



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
January 20, 2010**

- TO:** Mayor and City Council
- FROM:** Corey Simon, Senior Planner
Terry Blount, AICP, Planning Manager
Karen Majors, Assistant City Manager, Community & Economic Development
- SUBJECT:** Continued Public Hearing to consider the actions detailed below regarding a vacant 5.6 acre parcel on Shell Avenue, located between La Salle Manor Apartments and Alhambra Terrace (Contra Costa County Housing Authority) Apartments (APN # 376-010-011). Name of Project: Cascara Canyon.
- A. Adoption of a resolution approving the Mitigated Negative Declaration; and
 - B. Adoption of a resolution amending the General Plan 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, on property that is currently designated “Group 2 Residential” (single-family or townhouse development) and to re-designate the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-designated from “Group 2 Residential” to “Group 1 Residential” and the balance of the approximately 3.75 remaining acres to be re-designated from “Group 2 Residential” to Open Space; and
 - C. Introduction of an ordinance, rezoning a 1.6 acre area of the Subject Property from “R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)” to “R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size) and to rezone the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-zoned from “R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)” to “R-100 One Family Residential: 100,000 square feet minimum lot size)” and the balance of the approximately 3.75 remaining acres to be rezoned from “R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)” to OS-Open Space.
- DATE:** January 15, 2010

RECOMMENDATION:

Approve the following actions, in the order listed below, for the proposed General Plan Amendment and rezoning to allow for the development of multi-family housing with a density of up to 29 units per acre on a 1.6 acre portion of the Subject Property, with the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site and the balance of the approximately 3.75 remaining acres to be re-designated as Open Space:

- a) Adopt a resolution approving a Mitigated Negative Declaration; and
- b) Adopt a resolution amending the General Plan; and
- c) Introduce an ordinance, rezoning the property.

BACKGROUND:

On January 6, 2010, the Council unanimously voted to continue the Public Hearing, and directed staff to prepare the attached draft resolutions and ordinance based on their direction for the Council's action at the meeting of January 20, 2010. The Council also provided feedback on the project in general and expressed its concerns regarding the off-street parking layout and circulation, as well as traffic safety along Shell Avenue. The Council also noted that while the majority favored approval of the request for General Plan and Zoning map amendments, the project details, including its design and any potential variance requests, would still need to be reviewed and approved by the Planning Commission and Design Review Committee.

FISCAL IMPACT:

No fiscal impact.

ACTION:

Take the following actions, in the order listed below:

- a) Motion to adopt a resolution approving a Mitigated Negative Declaration; and
- b) Motion to adopt a resolution amending the General Plan; and
- c) Introduce an ordinance, rezoning the property.

ATTACHMENTS:

1. Draft Resolution approving a Mitigated Negative Declaration, with "Exhibit A – Initial Study and Proposed Mitigated Negative Declaration"
2. Draft Resolution amending the General Plan, with "Exhibit A-GPA" (Land Use Map)
3. Draft Ordinance rezoning the property, with "Exhibit A-RZ" (Zoning Map)

APPROVED BY:



City Manager

RESOLUTION NO. -10

ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION AND MONITORING REPORTING PROGRAM FOR A DEVELOPMENT PROJECT CONSISTING OF A GENERAL PLAN AMENDMENT, REZONING, SUBDIVISION MAP, EXCEPTIONS TO DEVELOPMENT STANDARDS AND DESIGN REVIEW FOR A 42 MULTI-FAMILY RESIDENTIAL PROJECT AND ONE CUSTOM HOMESITE TO BE LOCATED ON 5.6 ACRE SITE LOCATED AT SHELL AVENUE, ("CASCARA CANYON")

WHEREAS, on March 17, 2009, Shell Heights Associates/Bill Schrader ("the applicant") filed an application requesting the following approvals regarding a vacant 5.6 acre parcel on Shell Avenue ("the Subject Property"), located between La Salle Manor Apartments and Alhambra Terrace (Contra Costa County Housing Authority):

- 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, on property that is currently designated "Group 2 Residential" (single-family or townhouse development) and to re-designate the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-designated from "Group 2 Residential" to "Group 1 Residential" and the balance of the approximately 3.75 remaining acres to be re-designated from "Group 2 Residential" to "Open Space"; and
- B. Rezoning a 1.6 acre area of the Subject Property from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size)" and to rezone the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-zoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-100 One Family Residential: 100,000 square feet minimum lot size)" and the balance of the approximately 3.75 remaining acres to be rezoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "OS- Open Space"; and
- C. Development entitlements for the construction of 46 multi-family units on the 1.6 acre portion of the site adjacent to Shell Avenue (Subdivision Map; exceptions to R-1.5 Zoning District requirements for maximum building height, minimum front yard, and number of parking spaces per unit; and Design Review); and

WHEREAS, on March 26, 2009, the applicant and staff agreed to a

two tiered approach in considering the requested approvals. The first tier would be a consideration to approve the: a) mitigated negative declaration b) General Plan Amendment and c) Rezoning. The second tier of review, which consists of the development entitlements for the construction of the proposed multi-family development (Subdivision Map; Exceptions to R-1.5 Zoning District requirements for maximum building height, minimum front yard, and number of parking spaces per unit; and Design Review Development Entitlements), would remain incomplete while the first tier was under consideration, with the understanding that these applications would be completed and processed upon approval of the first tier of requests; and

WHEREAS, the applicant understands and acknowledges that before the 1.6 acre portion of property may be developed, the above development entitlement portion of the application will have to be completed and approved by the City; and

WHEREAS, the City of Martinez has prepared an Initial Study and Mitigated Negative Declaration for the Project , which analyses the General Plan Amendment, Rezone and Development Entitlements for the development of up to 46 multi-family units and one custom home; and

WHEREAS, the Initial Study, Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program (Exhibit A attached) have been completed in compliance with the California Environmental Quality Act (CEQA) and the guidelines as promulgated by the State Secretary of Resources and notice has been provided to the public and to neighboring property owners in compliance with CEQA, the guidelines and the Martinez Municipal Code; and

WHEREAS, on November 10, 2009, the Planning Commission held a public hearing and considered all oral and written comments on the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program, and directed staff to prepare, for consideration at its next meeting, a draft resolution recommending that the City Council not adopt the proposed negative declaration and deny the requested General Plan amendment and rezoning; and

WHEREAS, on December 8, 2009, the Planning Commission adopted Resolution No. PC 09-08, stating that the Planning Commission recommends to the City Council, that that the proposed Initial Study, Mitigated Negative Declaration and Mitigation Measures not be approved as proposed; and

WHEREAS, on December 14, 2009, the applicant submitted revised plans for the City Council's review, reducing the number of units from 46 to 42 and increasing the proposed parking ratio from 1.41 spaces per unit to 1.50 spaces per unit, illustrating how the project can comply with two key Draft Mitigation Measures: Mitigation Measure I-1 (Aesthetic Impacts) by reducing building mass, and Mitigation Measure XV-2a(Parking Capacity) by providing parking capacity as recommended by the consulting traffic engineer in the Initial Study; and

WHEREAS, on January 6, 2010, the City Council of the City of Martinez held a duly noticed public hearing on the project and considered oral and written comments on the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program and requested General Plan Amendment and rezoning; and

WHEREAS, the City Council unanimously continued the item, and directed staff to prepare the necessary resolution to adopt the Mitigation Monitoring and Reporting Program (Exhibit A attached)at its next regularly scheduled meeting; and

WHEREAS, the Custodian of Records in the City Clerk of the City of Martinez; and

NOW, THEREFORE, BE IT RESOLVED by the Martinez City Council that:

1. The Mitigated Negative Declaration for the project is hereby approved.
2. The above recitals are found to be true and constitute part of the findings upon which this resolution is based.
3. The City Council further finds that on the basis of the whole record before it, including, but not limited to, the Initial Study and Mitigated Negative Declaration and the staff analysis contained in the staff report, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and the proposed mitigated negative declaration reflects the City's independent analysis and judgment. Furthermore, the Mitigation Measures set forth in the Initial Study have been agreed to by the applicant and incorporated into the plans, and the Mitigated Negative Declaration, proposed mitigation measures and Mitigation and Monitoring Reporting Program for said project is found to be complete and in compliance with CEQA, the CEQA Guidelines, and City CEQA requirements.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 20th day of January 2010, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. -10

AMENDING THE GENERAL PLAN (CENTRAL MARTINEZ SPECIFIC AREA PLAN) DESIGNATION FROM "GROUP 2 RESIDENTIAL" - UP TO 12 UNITS PER ACRE TO A COMBINATION OF: "GROUP 4 RESIDENTIAL" - UP TO 29 UNITS/ACRE, "GROUP 1 RESIDENTIAL - UP TO 6 UNITS/ACRE AND "OPEN SPACE" TO ALLOW DEVELOPMENT OF 42 MULTI-FAMILY UNITS AND ONE CUSTOM HOME ON 5.6 ACRE SITE LOCATED AT SHELL AVENUE, ("CASCARA CANYON"), GPA #09-01

WHEREAS, on March 17, 2009, Shell Heights Associates/Bill Schrader ("the applicant") filed an application requesting a General Plan Amendment regarding a vacant 5.6 acre parcel on Shell Avenue ("the property"), located between La Salle Manor Apartments and Alhambra Terrace (Contra Costa County Housing Authority) in order to redesignate 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, on property that is currently designated "Group 2 Residential" (single-family or townhouse development) and to redesignate the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-designated from "Group 2 Residential" to "Group 1 Residential" and the balance of the approximately 3¾ remaining acres to be redesignated from "Group 2 Residential" to "Open Space" as illustrated by Exhibit A-GPA; and

WHEREAS, on November 10, 2009, the Planning Commission of the City of Martinez held public hearings on the requested general plan amendment; and

WHEREAS, on December 8, 2009, the Planning Commission adopted a resolution recommending denial of the requested amendment; and

WHEREAS, on January 6, 2010, the City Council of the City of Martinez held a duly noticed public hearing on the proposed amendment; and

WHEREAS, the City Council unanimously continued the item, and directed staff to prepare the necessary draft resolution to approve the proposed amendment at its next regularly scheduled meeting; and

WHEREAS, the City Council noted that the project details, including its design and any potential variance requests, would still need to be reviewed and approved by the Planning Commission and Design Review Committee; and

WHEREAS, on January 20, 2010, the City Council adopted Resolution No. _____ -10 approving a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program, finding, on the basis of an Initial Study prepared as required under the California Environmental Quality Act (CEQA), that said Rezoning would not have significant environmental effects.

NOW, THEREFORE, BE IT RESOLVED by the Martinez City Council that:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. General Plan Amendment #09-01 is internally consistent with the General Plan including but not limited to the Central Martinez Specific Area Plan policies regarding the application of the "Group 4 Residential" designation as an incentive for properties where market inducements are warranted to aid in the development of derelict properties within the Central District (Program 30.5334).

BE IT FURTHER RESOLVED that the City Council finds that:

1. The proposed multi-family land use designation, allowing up to 29 units/acre, is more desirable than the currently permitted land use designation of up to 12 units per acre, in that:
 - a) Infill development, at a higher density than that of the existing surrounding development, is environmental friendly, as it allows for the utilization of existing infrastructure to its fullest potential.
 - b) The economic potential of new high density development provides the opportunity of traffic safety upgrades to Shell Avenue, that otherwise might not be available to the City.
 - c) New multi-family housing has not been built in the City for several decades; the proposal will provide a needed new housing opportunity for younger residents.

BE IT FURTHER RESOLVED that the City Council finds that the proposed custom home lot, which in addition to the ¼ acre homesite, includes the re-designation of approximately 3½ acres from "Residential Group 2" to "Open Space," which would preserve as private open space, a "Visually Significant Hillside" as identified in the General Plan's Open Space and Conservation Element.

BE IT FURTHER RESOLVED THAT:

1. The Land Use designation of the Subject Property is changed from "Group 2 Residential" to:

- a) 1.6 acres (approximate) to "Group 4 Residential," allowing for the development of multi-family housing with a density of up to 29 units per acre; and
 - b) ¼ acre building site (approximate) to "Group 1 Residential"; and
 - c) Remaining 3½ acres to "Open Space."
2. The Land Use Policy map of the General Plan and the Central Martinez Specific Area Plan map are amended as shown on the attached Exhibit A-GPA.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 20th day of January 2010, by the following vote:

AYES:

NOES:

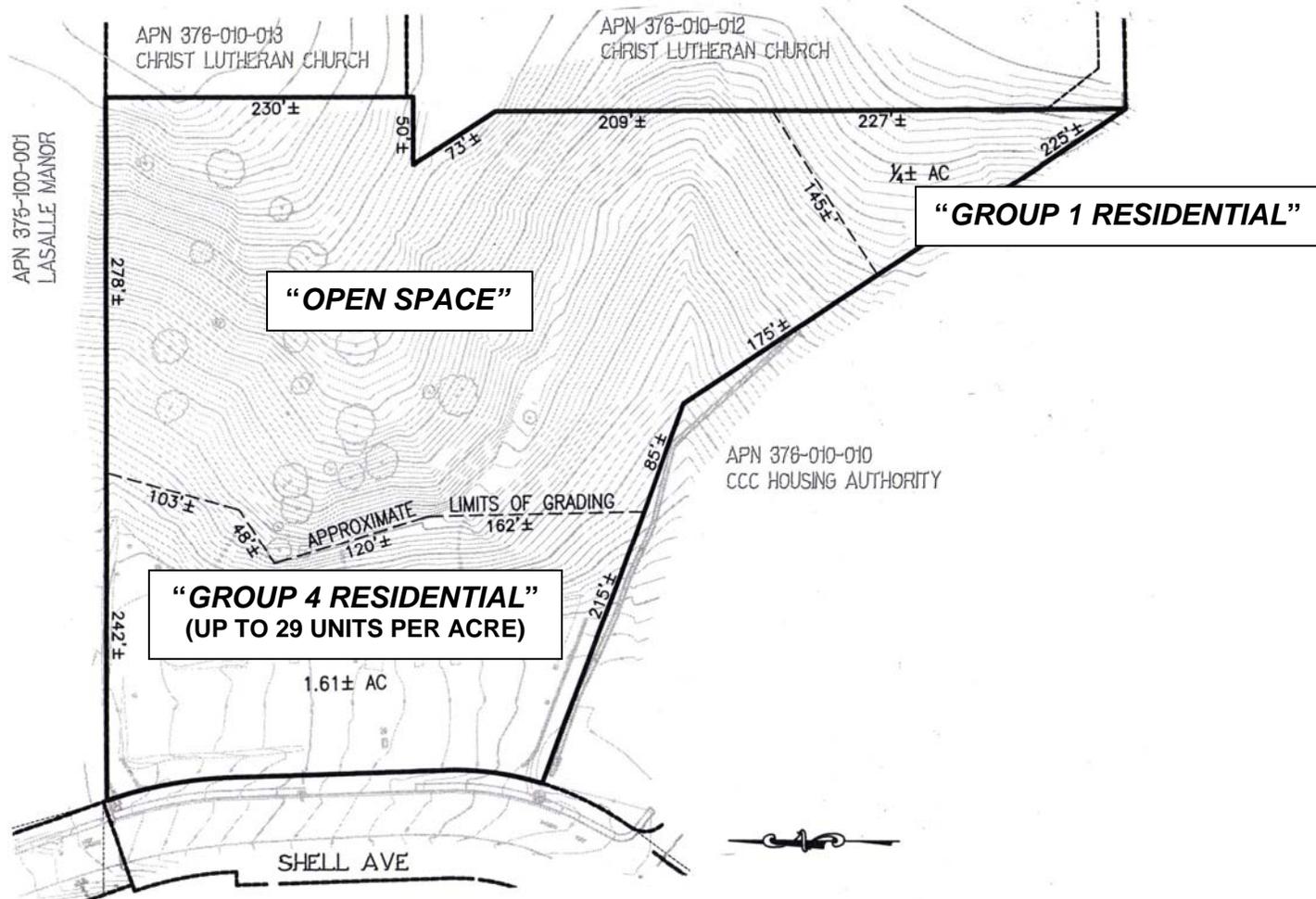
ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

EXHIBIT A-GPA

General Plan Amendment (Central Martinez Specific Area Plan) regarding parcel on Shell Avenue (APN 376-010-011)

REDESIGNATE LAND USE MAPS FROM "GROUP 2 RESIDENTIAL – UP TO 12 UNITS PER ACRE" TO:



ORDINANCE NO. C.S.

REZONING A 5.6 ACRE PROPERTY LOCATED ON SHELL AVENUE FROM R-3.5 (FAMILY RESIDENTIAL, 3,500 SQUARE FEET SITE AREA/UNIT) TO A COMBINATION OF R-1.5 (MULTI-FAMILY RESIDENTIAL: 1,500 SQUARE FEET PER DWELLING UNIT/10,000 SQUARE FEET MINIMUM LOT SIZE), R-100 (ONE FAMILY RESIDENTIAL: 100,000 SQUARE FEET MINIMUM LOT SIZE) AND OS (OPEN SPACE) TO ALLOW DEVELOPMENT OF 42 MULTI-FAMILY UNITS AND ONE CUSTOM HOME ("CASCARA CANYON"), RZ #09-01

WHEREAS, on March 17, 2009, Shell Heights Associates/Bill Schrader ("the applicant") filed an application requesting the rezoning a 1.6 acre area of the Subject Property from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size)" and to rezone the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-zoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-100 One Family Residential: 100,000 square feet minimum lot size)" and the balance of the approximately 3.75 remaining acres to be rezoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "OS- Open Space", as illustrated by Exhibit RZ-A; and

WHEREAS, on November 10, 2009, the Planning Commission of the City of Martinez held public hearings on the requested rezoning; and

WHEREAS, on December 8, 2009, the Planning Commission adopted a resolution recommending denial of the requested rezoning; and

WHEREAS, on January 6, 2010, the City Council of the City of Martinez held a duly noticed public hearing on the proposed rezoning; and

WHEREAS, the City Council unanimously continued the item, and directed staff to prepare the necessary draft ordinance to approve the proposed rezoning at its next regularly scheduled meeting; and

WHEREAS, the City Council noted that the project details, including its design and any potential variance requests, would still need to be reviewed and approved by the Planning Commission and Design Review Committee; and

WHEREAS, on January 20, 2010, the City Council adopted Resolution No. _____ -10 approving a Mitigated Negative Declaration, finding, on the basis of an Initial Study prepared as required under the California Environmental Quality Act (CEQA), that said Rezoning would not have significant environmental effects; and

WHEREAS, on January 20, 2010, the City Council adopted Resolution No. _____ -10 amending the General Plan (Central Martinez Specific Area Plan) designations from "Group 2 Residential" - up to 12 units per acre 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, on property that is currently designated "Group 2 Residential" (single-family or townhouse development) and to re-designate the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-designated from "Group 2 Residential" to "Group 1 Residential" and the balance of the approximately 3.75 remaining acres to be re-designated from "Group 2 Residential" to "Open Space"; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the General Plan in that:

1. The proposed Zoning Districts are consistent with the applicable General Plan Land Use Designations:
 - a) The "R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size)" Zoning District is consistent with approved the "Group 4 Residential" land use designation, as both allow multi-family development at a density of up to 29 units per acre; and
 - b) The "R-100 (One Family Residential: 100,000 square feet minimum lot size)" Zoning District is consistent with the approved "Group 1 Residential" land use designation, as both are restricted to single-family development, and the proposed Zoning District is to be applied to a parcel of approximately 3½ acre in size; and
 - c) The OS (Open Space) Zoning District is consistent with the approved "Open Space" land use designation.
2. The proposed Zoning Districts are consistent with applicable General Plan policies, in that:
 - a) The Central Martinez Specific Area Plan encourages the application of the "Group 4 Residential" designation as an incentive for properties where market inducements are warranted to aid in the development of derelict properties within the Central District; and

- b) The proposed multi-family project fulfills the Housing Elements' requirement for providing diversified housing stock, as new multi-family housing has not been built in the City for several decades; the proposal will provide a needed new housing opportunity for younger residents.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Martinez does ordain as follows:

SECTION I. The vacant 5.6 acre property located on Shell Avenue between La Salle Manor Apartments and Alhambra Terrace (Contra Costa County Housing Authority) (APN 376-010-011), is rezoned as follows: a 1.6 acre area of the Subject Property is rezoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size)" and the remainder of the Subject Property, which is to be developed as a custom home parcel, with a ¼ acre building site, is re-zoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-100 One Family Residential: 100,000 square feet minimum lot size)" and the balance of the approximately 3¾ remaining acres to be rezoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "OS Open Space)", as set forth on Exhibit A-RZ, attached hereto and incorporated herein be reference.

SECTION II. The Zoning Map is hereby amended as set forth on Exhibit A-RZ, attached hereto and incorporated herein be reference.

SECTION III. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION IV. Effective date. This ordinance shall become effective 30 days after the date of adoption.

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

APPROVED: _____
Robert Schroder, Mayor

ATTEST: _____
Deputy City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at the Regular Meeting of the City Council of the City of Martinez, held on the 20th day of January 2010, and duly passed and adopted at a Regular Meeting of said City Council held on the day of _____ 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

EXHIBIT A-RZ

Rezoning request regarding parcel on Shell Avenue (APN 376-010-011)

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

