STAFF REPORT

TO: **PLANNING COMMISSION**

FROM: **Terry Blount, AICP, Planning Manager**

DATE: **April 12, 2011**

SUBJECT: **Alhambra Highlands Project (2008)**

GENERAL INFORMATION

APPLICANT/OWNER: Richfield Investment Corporation

LOCATION: Multiple parcels within the Alhambra Hills Specific Plan area (APNs: 164-010-019, 164-010-025, 164-010-026, 164-150-016, 164-150-022, 164-150-030, 366-010-007, and 366-060-007)

GENERAL PLAN: SDO (Slope Density Ordinance) and PPOS (Permanent Open Space); Alhambra Hills Specific Plan (1986)

ZONING: R-10 (Single Family Residential: 10,000 sq. ft. minimum lot area)

ENVIRONMENTAL: The Alhambra Hills Specific Plan Environmental Impact Report (EIR) evaluated development of the Alhambra Highlands Project. The Specific Plan EIR analyzed impacts resulting from the development of 493 units within the Alhambra Highlands Project area. A Draft Subsequent Environmental Impact Report (SEIR) has been circulated for public comment and those comments are addressed in the Final SEIR for Planning Commission review and proposed certification.

PROPOSAL: Application to allow 112 residential lots and necessary infrastructure within a development area of 76.2 acres (overall project area is 297.5 acres).

RECOMMENDATION

Staff recommends that the Planning Commission certify the Final Subsequent Environmental Impact Report (SEIR), adopt the Statement of Overriding Considerations, and approve the following:

1. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
2. Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative;
3. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
4. Alhambra Highlands Development Guidelines and Design Criteria.

BACKGROUND

This item was first heard at the Planning Commission meeting of March 22, 2011. At that meeting the Commission reviewed the staff report and attachments and took public testimony. The Commission asked a number of questions of staff that required additional information be gathered and research conducted on the following topics:

- Tree replacement ratio;
- Off-site tree replacement;
- Mitigation Monitoring and Reporting Program enforcement;
- View impact from Alhambra Avenue at State Highway 4; and
- Hillslope hazards and impacts to properties adjacent to the project site.

Staff also indicated at that meeting that the draft resolutions for the proposed project would be presented to the Commission for review and approval at the following meeting, April 12th. These are attached (see Attachments 3-6). Please note that in addition to the information contained in this staff report regarding the above topics, the applicant has provided a response and additional information regarding a number of the issues and questions that were raised at the March 22nd meeting (see Attachment 2).

DISCUSSION

Tree Replacement Ratio

Mitigation measure BIO-5b requires the project to replace native trees that are proposed to be removed (within the grading footprint and on custom lots) with the planting of replacement native trees at a 1.5:1 ratio. Comments were made by some Commissioners that this did not seem sufficient and was not in line with the requirements for other similarly situated projects in the area.

Mitigation measure BIO-5c requires 75 percent or more of the planted trees to add six inches or more of growth per year. This requirement thus mandates that these trees not only be alive, but also in a healthy condition. Trees have to be maintained for a minimum five-year period. Maintenance includes weeding the planting basins, watering for three years, and inspection/repositioning tree protection cages to ensure they are protecting the trees. Maintenance activities will end when 75 percent of the planted

trees are adding six or more inches in height per year without supplemental irrigation. A requirement to submit annual reports to the City has been added to this mitigation measure. Staff believes that the emphasis on survivability is what is most important in off-setting the impacts associated with the removal of native trees.

Off-Site Tree Replacement

Mitigation measure BIO-5d specifies that if mitigation plantings cannot fully occur on-site that any remaining plantings occur at one of the project's off-site mitigation properties. The off-site mitigation properties are both located approximately five miles from the project site. They are located in the Franklin/Briones Hills which the project site is a part of and they support a similar vegetative cover. Ecologically they are appropriate planting sites. Both off-site properties are owned by the same property owner and their availability as mitigation sites has been guaranteed, ensuring the feasibility of this measure.

Mitigation measure BIO-5c requires that replacement planting of trees occur on the project site within the following areas in the order of priority as listed below:

1. Within or adjacent to existing oak woodland stands where regeneration is sparse or lacking. The purpose of these plantings shall be to provide stand replacement as the older trees die.
2. Around the perimeter of Lots 37-43 and 70-80 to provide screening from off-site views.
3. Common area landscaping such as along the Wildcroft Drive entry road.
4. On fill slopes to maintain the visual continuity of woodland areas where project fills require tree removal.

If the proposed project is approved with the Mitigated/Alternate Access Alternative the number of native trees to be removed would be reduced from 625 to 484 (a reduction of 141). With this reduction there is more than enough space within the designated areas of the project site noted above to accommodate the required number of replacement native trees, so the need to do so offsite would be eliminated with this alternative.

Mitigation Monitoring and Reporting Program Enforcement

The proposed Mitigation Monitoring and Reporting Program (MMRP) includes specifics on who is responsible for each mitigation measure, what the schedule and procedures are, and space to note the date completed. The responsible agency depends on the specific mitigation measure. The mitigation measures have a series of enforcement actions that the applicable agency is responsible for. If the applicable agency is not the City, then the agency assigned is responsible for enforcement.

For the most part the mitigation measures assigned to the City are typical for this type of project. The only exceptions would be some of the ones associated with potential impacts to the Alameda whipsnake, such as the limitation on fire management activities in the whipsnake habitat or the requirement that a Natural Habitat Preservation booklet be prepared (the preparation and provision of which will be a requirement included in

the CC&Rs). A typical example of mitigation measures that would be the responsibility of an outside agency would be those pertaining to the reduction in impacts to water quality, which would be the responsibility of the State Water Resource Control Board.

The mitigation measures, where applicable, have been incorporated into the conditions of approval. Overall, the MMRP is set up to ensure that the responsible agency has clear instructions on what is required and when. This method of ensuring that the project's environmental impacts are mitigated to a less-than-significant level is the standard method of doing so.

View Impact from Alhambra Avenue at State Highway 4

It was noted by one of the Planning Commissioners that there was no visual simulation included in the Draft SEIR looking south on Alhambra Avenue just below the intersection with State Highway 4. As part of the analysis related to the visual impacts that the proposed project would have, the view from this location was considered. At that time, it appeared that potential impact on views from this location would be minimal. Staff has created a visual simulation from this location using the same criteria as was used for the others (see Attachment 1). As can be seen from the simulation, some of the structures associated with the proposed project would be visible from this view; however they would be just barely so given the distance.

Hillslope Hazards and Of-Site Impacts

Concern was expressed by several speakers, as well as a couple of the Planning Commissioners, regarding hillslope hazards and the potential for landslides or land subsidence on the project site to have an impact on adjacent properties. The applicant has submitted a letter compiled by ENGEO, Inc., one of the project consultants, clarifying the Geologic Hazard Abatement District's (GHAD) responsibility in these instances (see Attachment 2, Exhibit A, p. 4). Based on ENGEO's knowledge and experience with GHADs, the following instances of landslide or erosion hazards would be the responsibility of the GHAD if there is an actual or threatened impact to any adjacent or nearby properties:

- Instability originating on the GHAD's property;
- Instability threatening an improvement within the GHAD boundaries;
- Repairs outside the GHAD boundaries which may be incidental to repairs required within the GHAD boundaries;
- Negligence by the GHAD; and
- Other instances which may be approved by the GHAD board and are in compliance with the provisions of Proposition 218.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Overriding Considerations

As noted in the staff report for the proposed project prepared for the March 22nd hearing, the 2008 Project in conjunction with other foreseeable projects would result in a

significant unavoidable cumulative impact related to greenhouse gas emissions. The Draft SEIR identified the following unavoidable significant impact as identified in Section 4b, Air Quality and Greenhouse Gas Emissions. It states that the proposed project would exceed the recently adopted Bay Area Air Quality Management District (BAAQMD) CEQA thresholds for cumulative greenhouse gas emissions. Mitigation measures are recommended to reduce this impact; however, the mitigation measures would not reduce the project's contribution to this cumulative impact to a less-than-significant level.

When mitigation measures cannot reduce all of a project's impacts to a less-than-significant level a Statement of Overriding Considerations is required as part of the project approval. The Statement contains the responsible agency's views on the ultimate balancing of the merits of approving a project despite its environmental impacts. A draft Statement in regards to greenhouse gas emissions is included in the draft resolution certifying the Final SEIR and adopting a Statement of Overriding Considerations. The draft Statement focuses on the following overriding considerations:

- Social and community benefits (compatible with existing and future development);
- Public revenue/economic activity enhancements (increase in property tax revenues and expansion of housing market); and
- Natural resource preservation (habitat preservation and restoration/open space preservation).

Final Subsequent Environmental Impact Report Certification

The Planning Commission must certify that the Final SEIR has been completed in compliance with CEQA. The Commission must state that they have independently reviewed the Final SEIR prior to certifying the document and approving the project. The Planning Commission can confirm, ratify, and adopt the findings and conclusions of the Final SEIR. A draft set of findings has been prepared by staff (see Attachment 3). The Final SEIR and findings represent the independent judgment and analysis of the City and the Planning Commission.

CONCLUSION

The applicant, Richfield Investment Corporation, requests that the Planning Commission approve the 112-lot residential subdivision within the Alhambra Hills Specific Plan area. All application materials have been submitted and a Final Subsequent Environmental Impact Report (SEIR) has been completed. During the SEIR process, alternatives were considered. One alternative, identified as the Mitigated/Alternate Access Alternative in the Draft SEIR and shown in Alhambra Highlands, Vesting Tentative Map, Alternative #1 is the recommended or preferred alternative.

In addition to other revisions, Alternative #1 includes increased sensitivity to adjacent property owners, reduced grading, reduced pavement, and reduced tree loss. This

alternative is not a significant departure from the originally proposed project, but reduces its overall environmental impact. Some details of this alternative still need to be finalized and would be done so when the Final Map and Improvement Plan is submitted to staff for review.

Staff believes the necessary findings can be made as prescribed in the Alhambra Hills Specific Plan and EIR and in the Martinez Municipal Code for Planned Unit Developments and Use Permits. These findings are found in the attached draft resolutions.

ACTION

Certify the Final Subsequent Environmental Impact Report (SEIR), adopt the Statement of Overriding Considerations, and approve the following:

1. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
2. Vesting Tentative Map (Subdivision 9257) with the revisions outlined in the Mitigated/Alternate Access Alternative;
3. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
4. Alhambra Highlands Development Guidelines and Design Criteria.

ATTACHMENTS

1. Visual Simulation (view from Alhambra Avenue at State Highway 4 looking south)
2. Letter from Alicia Guerra, Briscoe Ivester & Bazel LLP, dated April 4, 2011
3. Resolution No. PC 11-03 (Draft) – Certification of Final SEIR
4. Resolution No. PC 11-04 (Draft) – PUD 08-1 (amending PUDs 89-5/89-6/91-4)
5. Resolution No. PC 11-05 (Draft) – UP 08-17 (construction of a water reservoir tank)
6. Resolution No. PC 11-06 (Draft) – Vesting Tentative Map (Subdivision 9257) with the revisions outlined in the Mitigated/Alternate Access Alternative