



STAFF REPORT

TO: PLANNING COMMISSION

PREPARED BY: Corey Simon, Senior Planner

REVIEWED BY: Terry Blount, AICP, Planning Manager

GENERAL INFORMATION

**OWNER/
APPLICANT:** Shell Heights Associates, LLC/ Bill Schrader

LOCATION: Shell Avenue - vacant 5.6 acre parcel located between La Salle Manor Apartments and Alhambra Terrace (Housing Authority) Apartments

GENERAL PLAN: LAND USE ELEMENT: Residential: 6-12 units/gross acre; and
CENTRAL MARTINEZ SPECIFIC PLAN AREA: *Group 2 Residential*; Single-Family, Duplex and Townhome dwellings (up to 12 units/acre);
OPEN SPACE/CONSERVATION ELEMENT: Visually Significant Hillside.

ZONING: R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)

**ENVIRONMENTAL
REVIEW:** The attached initial study evaluating this project's environmental impact was prepared and circulated as required by the California Environmental Quality Act (CEQA). The initial study found the project would not have a significant impact, with the proposed mitigation measures, and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared. The 20-day comment period began on Monday, November 2, 2009 and ends on Monday, November 23, 2009.

PROPOSAL: Re-designation of General Plan Land Use and Zoning District Designations on 5.6 acre parcel, specifically re-designating a 1.6 acre area adjacent to Shell Avenue to allow the development of 46 multi-family units. The Planning Commission will make its recommendation to the City Council, which will consider the possible amendments at a future date to be announced. Should the General Plan Amendments and Rezoning be approved by the City Council, the Planning Commission will then consider, at a future hearing date, development applications regarding the project site.

**APPROVALS
REQUESTED**

- a) General Plan Amendment to re-designate approximately 1.6 acres from "Group 2 Residential" to "Group 4 Residential," to allow for the development of multi-family housing with a density of up to 29 units per acre, and rezoning from "R-3.5 (Family Residential: 3,500 sq. ft. per dwelling unit/4,000 sq. ft. minimum lot size)" to "R-1.5 (Multi-Family Residential: 1,500 sq. ft. per dwelling unit/10,000 sq. ft. minimum lot size)."
- b) General Plan and Zoning Map amendments to allow the remaining 4 acres to be developed as a custom home parcel (with a ¼ acre building site and the balance to be designated Open Space)

RECOMMENDATION

Adopt draft resolution, recommending that the City Council adopt the proposed Mitigated Negative Declaration and approve GPA # 09-01 and RZ # 09-01.

INTRODUCTION

Previous approval and need for General Plan & Zoning Map amendment

After receiving Planning Commission approval for a 20 townhome Planned Unit Development in 2006, the property owner/applicant graded the lower 1½ acre portion of the site, and installed utilities and retaining walls, anticipating the imminent construction of units (previous approvals are illustrated on Attachments G and H). Due to the declining housing market, work ceased in 2007. In mid-2008, the applicant began discussions with staff regarding the possibility of developing the already graded portion of the property with 40+ units of multi-family housing. Staff informed the applicant that regardless of the proposed project's density (in 2006, the Commission approved a Variance to the Slope Density provisions of the Hillside Development Regulations to allow 21 units where a maximum of nine units would have normally been permitted), General Plan and Zoning Map amendments would be needed, as the site's current General Plan and Zoning designations only allow for single family and townhome configurations. The 5.6 acre property's current General Plan designation (Central Martinez Specific Area Plan) of "Group 2 Residential" allows a maximum density of 12 units per acre, and precludes residential buildings with stacked multiple units, whether built as apartments or condominiums. The construction of multi-family housing thus requires the re-designation of the approximate 1.6 acre graded area to the Central Martinez Specific Area Plan's highest density designation, "Group 4 Residential," which allows multi-family development up to a density of 29 units per acre. Zoning map amendments, to maintain consistency with the proposed new General Plan designations, are also required. Proposed General Plan and Zoning Map amendments are illustrated in Attachments J and K.

It should be noted that no change is proposed for the approximate 4 acre balance of the property: the steeply sloping "upper slope" area east of the graded development site is the most visually prominent portion of the property, and has several large coast live oak trees that would remain under the current development plan. This 4 acre site would be privately owned as a "custom estate lot," with a ¼ acre building site and the remainder of the upper elevations preserved as open space.

Two-tiered review of application

As per the Planning Commission's policy direction to staff, staff advised the applicant to present his proposal, which includes specific site and building plans, to the Planning Commission at a Study Session. The applicant chose not to apply for Study Session review, and filed the subject application in March 2009. Given both the broad land use policy question raised by the application for multi-family housing, and the need for broad policy discussions with the public, Commission and Council prior to engaging in a detailed discussion of site and building design, both the applicant and staff agreed to

the following two-tiered review of the application:

- 1st STEP-** Amend General Plan/Zoning Map, with Public Hearings before Planning Commission (for its Recommendation) and City Council (site plan/design package for informational purposes only).
- 2nd STEP -** Approval of site and building design, by going to Design Review Committee (for Recommendation) and Planning Commission for final action, unless appealed

Such a two-tiered approach is intended to focus the Planning Commission's and City Council's initial discussions on the proposed land use changes, and less on the particular site and building plans presented at this time. Furthermore, staff envisions that the City Council's deliberation on the proposed General Plan and Zoning Map changes will include broad feedback regarding the proposed site and building plans, which can help to frame the context for review in the second step of the review process.

Role of CEQA and Initial Study/Proposed Mitigated Negative Declaration

Notwithstanding the two-tiered review process outlined above, the California Environmental Quality Act (CEQA) requires that potential environmental impacts of all components of the project as defined by CEQA (which in this case included both the proposed land use map changes and the proposed site and building plans) must be evaluated together. As a relatively high density proposal in a mostly suburban setting, staff determined that an expanded Initial Study, with visual simulations of the proposed buildings, was warranted to help decision makers evaluate the proposal. Furthermore, since parking and traffic concerns were raised during the Commission's review of the 2006 project plan, an expanded evaluation of possible traffic and parking impacts was also warranted. Staff initiated the process for selecting an environmental consultant to prepare the required Initial Study in April 2009, and the copies of the completed Initial Study have been provided for the Commission's review and comment. In addition, the Initial Study serves as a resource of additional background information regarding the site's existing condition and surrounding context.

It should be stressed that while the Commission is not being asked to grant approvals for a specific site and building proposal, the Initial Study has evaluated the aesthetic impact of the buildings as they have been proposed, and changes to the buildings have been proposed as mitigation measures, which are discussed further as a separate topic within this report.

BACKGROUND

It should be noted that preliminary applications for multi-family construction were made in 2001 and 2002, but neither applicant pursued the needed General Plan and Zoning Map amendments. In 2004 and 2005, the Planning Commission held a study session and public hearing on the previous owner/applicant's proposal (G & R Development) to subdivide the subject 5.6 parcel into 9 single-family residential lots. At the May 2004 meeting, the Commission discussed the possibility of pursuing a medium density Planned Unit Development at the lower elevations, that would leave the upper

elevations as open space. The previous owner stated that he was not interested in any form of development other than conventional single family detached development, and returned to the Commission in 2005 with a somewhat improved concept to the plan rejected by the Commission at its 2004 study session. That revised plan was also rejected by the Commission.

The property was soon after acquired by its current owner and the current applicant, who in November 2005, presented a plan for 20 townhome units and one custom homesite at a Planning Commission Study Session. That plan was enthusiastically received by the Commission, and as stated above in the introduction to this report, final Planned Unit Development and Subdivision approvals were given by the Commission in 2006. It should be noted that the 2006 approvals have not expired and remain valid.

DISCUSSION and ANALYSIS

TOPIC ONE – *APPROPRIATENESS OF HIGH DENSITY RESIDENTIAL GENERAL PLAN AND ZONING DESIGNATION FOR 1.6 ACRE SITE*

Regardless of the aesthetic issues raised in the Initial Study regarding the applicant's specific building proposal, a re-designation of the 1.6 acre site to allow high density residential development at a density at least or greater than that of the adjacent La Salle Manor Apartments to the north, appears warranted for the following reasons:

- Net density of the La Salle Manor apartments is approximately 22 units per acre (2,000 sq ft site area per unit), which is consistent with the "Group 4 Residential,"/R-1.5 (1,500 sq. ft. per dwelling unit) designations being requested by the applicant. While the gross four acre La Salle Manor site is within the "Group 3 Residential" General Plan land use classification (allowing up to 14 units per acre) and R-2.5 Zoning District, the easterly one acre of the site is steeply sloped undeveloped open space area, just as the easterly four acres of the subject property is proposed to remain as open space. When looking at the three acres containing La Salle Manor's 66 units, this existing project's density would require the same land use designations now being requested. Attachments B, C and D illustrate the potential commonality between the existing La Salle Manor multi-family buildings and the subject multi-family development site. The proposed General Plan and Zoning Map amendments would create parity for the relatively level portions of the adjacent sites.
- Physical constraints of the 5.6 acre site appear to warrant the flexibility of allowing multi-family units on the lower 1.6 acre portion. Assuming the City wishes for the majority of the upper slope area to remain as open space, development of the 1.6 acre area at the bottom may never be viable if units can only be in single family or townhome configurations, as required by current "Group 2 Residential" 0/R-3.5 (Family Residential: 3,500 sq. ft. per dwelling unit) designations. The ability to stack multiple units within one building, as only allowed in the requested "Group 4 Residential "/R-1.5 (1,500 sq. ft. per dwelling unit) appears warranted.
- Integral to the request to designate the 1.6 acre development site for high density

residential development would be the changing of the General Plan land use designation of over 3½ acres of the upper slopes from “Group 2 Residential” to “Open Space”. While the generalized concept of transferring possible density from the upper slope to the lower site was used by the Commission when it approved a Variance to the Slope Density provision of the Hillside Development Regulations to allow 21 units where a maximum of nine units would have normally been permitted, the instrument of preserving the upper slope as open space would have been a “scenic easement” recorded as part of the final subdivision map for the 21 unit development. Re-designating the General Plan and Zoning map to preclude development of the upper slope would preserve this designated “Visually Significant Hillside” regardless of the status of this or possible future subdivision applications.

TOPIC TWO– APPLICATION OF HILLSIDE DEVELOPMENT REGULATIONS TO PARCEL

The Hillside Development Regulations apply to properties within any Residential Zoning Designation, and limit the potential development of a parcel by:

- *establishing the maximum possible units that can be built, reducing the allowable “slope density” of a property in inverse proportion to the steepness of the property’s natural slope.*

DISCUSSION: As a tool to preserve the scenic quality of natural hillsides, City policy is to only apply the reduction in allowable density to naturally sloping areas. Thus the allowed density of any previously mass graded property is the maximum allowed for the subject zoning district (i.e. for properties of less than 10% slope), regardless of the slope of the graded property. Under the current R-3.5 (Family Residential: 3,500 sq. ft. per dwelling unit) designation, a maximum of 19 units would be allowed on the 1.6 graded portion. Should the proposed re-designation to R-1.5 (1,500 sq. ft. per dwelling unit) be approved, a maximum of 46 would be permitted. Thus the proposal would be consistent with this aspect of the Hillside Development Regulations.

- *prohibiting the creation of new lots for development on areas with natural slopes over 30% and landslide areas.*

DISCUSSION: As the development area is limited to that already graded per the 2006 approval, no new naturally sloped areas are to be disturbed. Areas of 30% slope and graded areas are illustrated in Attachment F.

- *establishing development standards for all hillside development and requiring special findings to allow development on a Visually Significant Hillside as designated in the General Plan’s Open Space/Conservation Element.*

DISCUSSION: It appears that the project is generally consistent with the following standards, which are intended to minimize the negative visual consequence of hillside development:

- *The proposed grading of the property shall be designed to minimize disruption of the natural topography.*

- *All proposed roads shall follow contours lines, where feasible, to minimize grading.*
- *The proposed development shall protect natural features on the site in their natural state, such as trees*
- *Development is designed to take place as far beneath the visually significant ridge as practicable or in the least visible portion of the visible hillside.*

The Visually Significant Hillside, as designated in the General Plan's Open Space/Conservation Element, is illustrated in Attachment E. Both the 2006 and current proposal, which cluster units at the base of the hill, appear to meet the above standards. In addition, access to the proposed custom homesite will be as per the 2006 approval through the adjoining Christ Lutheran Church property, eliminating the need for the grading of an access road across the highly visible slope.

While this Visually Significant Hillside would remain largely undisturbed, the width of the buildings as currently proposed would largely block the public's view of the ridge from Shell Avenue. This issue is discussed in the Initial Study under the topic of Aesthetics, and an overview of the issue is provided below

TOPIC THREE – VISUAL IMPACTS and ENVIRONMENTAL MITIGATION

While the main intent of the two-tiered review process is to focus the Commission's initial review on its recommendation to the City Council regarding the proposed land use designation changes, the Commission is also charged per MMC Section 20.04.050: Environmental Review, to make its recommendation to the City Council regarding the Initial Study and proposed mitigation measures. Based on the visual simulations, the most relevant potential adverse environmental impact identified would be how the relatively tall and wide buildings could both: a) appear somewhat incongruous in their lower density neighborhood context and b) unduly block visual access to the scenic ridge that is preserved by the proposed development. Acknowledging that the high quality architecture is well articulated and helps to reduce the visual mass of the buildings, additional mitigation appears warranted. The following are the proposed mitigation measures:

- Reducing the southerly building width for additional tree planting areas. As a mitigation measure, an approximate 20% reduction in the length of the southerly building is recommended. The area from the reduced building footprint should be evenly divided to increase the landscape area on both the northerly and southerly side of this southerly building. This added landscape area would be most visually beneficial in adding to the screen plantings, (which are shown on the visual simulation at the bottom of page 31, Figure 3-3, of the Initial Study), as the limited planting area now proposed does not appear adequate for effectively screening the width and height of this southerly building elevation. It should be noted that the row of trees currently shown on the plans are within a proposed storm drain easement, which can limit tree species selection and thus tree height. The addition of a landscape area not encumbered by the storm drain easement would allow for a

greater number and/or larger trees, and thus more effective building screening.

- Reducing southerly building width for wider visual access through property. Maintaining reasonable visual access to the Visually Significant Ridge behind the development area is needed to avoid a significant impact to a Scenic Vista. The reduction in building width will be most beneficial to the northbound motorist (again, refer to the visual simulation at the bottom of page 31, Figure 3-3, of the Initial Study), as well as those entering the project through the narrow entry drive between the two buildings. It should be noted for reference that as currently proposed by the applicant, the entry drive is within a 40' wide space between two 60'+ deep buildings over 40' tall. The entry drive for the previously approved townhome project was within a space 60' wide, between two 30'+ deep buildings approximately 35' tall. While the architectural design is not itself an environmental issue, the relatively long buildings have precluded any sort of entry porch or cover for building entries (to serve the units with interior corridor access) on the building's side elevation. The narrowed building may allow for improvements to the minimal treatment now illustrated.
- Proposed reduction in building width need not result in reduction in number of units. While it appears that the proposed 20% reduction in building width could be accomplished by deleting five one-bedroom units, the applicant has the option of replacing all or some of these units by building a greater number of one-bedroom units overall within the remaining building envelope. As another alternative, units could be placed over the rear bank of carports, as illustrated at the bottom of page 34, Photo 8 of the Initial Study.

TOPIC FOUR – ON-SITE PARKING and ENVIRONMENTAL MITIGATION

The second major issue raised by the Initial Study concerns the proposed exception to the City's requirements for on-site parking spaces within multi-family development. A parking ratio of 1.4 spaces per unit is proposed. It should be noted that the City's current parking requirement (applicable outside of the Downtown Overlay District) of 2.25 spaces for all multi-family housing (including one-bedroom units) appears inconsistent with the requirement of similar local agencies, as requirements ranging from 1.5 to 2.0 spaces are more common. The traffic engineer's study done as part of the Initial Study looked at actual parking demand at similar type multi-family development in Central County, and found actual demand ranging from 1.17 to 1.64 spaces per unit. Recalling the Commission's 2006 discussion regarding concerns over parking demand within the approved townhome project, Commissioners may want to discuss the proposed mitigation measure regarding parking impacts, which would require that actual parking supply be increased to fit within the upper end of the traffic engineer's study, which is 1.5 spaces or more. The upper range appears appropriate, as there will be limited opportunities on Shell Avenue for overflow or guest parking, and there are no local streets for additional parking in the immediate vicinity. To comply with this mitigation, additional parking spaces could be placed within a portion of the open area created by the proposed 20% reduction in building width discussed above, and/or by reducing the number of units.

TOPIC FIVE – USABLE OPEN SPACE and RECREATIONAL AMENITIES

It should be noted that the proposal will be subject to the current Usable Open Space requirements, rather than those of the draft Zoning Ordinance amendments reviewed by the Commission in September. As such, the open space behind the development allows the proposal to be in compliance with the current requirements of providing 400 sq ft. per unit of Open Space, which in this case may include areas of natural landscape. It should be noted that most units will have balconies and porches of 70- 80 sq. ft. which is larger than the minimum 60 sq. ft. that would be required as private open space in the draft regulations, while the triangular “tot lot” space would be smaller than what would be required. But even if the new regulations were in effect, the large amount of natural open space to be set aside by the proposal would lend the project to a possible exception to the proposed open space requirements.

TOPIC SIX – OTHER TECHNICAL CONSIDERATIONS

Staff’s preliminary observations and comments are provided below:

- GEOTECHNICAL, DRAINAGE and SOILS: The applicant will be building on the work of the previous proposal (which had completed the peer review process), and no changes regarding geotechnical factors have been proposed. No major changes to the grading plan is anticipated.
- ON-SITE STORM WATER TREATMENT: Provisions for the on-site treatment of storm water (as mandated by Clean Water 3.C regulations) have been made. Calculations to document the adequacy of treatment areas are required as part of the development submittal requirements.
- TREE REMOVAL: No tree removal beyond that shown as part of the 2006 approval is being proposed. Final plans will include tree removal and replacement plans.

ATTACHMENTS

- A. Site Context Map
 - B. Site Context Aerial
 - C. Aerial Perspective, Looking East
 - D. General Plan - Land Use Context
 - E. General Plan – Open Space/Conservation Element
 - F. Hillside Development Regulations – Areas of 30% and Graded Areas
 - G. 2006 Approved Plan – overview of 5½ acre property
 - H. 2006 Approved Plan – 20 Townhomes on 1½ acre site at Shell Avenue
 - I. 2009 Proposed Plan – 46 Multi-Family units on 1½ acre site at Shell Avenue
 - J. Proposed General Plan Amendments
 - K. Proposed Zoning Map Amendments
- Planning Commission Resolution 09-08 **[DRAFT]**

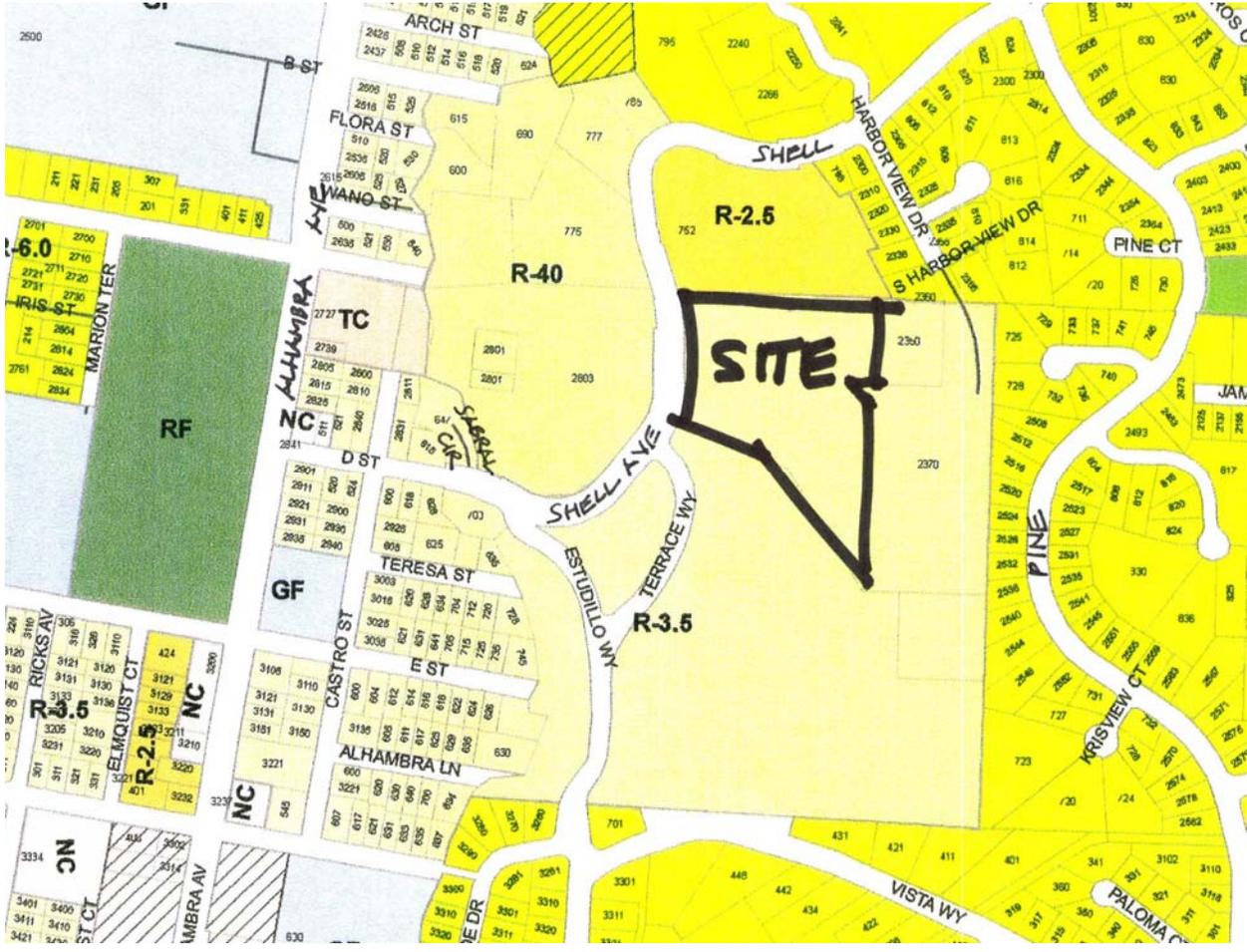
EXHIBITS

Initial Study and Proposed Negative Declaration, prepared by Mills Associates, Lafayette, California, October 30, 2009 (contains conceptual architectural plans, for informational purposes only)

F:\Community Development\All Projects\RESIDENTIAL\Shell Ave - CASCARA CYN APTS-2009\Cascara2009.GPA+RZ-PC-Rpt-2009.11.10.doc

ATTACHMENT A

SITE CONTEXT MAP



ATTACHMENT B
SITE CONTEXT AERIAL



ATTACHMENT C

AERIAL PERSPECTIVE, LOOKING EAST



ATTACHMENT D

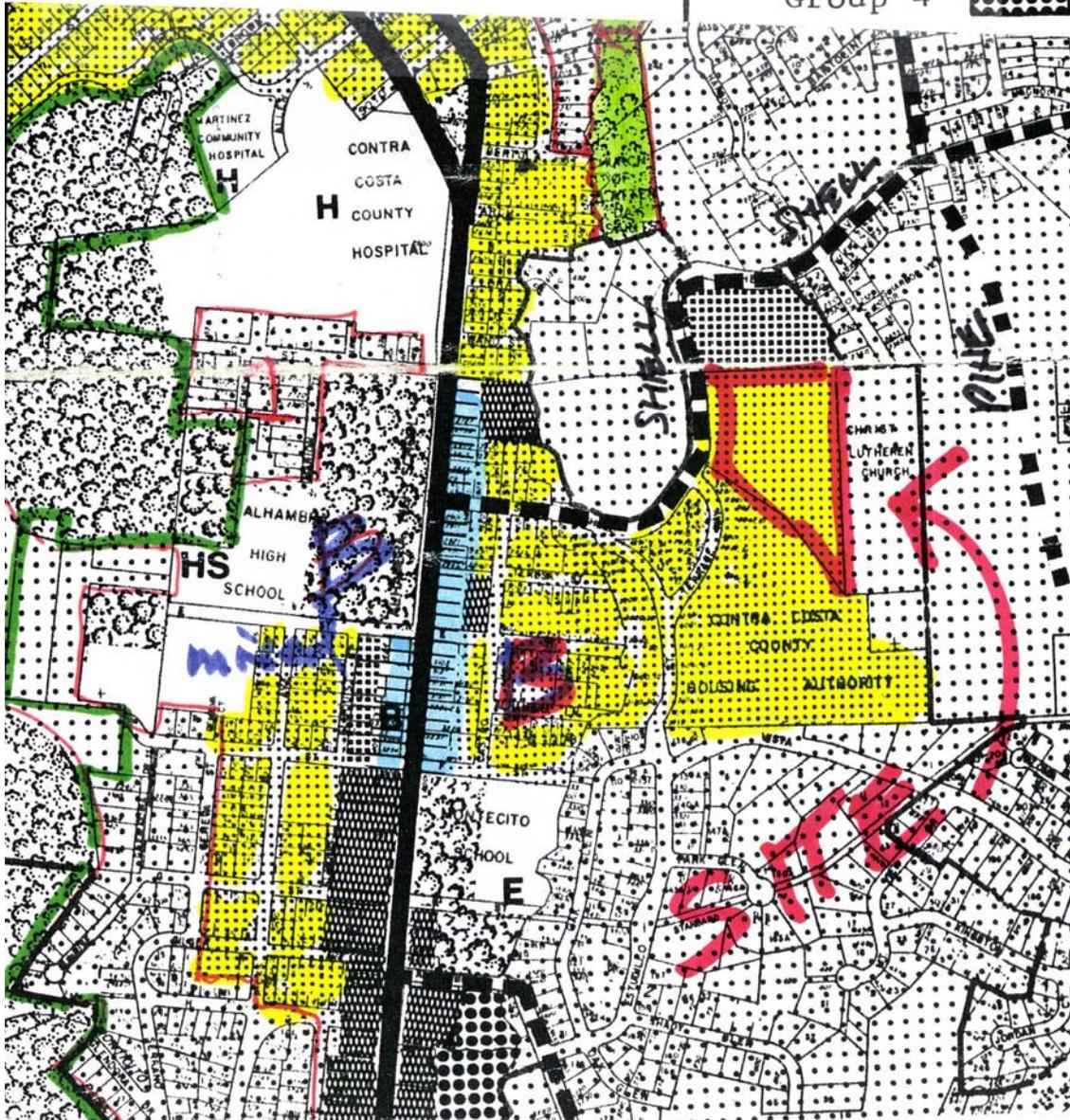
GENERAL PLAN – LAND USE CONTEXT

CENTRAL MARTINEZ GENERAL PLAN

AS ADOPTED BY RESOLUTION 120
SEPTEMBER 19, 1973

RESIDENTIAL

- Group 1 
- Group 2 
- Group 3 
- Group 4 



ATTACHMENT E

GENERAL PLAN – OPEN SPACE/CONSERVATION ELEMENT



VISUAL ENVIRONMENT

---> MAJOR SCENIC ROUTES

X MAJOR VISUAL GATEWAYS

☀ VISUALLY SIGNIFICANT HILLTOPS AND RIDGES

≡ VISUALLY SIGNIFICANT HILLSIDE

▨ VISUALLY SIGNIFICANT RIPARIAN VEGETATION

▨ VISUALLY SIGNIFICANT SKYLINE VEGETATION

▨ MARSH

▨ OLD ORCHARD

SOURCE: ANALYSIS BY SEDWAY/COOKE

THE CITY OF
MARTINEZ
CALIFORNIA

SEDWAY/COOKE

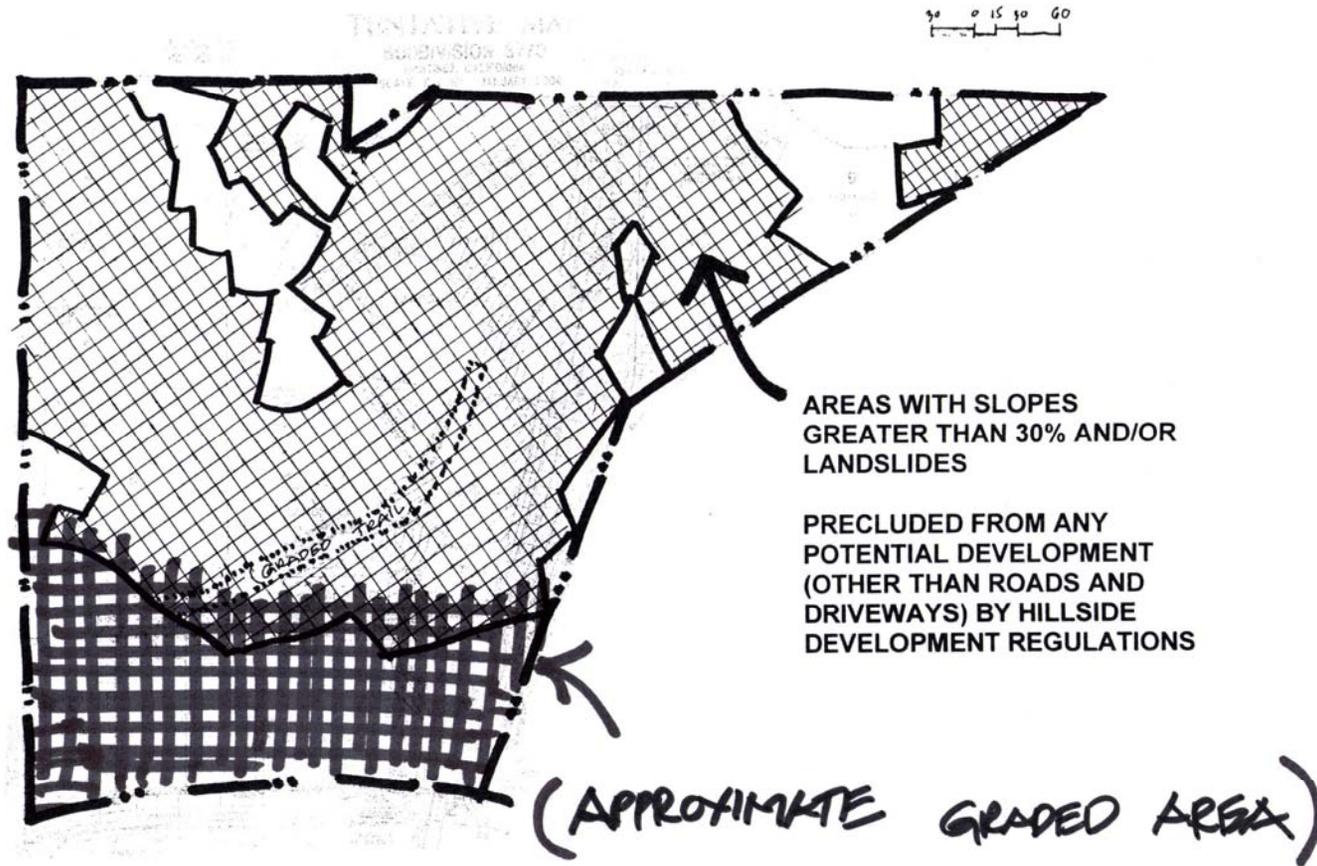
URBAN AND ENVIRONMENTAL
PLANNERS AND DESIGNERS



Scale (1000 feet)
0 1 2 3 4

ATTACHMENT F

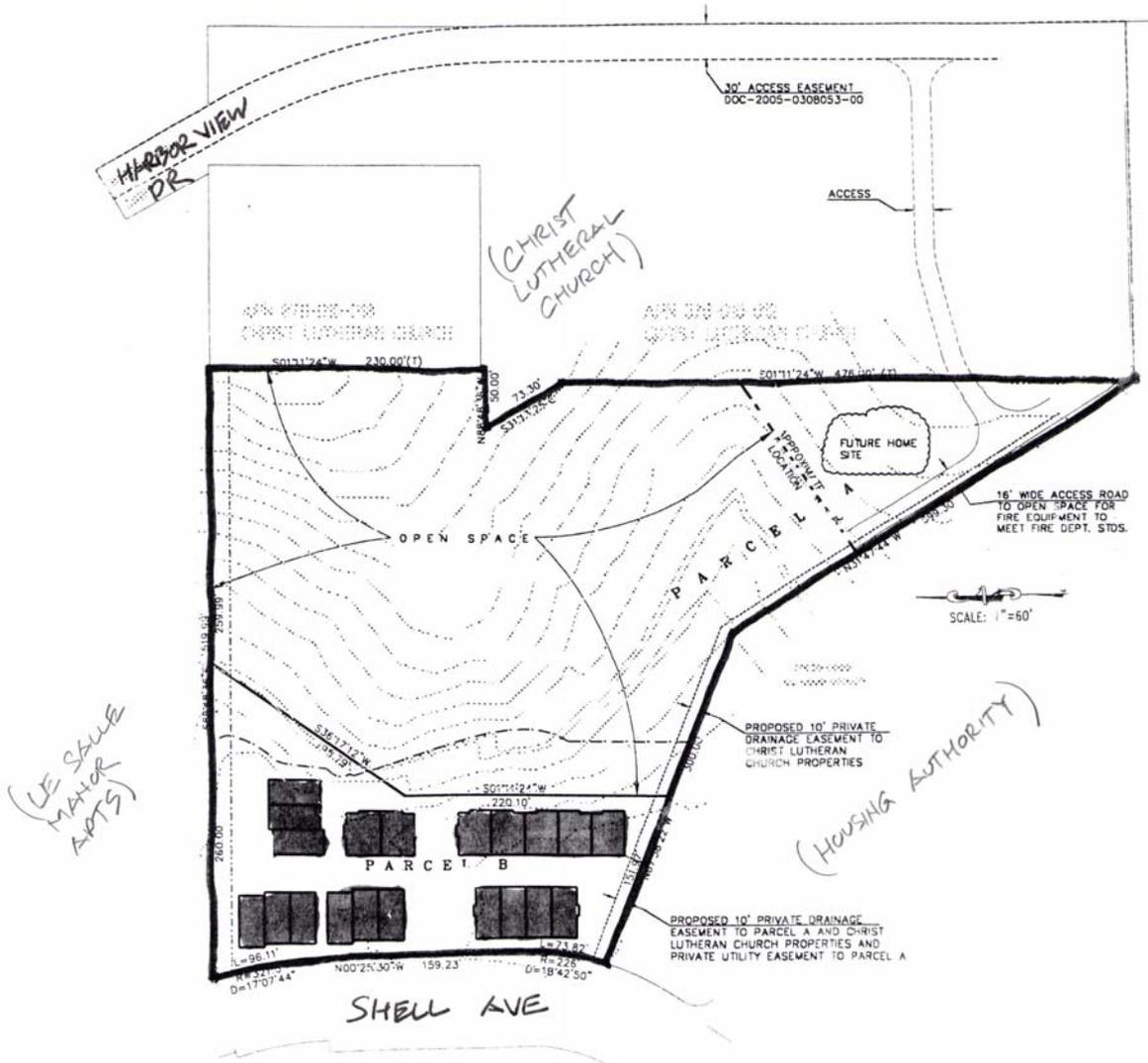
HILLSIDE DEVELOPMENT REGULATIONS – AREAS OF 30% SLOPE AND GRADED AREA



ATTACHMENT G

2006 APPROVED PLAN

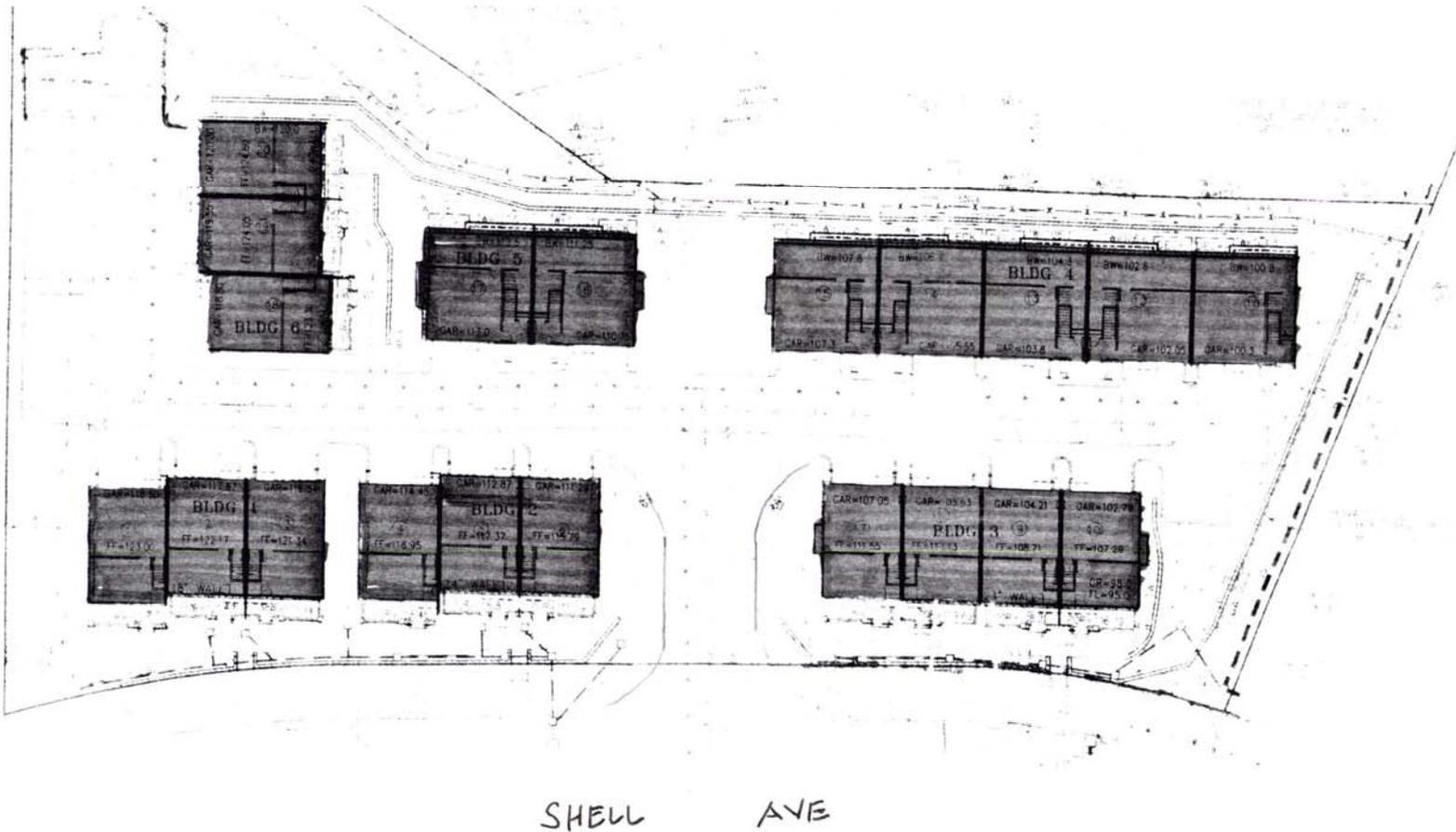
5½ ACRE PARCEL, WITH 20 TOWNHOMES, AND CUSTOM HOMESITE



ATTACHMENT H

2006 APPROVED PLAN

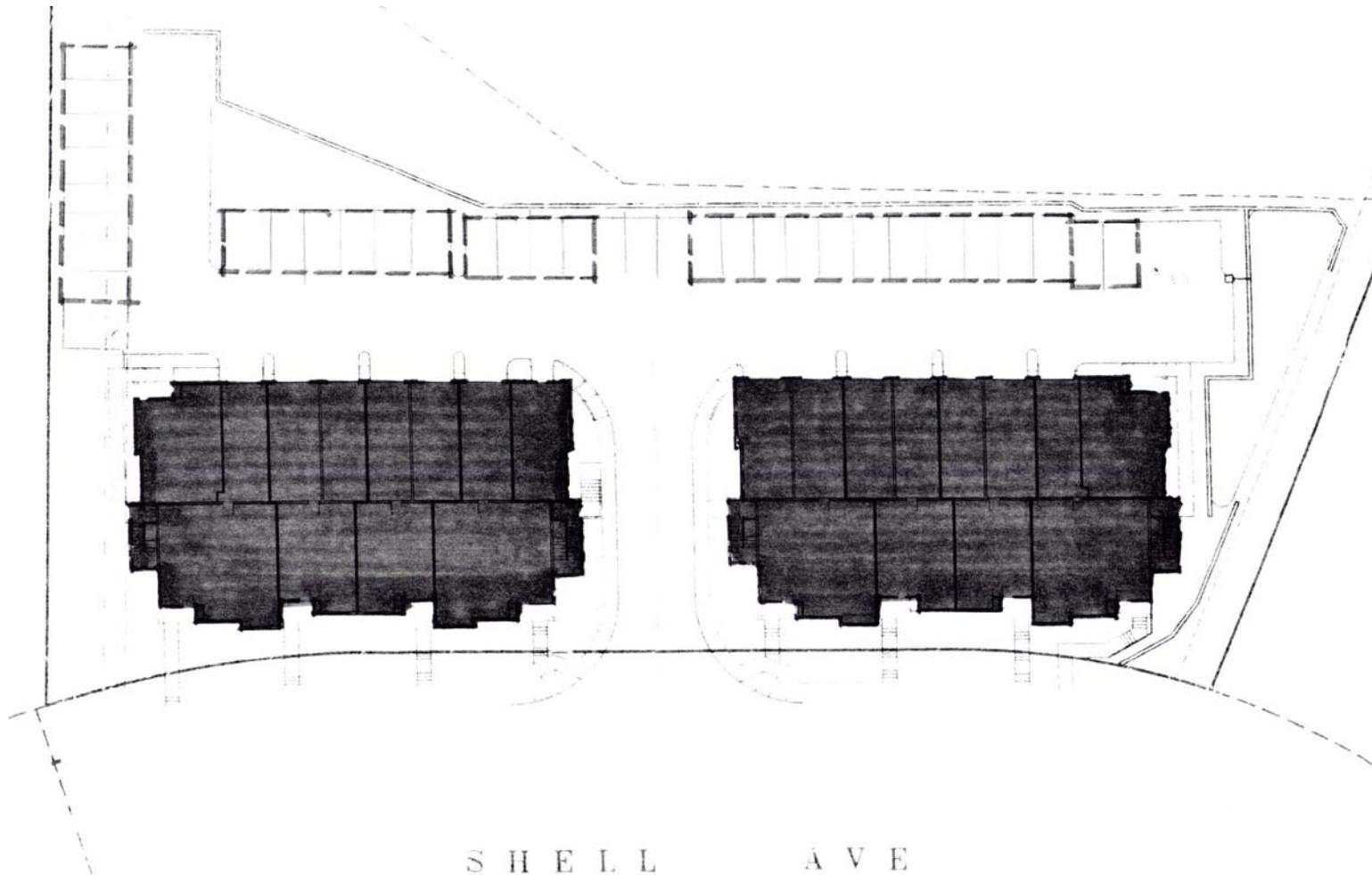
APPROXIMATE 1½ ACRE SITE WITH 20 TOWNHOMES



ATTACHMENT I

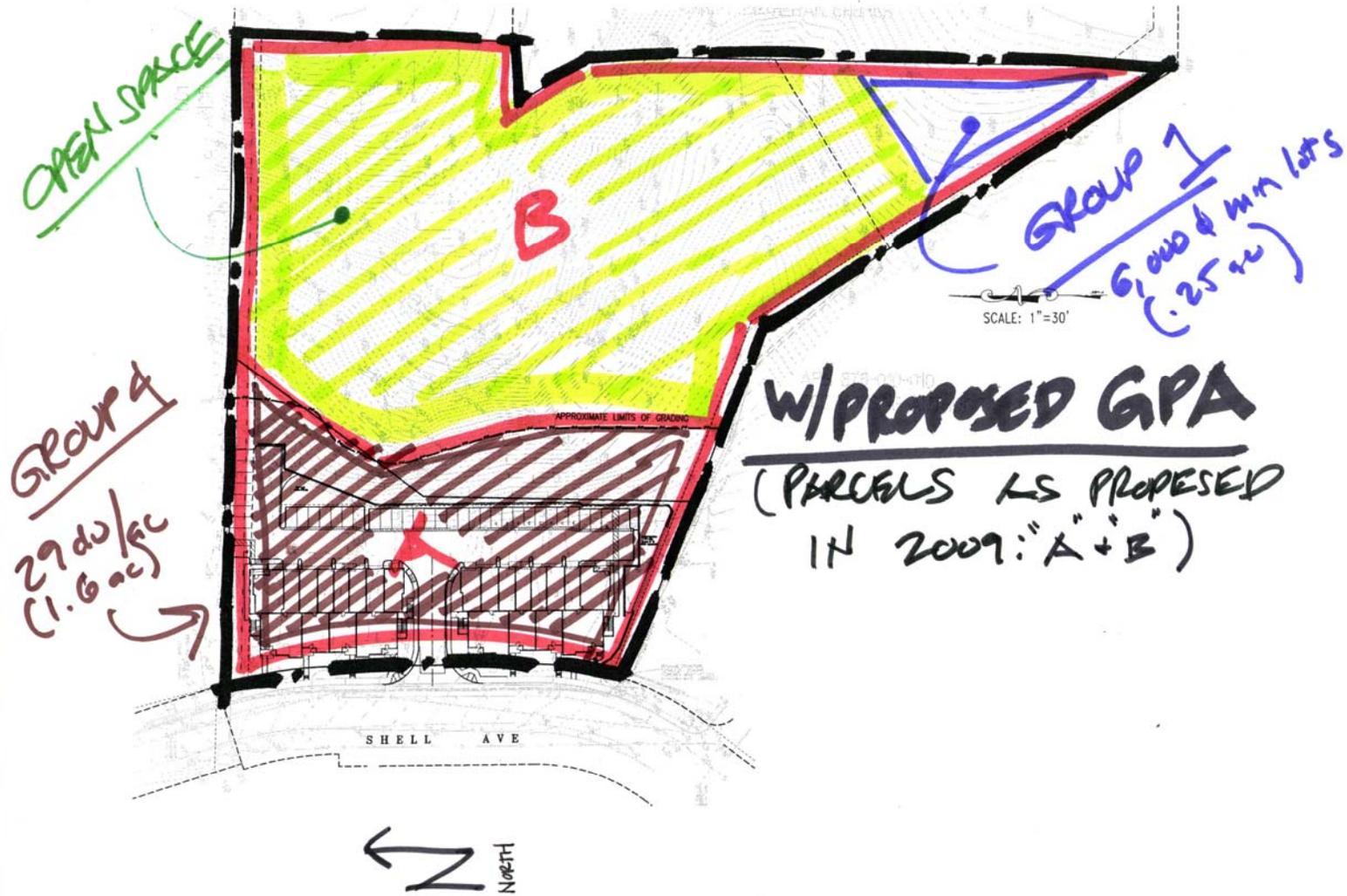
2009 PROPOSED PLAN

APPROXIMATE 1½ ACRE SITE WITH 46 MULTI-FAMILY UNITS



ATTACHMENT J

2009 PROPOSED GENERAL PLAN AMENDMENTS



ATTACHMENT K

2009 PROPOSED ZONING MAP AMENDMENTS

