall be defined as follows.
 - a. West: 1' behind back edge of sidewalk, but no closer then 2' west of trunk.
 - b. North, south and east: 10' on all sides.
8. Do not apply lime to the soil for compaction purposes within 50' of the dripline of trees. Lime is toxic to plant roots.
9. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.

Pre-construction treatments and recommendations

1. The construction superintendent should meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.

2. Fence trees #428-430 as a group to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link fence on posts driven into the ground. Fences are to remain until all grading, construction and landscaping is completed. We suggest placing weather proof signs on the fencing that read "**TREE PROTECTION ZONE KEEP OUT**" (eg. one sign every 50-75' for trees fenced as a group, and one sign for each of the four compass points for single trees).
3. Prune trees to remove dead frond, and to provide clearance for demolition and construction. Date palms are susceptible to Fusarium wilt and other diseases that can be spread during pruning. Fusarium wilt is always fatal and there are no arboricultural treatments. Therefore certain protocols should be followed to reduce the possibility of transmitting the diseases. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The pruning objectives are as follows.
 - a. Remove only dead fronds (ie. skirt or petticoat), fronds that are 50% chlorotic (yellow) and inflorescences. **Do not remove green fronds.**
 - b. Remove old leaf bases. Do not cut into trunk tissue. Allow several inches of leaf base to remain and extend from the trunk to form the pineapple. Maintain a pineapple about 4' in height to help support the fronds and crown above. The pineapple shall be shaped to create a uniform appearance.
 - c. The arborist shall use an aerial bucket truck to ascend the palm. Palms shall not be climbed with spur.
 - d. A hand saw or reciprocating saw shall be used for pruning. Sterilize saws and plastic scabbards before and after use on each tree to reduce the chance of spreading Fusarium wilt and other diseases. **A chain saw shall not be used because it cannot be adequately sterilized.**
 - e. To sterilize saws and plastic scabbards brush them free of wood dust then submerge in alcohol, chlorine bleach or pine sol (diluted 50:50 with water) for at least 10 minutes.
4. Apply a 4"-deep layer of wood chip mulch (gorilla hair mulch is not acceptable) within the **TREE PROTECTION ZONE** of trees. Keep mulch 2-3' from the trunk

Recommendations for tree protection during construction

1. No grading, excavation, construction or storage of materials shall occur within the **TREE PROTECTION ZONE** unless approved and monitored by the Consulting Arborist. No underground services including utilities, sub-drains, water, sewer or irrigation shall be placed in the **TREE PROTECTION ZONE** unless approved and monitored by the Consulting Arborist. Spoil from trench, footing, utility or other excavation shall not be placed within the **TREE PROTECTION ZONE**, either temporarily or permanently. Any modifications must be approved and monitored by the Consulting Arborist.

2. All grading and demolition within the dripline of trees shall be done using the smallest equipment possible. The Consulting Arborist will identify where hand grading will be required. The equipment shall operate perpendicular to the tree and operate from outside the **TREE PROTECTION ZONE**. Motorized compaction equipment shall not be used within the **TREE PROTECTION ZONE**.
3. Prior to excavation for the grading or construction trees may require root pruning outside the **TREE PROTECTION ZONE** by cutting all roots cleanly to the depth of construction. Roots will be exposed by either: pulling soil away from the tree with a small back hoe; digging by hand; using an air spade; or water evacuation. The Consulting Arborist should monitor the excavation and root pruning. Roots shall be pruned clean at the edge of excavation with hand pruners or a sharp shovel. The Consulting Arborist will identify in the field where root pruning is to occur, if required.
4. Prior to demolition of the fence and other improvements the trunks all trees must be protected to keep equipment and debris from damaging the trunks. Protect the trees with either straw wattle or bales of hay. Wrap wattle around the trunk or stack bales of hay from ground to a height of 8'. The Consulting Arborist will identify in the field if any adjustments to the location or height of tree protection is required depending on construction activity.
5. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
6. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**.
7. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Maintenance of impacted trees

Trees preserved at the Martinez Senior Apartments site will experience the physical environment different from that pre-development. Tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. Also, monitoring tree health and structural stability after construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Thus it is recommended that the property owner have the trees inspected annually for hazard potential.

HortScience, Inc.



Michael D. Santos
Certified Arborist, WE #3877
Registered Consulting Arborist #430

HortScience Tree Survey



HORT SCIENCE

Resources for Community
Development
Martinez Senior Apartments
Martinez, CA
March 2009

TREE No.	SPECIES	SIZE DIAMETER (in inches)	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS
420	Glossy privet	8	4	Good	Full crown; small twig dieback.
421	Loquat	10.7	3	Moderate	Cavity in trunk; sunscald in 7" stem.
422	Glossy privet	7,6,4,3,2,2	3	Poor	Trunks stem from base; decay in trunk.
423	Canary Island date palm	20,16,9	4	Moderate	Tight clump; 4' of brown trunk.
424	Glossy privet	6,4,4	3	Moderate	Trunks stem from base; crown flat on northeast.
425	Canary Island date palm	28	5	Good	25' of brown trunk; 4' from #426; trunk partially covered by dense palm growth.
426	Canary Island date palm	28	5	Good	15' of brown trunk; 4' from #425; trunk partially covered by dense palm growth.
427	Canary Island date palm	28	5	Good	25' of brown trunk; 1.5' from #428; trunk partially covered by palm growth.
428	Canary Island date palm	28	5	Good	Trunk bows at base; 25' of brown trunk; 1.5' from #427; trunk partially covered by palm growth.
429	Canary Island date palm	25	5	Good	Trunk leans northeast; 25' of brown trunk; 5' from #428; trunk partially covered by palm growth.
430	Canary Island date palm	25,12	5	Good	Trunks stem from base; 25' of brown trunk; 4' from #429; trunk partially covered by palm growth.
431	Canary Island date palm	14	5	Good	5' of brown trunk.
432	Canary Island date palm	8	5	Good	4' of brown trunk.
433	Canary Island date palm	28	5	Good	Untagged; 25' of brown trunk; trunk covered by dense palm growth.

A64

HortScience Tree Survey

Resources for Community
Development
Martinez Senior Apartments
Martinez, CA
March 2009



HORT SCIENCE

TREE No.	SPECIES	SIZE DIAMETER (in inches)	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS
434	Canary Island date palm	20	5	Good	Untagged; 4' of brown trunk; trunk covered by dense palm growth.
435	Canary Island date palm	36	5	Good	Untagged; 15' of brown trunk next to #436; trunk covered by dense palm growth.
436	Canary Island date palm	36	5	Good	25' of brown trunk; next to #435; trunk covered by dense palm growth.
437	Canary Island date palm	30	5	Good	9' of brown trunk; trunk covered by dense palm growth.
438	Glossy privet	8, 7, 5, 4, 4	3	Moderate	Trunks stem from base; trunk engulfed in ivy.
439	Coast redwood	19, 19	3	Moderate	Codominant trunks at 2' with included bark; thin crown.
440	Coast redwood	22	3	Moderate	Thin crown; good form.
441	Coast redwood	11	3	Poor	Topped at 13'; under utility lines.
442	Coast redwood	15	3	Moderate	Near utility lines; raised sidewalk; good form.
443	Coast redwood	17, 12	3	Moderate	Codominant trunks at 1' with included bark; thin crown; raised sidewalk.

Tree Survey Map

Martinez Senior Apartments
Martinez, CA

Prepared for:
Resources for Community
Development
Berkeley, CA

March 2009



No Scale

Notes:
Driplines and numbered tree
locations are approximate



HORT SCIENCE

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PREPARED BY
LUK & ASSOCIATES LAND SURVEYORS
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ATTACHMENT F

PARKING STUDY

"Berrellesa Palms" – RCD Senior Apartments 310 Berrellesa Street



**Kimley-Horn
and Associates, Inc.**

4 June 2009

Suite 410
2000 Crow Canyon Place
San Ramon, California
94583

Ms. Deni Adaniya
Resources for Community Development
2730 Telegraph Avenue
Berkeley, CA 94705

Re: Parking study related to proposed affordable Senior Housing land
use in Martinez, CA

Dear Ms. Adaniya:

Thank you for inviting Kimley-Horn and Associates, Inc.¹ to prepare a parking study in conjunction with the proposed Berrellesa Palms affordable senior rental housing land use. This study is intended to determine the most likely parking demand for the site based on field observations at similar housing types and other published sources.

BACKGROUND

Berrellesa Palms is proposed to include 49 dwelling units at 310 Berrellesa Street in Martinez, CA. The residential facility will be operated as an affordable, attached senior rental housing development for adults age 55 and older. The proposed land use is planned to include 33 parking spaces which equates to 0.67 spaces per dwelling unit, which exceeds the City's requirement of 0.35 spaces per dwelling unit.

The surrounding community has expressed concern that even though the proposed number of spaces exceeds the City's minimum standard, the development may not include sufficient parking based on the potential active nature of residents around 55 years of age.

¹ Kimley-Horn is a full-service consulting firm offering planning, engineering, and environmental engineering services. Nationwide, Kimley-Horn employs more than 1,800 professional, technical, and support personnel in more than 60 offices including locations in San Ramon, Oakland, Stockton, Roseville, and Ranch Cordova, CA.



FIELD OBSERVATIONS

Kimley-Horn researched and made field observations at two similar residential uses in the Bay Area to observe the parking demand. The observations were made to help estimate the expected demand for the proposed Berrellesa Palms project. The similar uses included Carmel Pines Apartments and Parkview Senior Apartments which were selected from a list obtained from the California Tax Credit Allocation Committee's Internet web site. The Allocation Committee is a statewide source for data on recently completed low-income housing projects. Kimley-Horn sorted the list to identify housing units in the Bay Area that are most similar to Berrellesa Palms. Criteria included affordable units, age restricted, and close to transit.

Carmel Pines Apartments is a 50 unit 55+ senior housing land use located in Walnut Creek, CA. Carmel Pines provides 13 parking spaces on-site. Overflow parking is provided in a public lot across the street containing roughly 30 unmarked parking spaces with additional on-street spaces generally located farther from the building. Parkview Senior Apartments are located in San Jose, CA and have 140 attached dwelling units for low income 55+ seniors. Parkview Senior has 84 parking spaces for their residents in a gated area.

Observations were made on Thursday, May 21, 2009 (at Parkview Senior Apartments) and Wednesday June 3, 2009 (at Carmel Pines Apartments) between 9:00 PM and 10:00 PM when residential parking is generally considered to have peaked for the evening. During the observation periods the number of occupied parking spaces was recorded to determine actual parking demand.

Results of the survey found that all 13 parking spaces were occupied at Carmel Pines Apartments as well as 2 spaces in the public lot across the street and 4 on-street spaces. There were 69 occupied spaces at Parkview Senior Apartments.



PARKING DEMAND CALCULATIONS

Parking demand was calculated for the locations observed based on the demand per dwelling unit (DU). **Table 1** summarizes the results of the affordable 55+ senior housing parking demand.

Table 1 – Observed Parking Demand

Affordable Location	# DU	# On-site Spaces Provided	# Spaces Occupied	% Occupied	Demand per DU
Carmel Pines Apartments	50	13*	19**	100%	0.38
Parkview Senior Apartments	140	84	69	82%	0.49

* Additional spaces are available offsite for use by residents and visitors.

** Includes observed demand in nearby public lot and adjacent on-street spaces.

RESULTS AND FINDINGS

As shown in **Table 1**, the highest parking demand is 0.49 spaces per dwelling unit. Average demand for the two study sites is 0.43.

Additional parking demand information on senior adult housing is also available from the Institute of Transportation Engineers’ publication, *Parking Generation*.² The proposed Berrellesa Palms would be categorized in *Parking Generation* as Senior Adult Housing – Attached (Land Use 252) which is described as “attached independent living developments, including retirement communities, age-restricted housing and active adult communities.” It is noted that the ITE study locations were not income restricted so vehicle ownership is likely to be higher than units similar to Berrellesa Palms. However, according to the ITE data, average parking demand for Senior Adult Housing – Attached is 0.39 spaces per unit which is well below the parking ratio and number of spaces proposed by the Berrellesa Palms project.

² ITE, *Parking Generation*, 3rd Edition, 2004.



Furthermore, in 2004, Kimley-Horn prepared a traffic and parking study for the Ambassador Housing Project in Emeryville, CA which was an affordable housing development. As part of the study, parking demand data was collected at a wide variety of affordable housing locations in the East Bay which included two senior housing facilities. The demand data for the senior housing facilities is included in **Table 2**.

Table 2 – Ambassador Housing Project Parking Demand

Affordable Location	#DU	Parking Demand per DU
Avalon Apartments (62+ seniors in Emeryville)	67	0.31
Mable Howard (62+ seniors in Berkeley)	42	0.24

Source: Ambassador Housing Project – 36th and Magnolia. Prepared by Kimley-Horn and Associates, Inc. for the City of Emeryville, CA, 8 January 2004.

Table 3 summarizes the parking demand for the senior housing land use based on the different uses.

Table 3 – Summary of Senior Parking Demand

Location	Parking Demand per DU
Carmel Pines Apartments	0.38
Parkview Senior Apartments	0.49
ITE Parking Generation	0.39
Avalon Apartments	0.31
Mable Howard	0.24
Proposed Berrellesa Palms	0.67

As shown in **Table 3**, there are several examples of affordable senior housing locations with parking demand less than what Berrellesa Palms is proposing. Based on these examples, we believe that Berrellesa Palms is providing a sufficient number of parking spaces for their residents.



In addition, non-senior affordable housing locations were observed in association with the Ambassador Housing Project and are summarized in **Table 4**.

Table 4 – Ambassador Housing Project Parking Demand

Location	#DU	Parking Demand per DU
Triangle Court (Emeryville)	20	1.10
Creekside (Albany)	16	1.06
Adeline Lofts (Oakland)	38	0.73

Ambassador Housing Project – 36th and Magnolia. Prepared by Kimley-Horn and Associates, Inc. for the City of Emeryville, CA, 8 January 2004.

The data in **Table 4** illustrates that the parking demand for non-senior (i.e. family) affordable housing is not much higher than the 0.67 space per dwelling unit supply Berrellesa Palms is proposing, which further emphasizes that the proposed project is including sufficient parking for their senior residents.

SITE PLAN REVIEW

The site plan (dated May 1, 2009) was reviewed to identify any potential parking issues. The parking stall dimensions (9 feet by 20 feet) were found to be standard as well as the parking aisle width of 24 feet based on ULI's *The Dimensions of Parking*³. Vehicles may conveniently enter and exit the parking from two locations. No parking issues were indentified and the on-site circulation appears to be adequate.

³ ULI – the Urban Land Institute and NPA – the National Parking Association, *The Dimensions of Parking*, 4th Edition, 2000.



**Kimley-Horn
and Associates, Inc.**

CONCLUSIONS

Berrellesa Palms is proposing to provide 33 parking spaces for 49 residential units which equates to 0.67 spaces per dwelling unit. This level of parking supply is nearly twice the City's requirement of 0.35 spaces per dwelling unit.

Additional sources of data including observations at comparable 55+ affordable senior housing locations, ITE's *Parking Generation*, and data from the Ambassador Housing Project traffic and parking study confirm that sufficient parking supply will be provided for the Berrellesa Palms project.

Thank you again for the opportunity to assist you on this project. Please call me or Erica McKinnon at 925-543-0840 if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.,

A handwritten signature in black ink that reads "James E. West".

James E. West, P.E.
Vice President
#C65854

A handwritten signature in black ink that reads "Erica McKinnon".

Erica McKinnon, E.I.T.
Project Manager

ATTACHMENT G

Government Code Excerpts: Sections 65915 – 65918; Density Bonuses (for lower income housing developments) and Other Incentives

**“Berrellesa Palms” – RCD Senior Apartments
310 Berrellesa Street**

65915.

- a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented.
- b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (g), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:
- (A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.
 - (B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
 - (C) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
 - (D) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

- (2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).
- c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low-and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code. Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.
- (2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:
- (A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
- (B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
- (C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision(b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of either of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local

government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

- e) In no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- f) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
- g) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

- (1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE LOW-INCOME UNITS	PERCENTAGE DENSITY BONUS
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

- (2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE VERY LOW INCOME UNITS	PERCENTAGE DENSITY BONUS
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- (3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent.

- (4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE MODERATE INCOME UNITS	PERCENTAGE DENSITY BONUS
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- (5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in subdivision (b), "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this section or any local law granting a greater density bonus. The

density bonus provided by this section shall apply to housing developments consisting of five or more dwelling units

- (h) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development, as follows:

PERCENTAGE VERY LOW INCOME	PERCENTAGE DENSITY BONUS
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- (2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

- (A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - (B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - (C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.
 - (D) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of dedication.
 - (E) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer. (F) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
- (i) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:
- (A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - (B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

- (2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:
- (A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).
 - (B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).
- (3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- (4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.
- (j) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
- (k) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

- (l) For the purposes of this chapter, concession or incentive means any of the following:
- (1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 - (2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 - (3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions. This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.
- (m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code.
- (n) Nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.
- (o) For purposes of this section, the following definitions shall apply:
- (1) "Development standard" includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.
 - (2) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

- (p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:
- (A) Zero to one bedrooms: one onsite parking space.
 - (B) Two to three bedrooms: two onsite parking spaces.
 - (C) Four and more bedrooms: two and one-half parking spaces.
- (2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.
- (3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to subdivision (d).

65915.5.

- (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.
- (b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
- (c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the

reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

- (d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.
- (e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.
- (f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916.

Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917.

In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5.

(a) As used in this section, the following terms shall have the following meanings:

- (1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.
- (2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of
 - (A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.
 - (B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.
- (3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make application for development approvals for the development or redevelopment of a commercial or industrial project.
- (4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height,

setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

- (c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.
- (d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for any purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. Any penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for childcare services or child care facilities.
- (e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need

for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998, by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918.

The provisions of this chapter shall apply to charter cities.

END

ATTACHMENT H

California Public Recourses Code Sections 21159.21, 21159.23 and 21159.24, and CEQA Guidelines Sections 15192, 15194 and 15195 Exemptions for Agricultural Housing, Affordable Housing and Residential Infill Housing Projects

“Berrellesa Palms” – RCD Senior Apartments 310 Berrellesa Street

PART 1 - CEQA Statutes, affordable housing exemptions

21159.21.

A housing project qualifies for an exemption from this division pursuant to Section 21159.22, 21159.23, or 21159.24 if it meets the criteria in the applicable section and all of the following criteria:

- (a) The project is consistent with any applicable general plan, specific plan, and local coastal program, including any mitigation measures required by a plan or program, as that plan or program existed on the date that the application was deemed complete and with any applicable zoning ordinance, as that zoning ordinance existed on the date that the application was deemed complete, except that a project shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the project site has not been rezoned to conform with a more recently adopted general plan.
- (b) Community-level environmental review has been adopted or certified
- (c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees
- (d) The site of the project does not contain wetlands, does not have any value as a wildlife habitat, and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete. For the purposes of this subdivision, "wetlands" has the same meaning as in Section 328.3 of Title 33 of the Code of Federal Regulations and "wildlife habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection
- (e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.

- (f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
 - (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.
 - (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

- (g) The project does not have a significant effect on historical resources pursuant to Section 21084.1.
- (h) The project site is not subject to any of the following:
 - (1) A wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.
 - (2) An unusually high risk of fire or explosion from materials stored or used on nearby properties.
 - (3) Risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.
 - (4) Within a delineated earthquake fault zone, as determined pursuant to Section 2622, or a seismic hazard zone, as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.
 - (5) Landslide hazard, flood plain, flood way, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.
- (i)
 - (1) The project site is not located on developed open space.
 - (2) For the purposes of this subdivision, "developed open space" means land that meets all of the following criteria:
 - (A) Is publicly owned, or financed in whole or in part by public funds.
 - (B) Is generally open to, and available for use by, the public.
 - (C) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ballfields, enclosed child play areas, and picnic facilities
 - (3) For the purposes of this subdivision, "developed open space" includes land that has been designated for acquisition by a public agency for

- developed open space, but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes
- (j) The project site is not located within the boundaries of a state conservancy.

21159.22.

- (a) This division does not apply to any development project that meets the requirements of subdivision (b), and meets either of the following criteria:
- (1) Consists of the construction, conversion, or use of residential housing for agricultural employees, and meets all of the following criteria:
 - (A) Is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.
 - (B) Lacks public financial assistance.
 - (C) The developer of the development project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 15 years.
 - (2) Consists of the construction, conversion, or use of residential housing for agricultural employees and meets all of the following criteria:
 - (A) Is housing for very low, low-, or moderate-income households as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.
 - (B) Public financial assistance exists for the development project.
 - (C) The developer of the development project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least 15 years.
- (b)
- (1) If the development project is proposed within incorporated city limits or within a census defined place with a minimum population density of at least 5,000 persons per square mile, it is located on a project site that is adjacent, on at least two sides, to land that has been developed, and consists of not more than 45 units, or is housing for a total of 45 or fewer agricultural employees if the housing consists of dormitories, barracks, or other group living facilities.
 - (2) If the development project is located on a project site zoned for general agricultural use, and consists of not more than 20 units, or is housing for a total of 20 or fewer agricultural employees if the housing consists of dormitories, barracks, or other group living facilities.
 - (3) The project satisfies the criteria in Section 21159.21
 - (4) The development project is not more than five acres in area, except that a project site located in an area with a population density of at least 1,000 persons per square mile shall not be more than two acres in area.
- (c) Notwithstanding subdivision (a), if a project satisfies the criteria described in subdivisions (a) and (b), but does not satisfy the criteria described in

paragraph (1) of subdivision (b), this division does not apply to the project if the project meets all of the following criteria:

- (1) Is located within either an incorporated city or a census-defined place.
 - (2) The population density of the incorporated city or census-defined place has a population density of at least 1,000 persons per square mile.
 - (3) The project site is adjacent on at least two sides to land that has been developed and the project consists of not more than 45 units, or the project consist of dormitories, barracks, or other group housing facilities for a total of 45 or fewer agricultural employees.
- (d) Notwithstanding subdivision (c), this division shall apply to a project that meets the criteria described in subdivision (c) if a public agency that is carrying out or approving the project determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative impacts of successive projects of the same type in the same area, over time, would be significant. For the purposes of this section, "agricultural employee" has the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.

21159.23.

- (a) This division does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of 100 or fewer that is affordable to low-income households if both of the following criteria are met:
- (1) The developer of the development project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.
 - (2) The development project meets all of the following requirements:
 - (A) The project satisfies the criteria described in Section 21159.21.
 - (B) The project site meets one of the following conditions:
 - (i) Has been previously developed for qualified urban uses.
 - (ii) The parcels immediately adjacent to the site are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses, and the site has not been developed for urban uses and no parcel within the site has been created within 10 years prior to the proposed development of the site
 - (C) The project site is not more than five acres in area.

- (D) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the project consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.
- (b) Notwithstanding subdivision (a), if a project satisfies all of the criteria described in subdivision (a) except subparagraph (D) of paragraph (2) of that subdivision, this division does not apply to the project if the project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile.
- (c) Notwithstanding subdivision (b), this division applies to a project that meets the criteria of subdivision (b), if there is a reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.
- (d) For the purposes of this section, "residential" means a use consisting of either of the following:
 - (1) Residential units only.
 - (2) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15 percent of the total floor area of the project.

21159.24.

- a) Except as provided in subdivision (b), this division does not apply to a project if all of the following criteria are met:
 - (1) The project is a residential project on an infill site.
 - (2) The project is located within an urbanized area.
 - (3) The project satisfies the criteria of Section 21159.21.
 - (4) Within five years of the date that the application for the project is deemed complete pursuant to Section 65943 of the Government Code, community-level environmental review was certified or adopted.
 - (5) The site of the project is not more than four acres in total area.
 - (6) The project does not contain more than 100 residential units.
 - (7) Either of the following criteria are met:
 - (A) (i) At least 10 percent of the housing is sold to families of moderate income, or not less than 10 percent of the housing is rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income.
 - (ii) The project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs determined pursuant to

paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code.

- (B) The project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (A).
 - (8) The project is within one-half mile of a major transit stop.
 - (9) The project does not include any single level building that exceeds 100,000 square feet.
 - (10) The project promotes higher density infill housing. A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise.
- b) Notwithstanding subdivision (a), this division shall apply to a development project that meets the criteria described in subdivision (a), if any of the following occur:
- (1) There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances.
 - (2) Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted.
 - (3) New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project, that was not known, and could not have been known, at the time that community-level environmental review was certified or adopted.
- c) If a project satisfies the criteria described in subdivision (a), but is not exempt from this division as a result of satisfying the criteria described in subdivision (b), the analysis of the environmental effects of the project in the environmental impact report or the negative declaration shall be limited to an analysis of the project-specific effect of the projects and any effects identified pursuant to paragraph (2) or (3) of subdivision (b).
- d) For the purposes of this section, "residential" means a use consisting of either of the following:
- (1) Residential units only.
 - (2) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15 percent of the total floor area of the project

* * *

PART 2 - CEQA Guidelines, affordable housing exemptions

Article 12.5 Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects

SECTIONS 15191 TO 15196

15191. DEFINITIONS

For purposes of this Article 12.5 only, the following words shall have the following meanings:

- (a) "Agricultural employee" means a person engaged in agriculture, including: farming in all its branches, and, among other things, includes: (1) the cultivation and tillage of the soil, (2) dairying, (3) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), (4) the raising of livestock, bees, furbearing animals, or poultry, and (5) any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market. This definition is subject to the following limitations:

This definition shall not be construed to include any person other than those employees excluded from the coverage of the National Labor Relations Act, as amended, as agricultural employees, pursuant to Section 2(3) of the Labor Management Relations Act (Section 152(3), Title 29, United States Code), and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code).

This definition shall not apply, or be construed to apply, to any employee who performs work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management

Relations Act, 29 U.S.C. Sec. 158(e)) or logging or timber-clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above. As used in this definition, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation.

- (b) "Census-defined place" means a specific unincorporated land area within boundaries determined by the United States Census Bureau in the most recent decennial census.
- (c) "Community-level environmental review" means either of the following:
 - (1) An EIR certified on any of the following:
 - (A) A general plan.
 - (B) A revision or update to the general plan that includes at least the land use and circulation elements.
 - (C) An applicable community plan.
 - (D) An applicable specific plan.
 - (E) A housing element of the general plan, if the environmental impact report analyzed the environmental effects of the density of the proposed project.
 - (2) A negative declaration or mitigated negative declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan, or an applicable specific plan, provided that the subsequent environmental review document is allowed by CEQA following a master EIR or a program EIR, or is required pursuant to Section 21166.
- (d) "Developed open space" means land that meets all of the following criteria:
 - (1) land that is publicly owned, or financed in whole or in part by public funds,
 - (2) is generally open to, and available for use by, the public, and
 - (3) is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ball fields, enclosed child play areas, and picnic facilities.

Developed open space may include land that has been designated for acquisition by a public agency for developed open space but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes.
- (e) "Infill site" means a site in an urbanized area that meets one of the following criteria:
 - (1) The site has been previously developed for qualified urban uses; or
 - (2) The site has not been developed for qualified urban uses but all immediately adjacent parcels are developed with existing qualified urban uses; or
 - (3) The site has not been developed for qualified urban uses, no parcel within the site has been created within the past 10 years, and the site is situated so that:
 - (A) at least 75 percent of the perimeter of the site is adjacent to parcels that are developed with existing qualified urban uses at the time the lead agency receives an application for an approval; and
 - (B) the remaining 25 percent of the perimeter of the site adjoins parcels that had been previously developed for qualified urban uses.
- (f) "Low- and moderate-income households" means "persons and families of low or moderate income" as defined in Section 50093 of the Health and Safety Code to mean persons and families whose income does not exceed 120 percent of area median income, adjusted for family

- size by the Department of Housing and Community Development, in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.
- (g) "Low-income households" means households of persons and families of very low and low income, which are defined in Sections 50093 and 50105 of the Health and Safety Code as follows:
- (1) "Persons and families of low income" or "persons of low income" is defined in Section 50093 of the Health & Safety Code to mean persons or families who are eligible for financial assistance specifically provided by a governmental agency for the benefit of occupants of housing financed pursuant to this division.
 - (2) "Very low income households" is defined in Section 50105 of the Health & Safety Code to mean persons and families whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. "Very low income households" includes extremely low income households, as defined in Section 50106 of the Health & Safety Code.
- (h) "Lower income households" is defined in Section 50079.5 of the Health and Safety Code to mean any of the following:
- (1) "Lower income households," which means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937.
 - (2) "Very low income households," which means persons and families whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937.
 - (3) "Extremely low income households," which means persons and families whose incomes do not exceed the qualifying limits for extremely low income families as established and amended from time to time by the Secretary of Housing and Urban Development and defined in Section 5.603(b) of Title 24 of the Code of Federal Regulations.
- (i) "Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- (j) "Project-specific effect" means all the direct or indirect environmental effects of a project other than cumulative effects and growth-inducing effects.
- (k) "Qualified urban use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.
- (l) "Residential" means a use consisting of either of the following:
- (1) Residential units only.
 - (2) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15 percent of the total floor area of the project.
- (m) "Urbanized area" means either of the following:
- (1) An incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least 100,000 persons; or
 - (2) An unincorporated area that meets the requirements set forth in subdivision (m)(2)(A) and subdivision (m)(2)(B) below.

- (A) The unincorporated area must meet one of the following location or density requirements:
1. The unincorporated area must be: (i) completely surrounded by one or more incorporated cities, (ii) have a population of at least 100,000 persons either by itself or in combination with the surrounding incorporated city or cities, and (iii) have a population density that at least equals the population density of the surrounding city or cities; or
 2. The unincorporated area must be located within an urban growth boundary and have an existing residential population of at least 5,000 persons per square mile. For purposes of this subparagraph, an "urban growth boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.
- (B) The board of supervisors with jurisdiction over the unincorporated area must have taken the following steps:
1. The board has prepared a draft document by which the board would find that the general plan, zoning ordinance, and related policies and programs applicable to the unincorporated area are consistent with principles that: (i) encourage compact development in a manner that promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing, and (ii) protects the environment, open space, and agricultural areas.
 2. The board has submitted the draft document to OPR and allowed OPR thirty days to submit comments on the draft findings to the board.
 3. No earlier than thirty days after submitting the draft document to OPR, the board has adopted a final finding in substantial conformity with the draft finding described in the draft document referenced in subdivision (m)(2)(B)(1) above.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21159.20, 21159.21, 21159.22, 21159.23, 21159.24, Public Resources Code.

15192. THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

In order to qualify for an exemption set forth in sections 15193, 15194 or 15195, a housing project must meet all of the threshold criteria set forth below.

- (a) The project must be consistent with:
- (1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and
 - (2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.
- (b) Community-level environmental review has been adopted or certified.
- (c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.
- (d) The site of the project:

- (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.
 - (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.
 - (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).
 - (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.
- (e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.
 - (f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:
 - (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.
 - (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.
 - (g) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.
 - (h) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.
 - (i) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.
 - (j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.
 - (k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.
 - (l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.
 - (m) The project site is not located on developed open space.
 - (n) The project site is not located within the boundaries of a state conservancy.
 - (o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21159.21, 21159.27, Public Resources Code.

15193. AGRICULTURAL HOUSING EXEMPTION

CEQA does not apply to any development project that meets the following criteria.

- (a) The project meets the threshold criteria set forth in section 15192.
- (b) The project site meets the following size criteria:
 - (1) The project site is located in an area with a population density of at least 1,000 persons per square mile and is two acres or less in area; or
 - (2) The project site is located in an area with a population density of less than 1,000 persons per square mile and is five acres or less in area.
- (c) The project meets the following requirements regarding location and number of units.
 - (1) If the proposed development project is located on a project site within city limits or in a census-defined place, it must meet the following requirements:
 - (A) The proposed project location must be within one of the following:
 1. Incorporated city limits; or
 2. A census defined place with a minimum population density of at least 5,000 persons per square mile; or
 3. A census-defined place with a minimum population density of at least 1,000 persons per square mile, unless a public agency that is carrying out or approving the project determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative impacts of successive projects of the same type in the same area, over time, would be significant.
 - (B) The proposed development project must be located on a project site that is adjacent, on at least two sides, to land that has been developed.
 - (C) The proposed development project must meet either of the following requirements:
 1. Consist of not more than 45 units, or
 2. Consist of housing for a total of 45 or fewer agricultural employees if the housing consists of dormitories, barracks, or other group living facilities.
 - (2) If the proposed development project is located on a project site zoned for general agricultural use, it must meet either of the following requirements:
 - (A) Consist of not more than 20 units, or
 - (B) Consist of housing for a total of 20 or fewer agricultural employees if the housing consists of dormitories, barracks, or other group living facilities.
- (d) The project meets the following requirements regarding provision of housing for agricultural employees:
 - (1) The project must consist of the construction, conversion, or use of residential housing for agricultural employees.
 - (2) If the project lacks public financial assistance, then:
 - (A) The project must be affordable to lower income households; and

- (B) The developer of the development project must provide sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 15 years.
- (3) If public financial assistance exists for the project, then:
 - (A) The project must be housing for very low, low-, or moderate-income households; and
 - (B) The developer of the development project must provide sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least 15 years.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21159.22, Public Resources Code.

15194. AFFORDABLE HOUSING EXEMPTION

CEQA does not apply to any development project that meets the following criteria:

- (a) The project meets the threshold criteria set forth in section 15192.
- (b) The project meets the following size criteria: the project site is not more than five acres in area.
- (c) The project meets both of the following requirements regarding location:
 - (1) The project meets one of the following location requirements relating to population density:
 - (A) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.
 - (B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.
 - (C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.
 - (2) The project meets one of the following site-specific location requirements:
 - (A) The project site has been previously developed for qualified urban uses; or
 - (B) The parcels immediately adjacent to the project site are developed with qualified urban uses.
 - (C) The project site has not been developed for urban uses and all of the following conditions are met:
 - 1. No parcel within the site has been created within 10 years prior to the proposed development of the site.
 - 2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.
 - 3. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.
- (d) The project meets both of the following requirements regarding provision of affordable housing.
 - (1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.

- (2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21159.23, Public Resources Code.

15195. RESIDENTIAL INFILL EXEMPTION

- (a) Except as set forth in subdivision (b), CEQA does not apply to any development project that meets the following criteria:
 - (1) The project meets the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.
 - (2) The project meets both of the following size criteria:
 - (A) The site of the project is not more than four acres in total area.
 - (B) The project does not include any single level building that exceeds 100,000 square feet.
 - (3) The project meets both of the following requirements regarding location:
 - (A) The project is a residential project on an infill site.
 - (B) The project is within one-half mile of a major transit stop.
 - (4) The project meets both of the following requirements regarding number of units:
 - (A) The project does not contain more than 100 residential units.
 - (B) The project promotes higher density infill housing. The lead agency may establish its own criteria for determining whether the project promotes higher density infill housing except in either of the following two circumstances:
 1. A project with a density of at least 20 units per acre is conclusively presumed to promote higher density infill housing.
 2. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density infill housing unless the preponderance of the evidence demonstrates otherwise.
 - (5) The project meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to moderate, low or very low income families as set forth in either A or B below:
 - (A) The project meets one of the following criteria, and the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units as set forth below at monthly housing costs determined pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code.
 1. At least 10 percent of the housing is sold to families of moderate income, or
 2. Not less than 10 percent of the housing is rented to families of low income, or
 3. Not less than 5 percent of the housing is rented to families of very low income.

- (B) If the project does not result in housing units being available as set forth in subdivision (A) above, then the project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (A).
- (b) A project that otherwise meets the criteria set forth in subdivision (a) is not exempt from CEQA if any of the following occur:
- (1) There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances.
 - (2) Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted.
 - (3) New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project that was not known, and could not have been known at the time that community-level environmental review was certified or adopted.

If a project is not exempt from CEQA due to subdivision (b), the analysis of the environmental effects of the project covered in the EIR or the negative declaration shall be limited to an analysis of the project-specific effect of the projects and any effects identified pursuant to subdivisions (b)(2) and (3).

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21159.24, Public Resources Code.

15196. NOTICE OF EXEMPTION FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

- (a) When a local agency determines that a project is not subject to CEQA under Section 15193, 15194, or 15195, and it approves or determines to carry out that project, the local agency or person seeking project approval shall file the notice required by Section 21152.1 of the Public Resources Code, pursuant to Section 15062.
- (b) Failure to file the notice required by this section does not affect the validity of a project.
- (c) Nothing in this section affects the time limitations contained in Section 21167.

Note: Authority cited: Section 21083, Public Resources Code. Reference: 21152.1, Public Resources Code.

Article 13. Review and Evaluation of EIRs and Negative Declarations

SECTIONS 15200 TO 15209

15200. PURPOSES OF REVIEW

The purposes of review of EIRs and Negative Declarations include:

- (a) Sharing expertise,
- (b) Disclosing agency analyses,
- (c) Checking for accuracy,
- (d) Detecting omissions,