



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
July 6, 2011**

TO: Mayor and City Council

FROM: Terry Blount, AICP, Planning Manager
Corey Simon, Senior Planner

SUBJECT: Public hearing to consider and possibly take action relating to appeals of the Planning Commission's certification of a Final Subsequent Environmental Impact Report (SEIR); and approval of Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4); Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative; Use Permit (UP) 08-17 (construction of a water reservoir tank); and Development Guidelines and Design Criteria for the Alhambra Highlands Project (2008)

DATE: June 29, 2011

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 City Council 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 City Council deny the appeals, uphold the Planning Commission's actions, certify the Final Subsequent Environmental Impact Report (SEIR), 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:

The Alhambra Highlands Project consists of 297.5 acres of undeveloped lands along the crest and side-slopes of a ridge (elevation approximately 250 to 630 feet). The project site is primarily nonnative annual grassland, with scattered oak woodlands, scrub habitat, and wetlands. The majority of the site is grazed by cattle, especially the hilltop plateau area where the project's residential lots are proposed. The project site is generally bounded by Alhambra Avenue to the north, Alhambra Valley Road and Reliez Valley Road to the west, and Skyline Drive to the south. Portions of the property around the project site are undeveloped. Properties to the north, south, and west of the project site are zoned residential (R-7.5 and R-10). Properties to the east and southeast of the site are zoned residential (R-20 and R-7.5) and open space (OS).

The Alhambra Hills Specific Plan and Environmental Impact Report (EIR) contemplated development of the Alhambra Highlands Project as one of several residential development projects proposed within the Specific Plan boundaries. On December 8, 2008, Richfield Investment Corporation submitted a revised Vesting Tentative Map (VTM) application for the Alhambra Highlands Project as further discussed below. For purposes of this analysis, the revised Alhambra Highlands Project is referred to as the "2008 Project" or proposed project.

The City certified the Alhambra Hills Specific Plan EIR in June 1986 and adopted the Alhambra Hills Specific Plan in March 1987. The Specific Plan area is comprised of 590.7 acres and is generally bounded by Alhambra Valley Road, Alhambra Avenue, and Reliez Valley Road. The Specific Plan designated approximately 296 acres within the Specific Plan area for residential development. The proposed 2008 Project site is a subset of the larger 590.7-acre area.

In July 1990 the City approved a Vesting Tentative Map for Tract No. 7245 creating 69 residential lots on 114.32 acres (including 30.14 acres for the Wildcroft Drive Extension access road), Planned Unit Development (PUD) 89-5, and Design Review 89-42 for Alhambra Highlands Unit I. Concurrently, the City approved a Vesting Tentative Map for Tract No. 7244 creating 79 residential lots on 79.01 acres, PUD 89-6, and Design Review 89-41 for Alhambra Highlands Unit II. In September 1993, the City approved a Vesting Tentative Map for Tract No. 7606 and PUD 91-4 and Design Review 91-64, authorizing another 68 individual lots and common parcels on approximately 60 acres located north and east of Horizon Drive, east of Reliez Valley Road, referred to as the Images Subdivision. Reductions in the lot count for the Alhambra Highlands Units I and II Subdivisions during final engineering design and drawings resulted in a total of 216 lots permitted (versus the 493 that were previously analyzed in the EIR for the project site) within the Specific Plan area. These three projects, Alhambra Highlands Units I and II Subdivisions and the Images Subdivision are collectively referred to as the "1990 Project."

Since September 2000, the 1990 Project has received multiple outside agency approvals including:

- US Army Corps of Engineers Section 404 (December 2008);
- US Fish and Wildlife Service Biological Opinion (November 2005); and
- San Francisco Regional Water Quality Control Board (Section 401 Water Quality Certification, amended August 2008).

As a result of the consultation process and State and federal agency review, the 1990 Project was modified to reduce the density and number of dwelling units and eliminate a proposed subdivision, revise the utility needs, and increase the amount of on-site and off-site habitat mitigation for the Alameda whipsnake. A total of 218 acres of on-site whipsnake habitat and 309 acres of off-site are included in the 1990 Project in accordance with the 2005 US Fish and Wildlife Service Biological Opinion.

Project Review and Planning Commission Public Hearings

The chart below outlines the milestones to date regarding the proposed project.

Milestones to Date

1	Submittal deemed complete	12/21/2009
2	Notice of Preparation/Initial Study published	02/18/2010
3	Subsequent Environmental Impact Report (SEIR) scoping session	03/09/2010
4	Design Review Committee Development Guidelines and Design Criteria review	07/28/2010
5	Draft SEIR published	10/21/2010
6	Planning Commission meeting Draft SEIR review	11/18/2010
7	Draft SEIR comment period closed	12/06/2010
8	Planning Commission public hearings on Final SEIR and proposed project	03/22/2011 and 04/12/2011
9	Appeals of Planning Commission project approval filed	04/22/2011

The proposed project 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.

At the April 12th meeting, staff presented the additional information and research requested, as well as the draft resolutions, to the Commission. In addition, the applicant provided a response and additional information regarding a number of the issues and questions that were raised at the March 22nd meeting which was also presented to the Commission (see Attachment 1). The Commission reviewed the staff report, additional materials presented, and draft resolutions, and took public testimony. Based on the record as a whole the Commission voted to approve the proposed project and certify the Final SEIR (Commissioners Allen and Burt voting against). The

staff reports and minutes of both meetings, as well as the approved resolutions are attached (see Attachments 2-6).

Subsequently, four appeals were filed within the appeal deadline. The details of each appeal and staff's responses are given below.

PROPOSED PROJECT- DESCRIPTION:

As described above, a project was previously approved by the City for this site; however, since its approval, that project has undergone significant revisions in response to the federal and State permitting process. In 2008 the applicant filed applications to modify the 1990 Project approvals. These modifications resulted in a reduction in the number of dwelling units from 216 to 112 and developable acreage from 122.4 to 76.2 acres. It is important to note that the street configuration and lot layout of the 2008 Project are very similar to the previously approved Alhambra Highlands Unit I and Unit II Subdivisions. The following sections describe the specifics of the proposed project.

Land Subdivision

The 2008 Project includes subdivision of the 297.5-acre site into 11 parcels, A through K, and 112 residential lots (see Attachment 7). The proposal includes parcels A-D as open space (106.8 acres), parcel E as a recreational facility (2.1 acres), parcels F-H as open space (127.5 acres), parcel I along Alhambra Avenue for future development, not part of the current proposal (4.3 acres), parcel J as the water tank site (2.2 acres), and parcel K as a private street within the project area (0.5 acres). The 112 residential lots (40.8 acres) would range in size from 7,900 square feet to 16,000 square feet. Within the 297.5-acre site, a total of 214.33 acres will be maintained as permanent open space and 3.6 acres of the open space must be enhanced for Alameda whipsnake habitat mitigation.

Project Phasing

The proposed project would be constructed in multiple phases over a 10-year period. The first phase would include the project infrastructure and rough grading of the subdivision and residential lots. Construction of this first phase is anticipated to be completed in 18 months to two years. Because the residential lots would be developed as custom- and semi-custom homes, the construction of the individual lots will depend on market demand.

Planned Unit Development

The proposed project includes a request to amend the previously approved Planned Unit Developments (PUD) for this site. The term PUD is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by certain land use regulations otherwise applicable to the site. A PUD can be used to allow clustering of structures, designation of common open space, and incorporation of a variety of building types and mixed land uses. PUDs are required under the Alhambra Hills Specific Plan for subdivision projects. In this case the PUDs previously issued (and still in effect) were for reductions in the following development standards:

- Lot sizes (20 percent of the lots comply with the R-7.5 lot size standards as permitted by the Alhambra Hills Specific Plan);
- Building setbacks; and
- Minimum distances between structures.

The current application is not requesting any changes to these previously approved exceptions. They have been included in the conditions of approval for the proposed project.

Wildcroft Drive Extension

Consistent with the Specific Plan and the 1990 Project approvals, the 2008 Project proposes public access to the project via an extension of Wildcroft Drive from Alhambra Avenue. Wildcroft Drive currently terminates approximately 200 feet just northeast of Alhambra Avenue. As part of the proposed project, Wildcroft Drive would extend up to the project site, generally parallel to an existing pedestrian and equestrian easement. The Wildcroft Drive extension as originally proposed includes a 36-foot wide public street within a 72-foot right-of-way.

Streets

The 2008 Project includes development of new roads, sewer, domestic water system, and stormwater collection system. Project street improvements include a main entry road (extension of Wildcroft Drive) and new streets to connect the proposed residential lots to Wildcroft Drive. A new emergency vehicle access (EVA) and water service road would be provided to connect the water tank site to Wildcroft Drive. Two new on-site stormwater detention basins would also be constructed as part of the proposed project. One of the new detention basins would be located near Wildcroft Drive and Alhambra Avenue, and one would be located near Reliez Valley Road.

The street system is a modified loop system with Aberdeen Road (47-foot right-of-way) as the spine. Two streets, Cumberland Road (42-foot right-of-way) and Heath Lane/Wicklow Road (47-foot right-of-way) loop off of Aberdeen Road. In addition, there are seven courts and/or cul-de-sacs (40-foot right-of-way) stemming from these looping roads. As originally proposed for the 2008 Project two of these, Darley Way and Heath Court, were proposed as private streets, with the remainder to be offered to the City for public dedication. The City is not obligated to accept the dedication of streets and/or other improvements (recreational facility, trails, open space, and/or water tank parcel) that are offered. If the City does not accept the offer of dedication, the streets will remain private and will be maintained by the homeowners association (HOA) to be formed for this project subject to specific maintenance standards to be included in the project covenants, conditions, and restrictions (CC&Rs). The Planning Commission approval of the 2008 Project included a requirement for all roads within the subdivision to remain in private ownership. The financial analysis submitted by the applicant (see discussion below) assumes that the roads will in fact be private with the costs of maintenance borne by the owners of the lots in the proposed project. If the 2008 Project is approved, a Final Map will be brought to the City Council for approval. At that time the Council can either accept or reject any final offer of dedication.

Water Tank/Water System

The 2008 Project includes a water tank to serve the project site. The tank would be located within Parcel J in the eastern portion of the project site as shown on sheet 5/22 of the project plans (see Attachment 7). The water tank and the associated water conveyance system would be effectively integrated into Zone 3 of the City's water system and will not only serve the proposed project, but will also provide redundancy and improve the existing system that serves existing area residents in Zone 3. The tank will be sourced via pumpstations located on Webster Drive (Webster Booster Pump Station) and Reliez Valley Road (Stage Booster Pump Station). Overall improvements will be made at both pumping facilities to accommodate the proposed development. The water tank parcel and improvements will be dedicated to the City.

Stormwater Collection

There are two stormwater detention basins proposed. One is on the east side of the proposed project along Alhambra Avenue and north of the proposed Wildcroft Drive extension. The other is on the western side of the proposed project along Reliez Valley Road. These basins will receive water via a stormwater collection system designed to collect water from the developed portion of the project site. The basins are designed for a 100-year storm event which means they are capable of handling the calculated runoff of a storm that has a 1 percent chance of occurring in any given year. The water detained in these basins will be released via pipeline and outfall to existing creeks (Reliez Valley basin to Alhambra Creek and Alhambra basin to Grayson Creek) at a rate less than the pre-construction (current) rate. This is a requirement of Section C.3 of the Municipal Regional Permit (MRP) in compliance with the National Pollution Discharge Elimination System (NPDES) requirements.

Stormwater collected within the EVA and from Parcel J (water tank) will be conveyed via V-ditch which then connects to an existing 30-inch storm drain pipe at the top of Horizon Drive. The drainage system, as designed, will significantly reduce the amount of natural stormwater flow to the lower elevations by conveying it to the outlined facilities.

Habitat Mitigation and Open Space

The 2008 Project would provide a total of 218 acres of on-site Alameda whipsnake habitat. Of this on-site habitat, the proposed project includes 3.6 acres of enhanced whipsnake habitat. The proposed project also includes two off-site habitat mitigation areas totaling 309 acres. Both the on-site and off-site areas will remain in a natural state and be maintained by a resource/management agency through a conservation easement.

The proposed project would also include active recreational open space, including a two-acre recreational facility within the project site (to be maintained by the HOA) and 2760 linear feet of trail to connect to Briones Regional Park. In addition to the proposed trails, the EVA commencing from the intersection of Wildcroft Drive and Aberdeen Road to Horizon Drive includes pedestrian access for those residents that choose to walk but prefer a paved road over a dirt trail.

The applicant has proposed the formation of a Geologic Hazard Abatement District (GHAD), a description of which is provided below. If a GHAD is formed, in addition to its responsibilities of geologic hazard abatement, maintenance, and management, it would also be charged with other peripherally related open space responsibilities, such as mowing and other maintenance associated with the open space it is responsible for.

Landscaping

The landscaping plans include plantings, fencing details, entry features, and retaining wall aesthetics for the common areas within the subdivision. In addition to the common areas, the plans show trees across the private property frontage and also address landscape treatments to slope areas on private properties that will be included in scenic easements to be maintained by the HOA. Those specific lots with landscape treatments are shown on sheet L1.00 of Attachment 8; please refer to the "Treatment Types" as shown.

The plans provide details of the detention basins, the EVAs, water tank area, and the Wildcroft Drive entrance leading from Alhambra Avenue to the top of the hill. Final landscape plans will need to be submitted for review and approval by City staff. Revisions to the submitted plans

would include alterations/additions required by the mitigation measures and, if approved by the Council, those indicated in the Mitigated/Alternate Access Alternative discussed below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

As noted previously, the City certified the Alhambra Hills Specific Plan Environmental Impact Report (EIR) in June 1986 and adopted the Alhambra Hills Specific Plan in March 1987. The Alhambra Hills Specific Plan and EIR contemplated development of the Alhambra Highlands Project as one of several residential development projects proposed within the Specific Plan boundaries. Although the 2008 Project is similar to the 1990 Project approvals, the City, as lead agency for the proposed project under the California Environmental Quality Act (CEQA), believes that the proposals differ sufficiently to result in modifications and revisions to the prior Specific Plan EIR and as such the preparation of a Subsequent EIR was warranted.

Final Subsequent Environmental Impact Report (SEIR)

CEQA section 15132 requires the following items be included in the Final SEIR:

1. The Draft SEIR or a revision of the Draft;
2. Comments and recommendations received on the Draft SEIR either verbatim or in summary;
3. A list of persons, organizations, and public agencies commenting on the Draft SEIR;
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
5. Any other information added by the Lead Agency.

Environmental Topics Covered by the Draft SEIR

Comments received in response to the Notice of Preparation and Initial Study raised a number of issues that were taken into consideration and have been addressed in the Draft SEIR. The issues raised by these comments are summarized in Chapter II: Summary and further addressed in Chapter IV: Setting, Impacts, and Mitigation Measures, Chapter V: Alternatives, and/or in the Initial Study. The following topics are the focus of study in the Draft SEIR:

- Aesthetics
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology/Water Quality
- Noise

Impacts and Mitigation Measures

Below is an overview of the analysis contained in Chapter IV: Setting, Impacts, and Mitigation Measures. CEQA requires that the Draft SEIR include a discussion of:

1. Significant impacts and proposed mitigation measures;
2. Cumulative impacts; and
3. Significant irreversible and unavoidable impacts.

Significant Impacts and Significant and Unavoidable Impacts

Under CEQA, a significant impact on the environment is defined as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Information in Table II-1, Summary of Impacts and

Mitigation Measures of the Draft SEIR (see Attachment 9, pp. 17-39), summarizes the impacts and mitigation measures discussed in Chapter IV. Implementation of the proposed project would not result in any significant and unavoidable project-level impacts. Implementation of the proposed project would result in several significant project-level impacts that would be reduced to a less-than-significant level with implementation of the recommended mitigation measures, as discussed in Chapter IV.

Cumulative Impacts

Cumulative impacts are discussed within each environmental topic section within Chapter IV: Setting, Impacts, and Mitigation Measures. The 2008 Project in conjunction with other foreseeable projects would result in a significant unavoidable cumulative impact related to greenhouse gas emissions. Mitigation measures are recommended to reduce this impact; however, the mitigation measures would not reduce the proposed project's contribution to this cumulative impact to a less-than-significant level.

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.

Overriding Considerations

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 Statement in regards to greenhouse gas emissions is included in the Planning Commission resolution certifying the Final SEIR and adopting a Statement of Overriding Considerations.

Responses to Comments

During the 45-day public review period of the Draft SEIR the City received twenty-two comment letters or e-mails and two agency letters. The Response to Comments (RTC) document is attached (see Attachment 10). Responses to some of these comments resulted in revisions to the Draft SEIR mitigation measures and/or project conditions of approval. The common issues noted among the comments received include:

1. Grading, slope stability/drainage, and hydrology;
2. Wildcroft Drive entrance design/location and alternative alignment;
3. Offsite aesthetic impacts from tree loss, grading, lighting, and structures;
4. Biological impacts from tree and other habitat loss;
5. Maintenance responsibility for open space, drainage facilities (including detention basins), EVAs, and replacement trees;
6. Benefit of forming a Geologic Hazard Abatement District;
7. Noise impacts generated from construction traffic and everyday use of Wildcroft Drive entryway;
8. Clean water program and NPDES requirements for stormwater;
9. Significant unavoidable impacts from increased greenhouse gas emissions and air pollution;
10. Potential cultural impacts;
11. Loss of Development Impact Fees, citywide park financing, and developer's fee waiver;
12. Alternatives including the alternative Wildcroft Drive design and "No Build;"
13. Access and evacuation issues in terms of public safety;

14. Use of Horizon Drive during construction and long-term; and
15. Water system upgrades.

Revisions to the Draft SEIR were identified in the RTC document. One is the requirement that the planting be done at a ratio of 1.5:1 instead of the proposed 1:1 (see Attachment 10, p. 137). The other is the requirement that annual reports be submitted to the City on the status of the replacement native trees. If a report indicates that the survival rate has not been met, additional replacement native trees would have to be planted (see Attachment 10, p. 138). The only other substantive revisions are related to the Mitigated/Alternate Access Alternative described below. If this alternative is approved the overall number of trees to be removed on the project site would be reduced and the revisions noted would be a reflection of that.

Alternatives

The Draft SEIR identified several alternatives to the proposed project including a “No Build” alternative that essentially eliminates any change to the existing project area. The remaining alternatives were based on the realignment of Wildcroft Drive. With one exception, all were rejected as their cumulative impacts from grading and tree loss were found to exceed the proposed project. The one exception, the Mitigated/Alternate Access Alternative is described below.

Mitigated/Alternate Access Alternative–Preferred Alternative

For the reasons listed below, the Mitigated/Alternate Access Alternative represents staff’s preferred alternative. This alternative is shown in the plans entitled Alhambra Highlands, Vesting Tentative Map, Alternative #1 (see Attachment 11) and Wildcroft Drive Alternative #1 (see Attachment 12). The Mitigated/Alternate Access Alternative:

1. Reduces number of lots from 112 to 110;
2. Reduces the size of the developable area by 4.1 acres;
3. Proposes to abandon and remove the existing Wildcroft Drive intersection with Alhambra Avenue and shift the intersection/project access 400 feet to the northwest, away from some neighbors, improving safety and sight distance on Alhambra Avenue;
4. Reduces the Wildcroft Drive right-of-way from 72 feet to 40 feet in width and incorporates a step retaining wall system that would reduce grading and allow 65 additional trees to be preserved (as compared to the 2008 Project);
5. Reduces the Wildcroft Drive street width from 36 feet to 28 feet;
6. Includes a sound wall that varies in height from five to seven feet along the southeast side of the Wildcroft Drive extension;
7. Increases the minimum horizontal distance of the Wildcroft Drive curb line from existing residences from 24 feet to 29 feet;
8. Increases the size of the recreational facility from 2.1 acres to 5.3 acres;
9. Relocates the recreational facility (Parcel E) from the northwest side of the proposed project at the intersection of Erica Way and Darley Way to the north side of Aberdeen Road adjacent to lot 6;
10. Incorporates a step retaining wall system at the recreational facility to reduce grading and preserve an additional 82 trees;
11. Redistributes lots 1 to 5 to accommodate the new and expanded recreational facility location;
12. Revises grading plan at water tank site to eliminate 10-foot retaining wall;
13. Refines water main service roadway and Horizon Drive EVA connection to reduce grading and retaining wall heights and preserve 54 additional trees;

- 14. Eliminates proposed retaining walls along Horizon Drive EVA road to accommodate a soil nail wall;
- 15. Reduces the total disturbed/graded area of the site by approximately 3.9 acres which saves a total of approximately 200 trees; and
- 16. Reduces street widths for single loaded streets to 28 feet which will accommodate parking on one side, with the exception of Erica Way which would be 36 feet and will accommodate parking on both sides.

Staff believes that this alternative improves the overall proposed project and lessens its impact on the environment in a number of important ways and therefore recommends that the City Council approve the proposed project with this alternative incorporated.

With this alternative, the recreational facility would be relocated and would be 5.3 acres instead of 2.1 acres in size. The recreational use would also change from active to mostly passive. The facility would be located on a steeper hillside and would contain a tot lot and a trailhead to the regional trail system instead of the originally proposed recreation center. While the alternative recreational facility would contain fewer amenities, it would allow for the preservation of more trees for the proposed project overall.

Final Subsequent Environmental Impact Report Certification

The City Council must certify that the Final SEIR has been completed in compliance with CEQA. The Council must state that they have independently reviewed the Final SEIR prior to certifying the document and approving the proposed project. The City Council can confirm, ratify, and adopt the findings and conclusions of the Final SEIR. The Final SEIR and findings represent the independent judgment and analysis of the City and the City Council.

DESIGN REVIEW – DEVELOPMENT GUIDELINES AND DESIGN CRITERIA:

The Alhambra Highlands Development Guidelines and Design Criteria (AHDG) were developed to work in conjunction with several other regulatory documents in shaping the development of the proposed project. The AHDG provide qualitative direction for architectural style, scale, color, shape, and visual appearance of structures, hardscape, and landscape. They do not provide quantitative design standards, or other quantitative requirements pertaining to setback, coverage, floor area ratio (FAR), or height. Those regulations are set by the Planned Unit Development, the City’s Zoning Ordinance, the adopted conditions of approval, and the covenants, conditions and restrictions (CC&Rs).

The AHDG provide the process for review and the criteria for approval of the plans for the individual single-family residences to be constructed within the proposed project. The entity responsible for reviewing proposals from builders/property owners for compliance with the AHDG will be the Alhambra Highlands Architectural Review Committee (AHARC). The AHARC will be a subcommittee of the homeowners association (HOA) boardmembers, established by the HOA. The details of the AHARC formation, purpose, and responsibilities will be presented within the Subdivision’s CC&Rs.

The AHDG include six sections and an appendix. The sections are:

1. Introduction	4. Architectural Design Guidelines
2. The Architectural Design Process	5. Landscape Design Guidelines

3. Site Planning	6. Hardscape
Appendix – Submittal and Processing Forms	

Section 1-Introduction: provides an overview of the AHDG including a project description, the purpose of the document, and goals to achieve in the implementation. In addition, the AHARC and their role is introduced.

Section 2-The Architectural Design Process: introduces, describes, and explains the procedure and requirements necessary for a property owner to get their individual projects approved. For the City this is a unique process and works as follows:

- The AHARC receives a project submittal from a builder/property owner for review.
- The AHARC reviews the project against these guidelines and any applicable development standards that apply to Alhambra Highlands.
- If not approved, comments are given to the builder/property owner who must resubmit a revised project addressing the comments received.
- If approved, the project is then submitted by the builder/property owner to City staff for a determination that the project is consistent with the AHDG and any applicable development standards.
- If approved by City staff, the builder/property owner then applies for building permits.
- If not approved by City staff, the builder/property owner will receive comments regarding what is required for City staff to approve the project. If the builder/property owner does not agree to some or all of the changes required for approval the project is referred to the City’s Design Review Committee (DRC) for review and approval.
- If not approved by the DRC, the project will receive comments regarding what is required for the project to be approved. In the case where the builder/property owner does not revise the project as required by the DRC it would be denied.
- If the project is denied by the DRC the City’s established appeal process would apply.

A flow chart is provided in this section outlining the process (see Attachment 13, p. 13). The only exception to the above process would be for those lots where structures would be limited to one-story as identified in the mitigation measures for the proposed project. These lots are the ones most visible from public vantage points and are specifically identified in the conditions of approval. Project proposals for these lots are required to go directly to the DRC for their review and approval.

Section 3-Site Planning: includes a map of the project boundary, road alignment, lotting, and other features. It provides guidelines for siting of the development envelope.

Section 4-Architectural Design Guidelines: includes suggested architectural styles, design features, materials, and level of detail intended for this development. There are also some green building guidelines included.

Section 5-Landscape Design Guidelines: this section was co-written by the proposed project’s landscape architect to ensure consistency with the landscape plans. It includes goals, design principles, maintenance provisions, plant lists, fencing guidelines, oak protection measures, irrigation, and water conservation among other topics.

Section 6-Hardscape: includes guidelines for exterior lighting, pools, sport courts, mailboxes,

antennas, and solar energy collectors.

The Appendix includes the following application forms for AHARC review:

- Pre-Design Conference
- Planning and Design Development Review Submittal
- Construction Documents Review Submittal
- Remodeling and Additions

Design Review Committee Review

It is within the DRC's purview to provide a recommendation to the Planning Commission/City Council regarding the AHDG. The DRC can recommend approval, approval with revisions, denial, or make no recommendation at all. The decision is based on the merits of the AHDG and their ability to provide architectural guidance of a quality that is acceptable to the DRC.

A draft of the AHDG was presented to the DRC at its meeting July 28, 2010. At that meeting the DRC reviewed the staff report and draft AHDG, listened to a presentation by the applicant team that developed the AHDG, asked questions of staff and the applicant team, and received public testimony. After considering all of the evidence and public testimony, the DRC voted unanimously to recommend to the Planning Commission adoption of the draft AHDG with their recommended changes.

Most of the recommended changes were points of clarification or refinements to the specific language of the draft document. The only exception was a request that language be added to Section 4.C.4: Massing that states, "No more than three consecutive, two-story structures will be allowed." This is in reference to the heights of structures on lots adjacent to one another. The intent would be to have a development that has variation in the height of the structures to add visual variety to the overall project. Staff believes that the implementation of such a provision would be problematic due to the nature of the proposed project with its custom- and semi-custom homes instead of production homes. Staff also feels that it is not necessary given the overall provisions of the AHDG in regards to building massing and articulation. Therefore, staff does not recommend this additional language be included in the AHDG as requested by the DRC.

CONDITIONS OF APPROVAL:

In assembling the draft conditions of approval for the proposed project staff began with the original ones attached to the previously approved PUDs and Tentative Maps. Those that were still pertinent were retained. Those that have been adequately addressed through the most recent submittal (2008 Project) were removed or modified to apply to the proposed project as revised. The only additional ones required resulted from specific mitigation measures that were incorporated into the draft conditions of approval. Incorporating these into the draft document places them into one central location where they can be easily identified.

The majority of the conditions of approval are ones typical to a project of this type. Exceptions include ones that apply to the following:

- Wildcroft Drive (sound attenuation and slope stability);
- Visual impacts (certain lots are subject to one-story height limits and required DRC review); and
- Tree replacement and maintenance (replacement location and ratio, and increased replacement survivability).

The conditions of approval, as approved by the Planning Commission, are attached (see Attachment 14).

GEOLOGIC HAZARD ABATEMENT DISTRICT:

Geologic Hazard Abatement Districts (GHAD), enabled by the Beverly Act of 1979 (SB 1195), are potentially useful financial mechanisms for reducing hillslope hazards. The enabling State statute provides for the formation of local assessment districts for the purpose of prevention, mitigation, abatement, or control of geologic hazards. The Act broadly defines "geologic hazard" as "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." A GHAD may be proposed by one of two means: (1) a petition signed by owners of at least 10 percent of the real property in the district, or (2) by resolution of a local legislative body, in the case of the City, by the City Council.

Plan of Control

A proposal for a GHAD must be accompanied by a plan of control, prepared by a certified engineering geologist, "which describes in detail a geologic hazard, its location and the area affected thereby, and a plan for the prevention, mitigation, abatement, or control thereof." The land within a district need not be contiguous; the only requirement is that lands within a GHAD be specially benefited by the proposed construction and that formation of a district is required to ensure the health, safety, and welfare of the residents.

Local District Organization

The Act requires public hearings prior to district formation. Upon formation, the district becomes an independent entity whose board of directors is either the City Council or five project property owners selected by the Council. In this case, since the proposed project will be under one ownership initially, the vote would go solely to that entity. A GHAD may issue bonds, purchase and dispose of property, acquire property by eminent domain, levy and collect assessments, sue and be sued, and construct and maintain improvements.

In summary, a GHAD is a potentially useful tool to effectively abate a landslide hazard that crosses property boundaries. It is a mechanism that responds to the physical realities of landslides, and allows a way for addressing same and spreading the cost among the property owners of the subdivision in question. It also provides for a cost-effective solution, requiring only one geotechnical engineering firm and one plan to solve the problems of several landowners. The Planning Commission recommends that the City Council approve the formation of a GHAD for the proposed project.

APPEALS:

The City received four appeals regarding the Planning Commission's approval of the proposed project. The main points of the appeals are:

- Lack of substantial evidence to support the Statement of Overriding Considerations;
- Inadequacy of the impact analysis regarding the site's wildlife population and required tree replacement ratio;
- Non-compliance with the City's Alhambra Hills Specific Plan and General Plan;
- Need for a Geologic Hazard Abatement District; and
- Violation of fair and just practices by the Planning Commission.

Appeal of Chuck Sutton and Elen Visser

The appeal claims that the Subsequent Environmental Impact Report (SEIR) should not have been certified by the Planning Commission because the Statement of Overriding Considerations does not contain substantial evidence to support its claims, specifically questioning the proposed project's social, community, and fiscal benefits to the City. The appeal also claims among other things that the impacts to the site's wildlife population were not adequately studied and that the tree replacement ratio is insufficient. The full appeal letter is attached (see Attachment 15).

Sustainability

Regarding the Statement of Overriding Considerations and the findings associated with the proposed project's sustainability, the proposed project was reviewed by multiple outside public agencies for compliance with federal and regional regulations regarding impacts to biological resources and water and air quality. The proposed project was also reviewed against the City's Alhambra Hills Specific Plan, a document with a primary goal of only allowing new development to be constructed in such a way as to preserve as much open space as possible within the Specific Plan area.

With only one exception, that related to greenhouse gas emissions, the proposed project would not have any significant impacts on the environment that cannot be mitigated to a less-than-significant level. The proposed project would generate greenhouse gas emissions both during project construction and operation. In accordance with the Bay Area Air Quality Management District's (BAAQMD) updated CEQA guidelines, a project would have a cumulatively considerable contribution of greenhouse gas emissions and a cumulatively significant impact to global climate change if the project exceeds the BAAQMD annual emissions threshold for operational-related greenhouse gas emissions. No one single project could generate an amount of greenhouse gas emissions equivalent to result in global climate change. However, individual projects can collectively emit greenhouse gases that contribute to a cumulatively significant impact. This potential cumulative impact to greenhouse gas emissions was analyzed in the SEIR using the BAAQMD updated CEQA guidelines. In general the guidelines' thresholds pertaining to greenhouse gas emissions are set quite low, so much so that any new residential project of this size would generally be found to have a significant unavoidable cumulative impact. It should be noted that compared to the 1990 Project, the proposed project is considerably smaller and thus has much less of an impact on the environment overall, including that pertaining to greenhouse gas emissions.

Future Housing Needs

Regarding the Statement of Overriding Considerations and the proposed project's provision of a variety of residential land use designations to meet the future needs of the City and the region, the proposed project furthers the City's General Plan policies and the goals and objectives of the Alhambra Hills Specific Plan for new residential land use. It does so while ensuring compatibility with existing and planned land uses, in a manner consistent with the adopted Specific Plan. It would also complete the Specific Plan and provide for orderly growth in an area identified for development since the 1980s.

Economic Benefits

Regarding the Statement of Overriding Considerations and the economic benefits to the City, the applicant has provided the City with a fiscal impact analysis which analyzes the on-going (annual) fiscal benefits and the one-time development impact fees, as well as the one-time revenues and costs to the City. The report also addresses the annual costs to be funded privately through project special assessments, such as through a GHAD and a Homeowners Association

(HOA). Lastly, the study presents information on benefits to the local economy through such things as the creation of construction jobs and retail spending by the proposed project's residents. The report was prepared by Brion & Associates (Santa Rosa, CA), a firm that specializes in fiscal impact analysis. The full report is attached (see Attachment 16, Exhibit D).

The key finding of the report is that there would be a net fiscal benefit for both the short- and long-term for the City's General Fund associated with the proposed project. The report also indicates that the Contra Costa County Fire Protection District would also experience a positive fiscal impact from the proposed project. Staff believes that based on the fiscal impact analysis presented the proposed project would provide substantial economic benefit to the City.

Habitat Fragmentation and Other Environmental Impacts

The appeal states that the proposed project would create habitat fragmentation and thus negatively affect the wildlife population. This issue was studied as part of the environmental review process. The SEIR found that any impacts regarding this issue associated with the proposed project could be mitigated to a less-than-significant level.

The appeal also states that the development would negatively impact views from three parks and scenic roadways, change the natural hydrology of the area, create potential risk for slides, flooding and creek deterioration in both the City and the County. The appeal goes on to state that the proposed project would increase traffic and noise on City streets such as Horizon Drive and on County roads in constant need of maintenance. These issues were studied as part of the environmental review process. The SEIR found that any impacts regarding these issues associated with the proposed project could be mitigated to a less-than-significant level.

On-Site Recreational Facility

As noted, the on-site recreational facility would be relocated and would be 5.3 acres instead of 2.1 acres in size with the Mitigated/Alternate Access Alternative. The recreational use would also change from active to mostly passive. The appeal states that the proposed facility would destroy natural habitat and would only provide open space for the proposed project's residents. The issue of its impacts on the natural habitat was studied as part of the environmental review process. The SEIR found that any impacts regarding this issue associated with the proposed project could be mitigated to a less-than-significant level. As for it only providing open space to the proposed project's residents, that is the primary purpose of the facility. This helps offset the demand that the proposed project's residents will have for open space in other parts of the City, which is a positive benefit for the City as a whole.

Tree Impact Mitigation Measures

The appeal states that the tree mitigation measure is insufficient with its requirement of a 1.5:1 replacement ratio. It also discusses other issues related to the impacts associated with the removal of trees on the project site. All of these potential impacts were studied as part of the environmental review process. The SEIR found that any impacts regarding these issues associated with the proposed project could be mitigated to a less-than-significant level. The appellants ask that the replacement ratio be increased to 3:1 or that a requirement be added that the mix of replacement trees be in proportion to those removed. The applicant, as noted in their letter in response to the appeals, agrees to replacing trees in the same proportion as the trees removed. Condition of approval V.B.3 could be modified to meet this requirement if the Council so chooses.

Appeal of Marlene Haws and Richard Pile

The appeal claims that the proposed project, as modified in the Mitigated/Alternate Access Alternative, is not in compliance with a number of sections of the City's General Plan and Alhambra Hills Specific Plan with respect to lots 21-29 and lot 2A1. The areas of noncompliance relate to the City's slope density provisions and conservation lands policies. The full appeal letter is attached (see Attachment 17).

General Plan and Alhambra Hills Specific Plan: Slope Density Provisions

The appeal's primary claim regarding the City's slope density provisions and the aforementioned lots is that they would not be built on the existing plateau, but would instead be created through engineered fill. The appeal asserts that since portions of these lots as they exist have slopes greater than 30 percent they cannot be considered developable under the City's General Plan and Alhambra Hills Specific Plan. The appeal quotes a number of the findings made in the Planning Commission's resolution regarding the proposed project's consistency with the City's General Plan and Alhambra Hills Specific Plan and argues that the facts presented do not support those findings.

A slope analysis was conducted for the proposed project and was based on a comparison of the proposed project to the Alhambra Hills Specific Plan policies and exhibits. The applicant prepared two maps, which are included in the letter they submitted in response to the appeals (see Attachment 16, Exhibit C). The first map (Sheet 1 of 2) superimposes the proposed project's development area (as modified in the Mitigated/Alternate Access Alternative) over the developable area as defined by Figure 31.30 of the Specific Plan. Figure 31.30 delineates the area where development is permitted to occur. The second map (Sheet 2 of 2) illustrates in greater detail the same, but focuses on lots 21-29 and lot 2A1. The maps show that the proposed project's development area is clearly within the area delineated in the Specific Plan as appropriate for development.

Regarding the creation of buildable areas on portions of lots that have slopes greater than 30 percent through engineered fill, the Specific Plan has provisions that apply to this situation. The Specific Plan allows exceptions for development areas within slope areas with slopes that are greater than or equal to a 30 percent slope. They are:

- A. *Where no alternative exists, roads connecting development areas may pass over areas of 30 percent slope, subject to approval by the Planning Commission. Grading shall be limited to that necessary for the road or to the minimum amount which will create the most natural appearing contours. If such grading creates buildable areas (under 30 percent slope) residential development fronting the road may be permitted subject to approval by the Planning Commission.*
- B. *Small areas (10,000 sq. ft. or less) of 30 percent and over slope entirely surrounded by areas under 30 percent slope may be developed. Small infringements on areas of 30 percent slope may be permitted where the existing topography of the majority of the building areas and areas to be graded are under 30 percent slope.*

The Specific Plan envisioned the area where lots 21-29 and lot 2A1 are shown as being one that can be developed. Portions of these lots contain slopes greater than 30 percent, however as noted in provision A above, if grading limited to that necessary for the construction of the project's roads creates buildable areas (under 30 percent slope), residential development fronting the road may be permitted subject to approval by the Planning Commission. The creation of these lots with buildable areas is only a result of the grading required for the construction of Erica Way and is

therefore permitted under the Specific Plan. Another important point to note is that there already exists an approved Planned Unit Development (PUD) for this portion of the Specific Plan area. That PUD contains lots where development is permitted in the same location as lots 21-29 and lot 2A1.

General Plan: Conservation Lands Policies

The appeal states that the proposed project is not in compliance with the General Plan’s Open Space Element requirement that “all woodlands and marshes should be conserved and protected from degradation or deleterious encroachment. Where development occurs, site plans should be required to maximize retention and preservation of these vegetative resources. Development within areas dominated by oak species should avoid damage to their sensitive root crowns by grading practices.”

While this policy provides that woodlands and marshes be conserved and protected, removing oak woodlands for the purpose of grading lots is allowed by this policy. The policy requires that site plans maximize retention and preservation of these resources. The proposed project has been designed to reduce tree loss from 713 to 484 trees (with the Mitigated/Alternate Access Alternative). Therefore, the proposed project is consistent with the General Plan’s Open Space Element, Conservation Lands Policies.

Appeal of Bill Schilz

The appeal focuses specifically on Geologic Hazard Abatement Districts (GHAD). It requests that if the City Council approves the proposed project that:

- A GHAD be established;
- A board of directors be appointed, independent of the developer or Homeowners Association;
- The developer be required to fund the GHAD for an extensive period of time; and
- GHAD fee payments on all unsold lots be guaranteed through a surety bond, until such time that the last of the lots are sold.

As the decision for the establishment of a GHAD rests with the Council, the Planning Commission only made a recommendation regarding this matter. As noted, the Commission recommended that a GHAD be formed. Information regarding GHADs is noted above. The applicant has supplied a response to this appeal addressing the specific points noted in it (see Attachment 16, Exhibit A). The full appeal letter is attached (see Attachment 18).

Appeal of Robert Barker

The appeal is concerned specifically with a perceived violation of fair and just practices. It notes that the Planning Commission failed to consider the personal property rights of the appellants at the public hearings. It also notes that each speaker was only afforded three minutes to speak in contrast to the time afforded to the applicant for their presentation. The Planning Commission hearings were held in accordance with the City’s policies regarding meeting procedures, as well with the Brown Act (CA Gov’t Code: 54950-54962). The full appeal letter is attached (see Attachment 19).

CONCLUSION:

The applicant, Richfield Investment Group, requests that the City Council 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 can be done so when the Final Map and Improvement Plan is submitted to staff for review.

Staff believes that the appeals have not presented any new information that would require changes to the proposed project as approved by the Planning Commission. 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.

ACTION:

Deny the appeals, uphold the Planning Commission's actions, certify the Final Subsequent Environmental Impact Report (SEIR), 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.

ATTACHMENTS:

1. Letter from Alicia Guerra, Briscoe Ivester & Bazel LLP, dated April 4, 2011
2. Planning Commission meeting (March 22, 2011) staff report
3. Planning Commission meeting (March 22, 2011) minutes
4. Planning Commission meeting (April 12, 2011) staff report
5. Planning Commission meeting (April 12, 2011) minutes
6. Approved Planning Commission Resolutions
7. Vesting Tentative Map (Subdivision 9257), dated February 2010
8. Landscape Improvements Plan, dated April 15, 2010
9. Draft Subsequent Environmental Impact Report (Volume 1 and Appendices), dated October 21, 2010 (previously provided to the City Council) on file in the City Clerk's Office
10. Response to Comments Document, dated March 4, 2011 (previously provided to the City Council) on file in the City Clerk's Office
11. Alhambra Highlands, Vesting Tentative Map, Alternative #1, dated May 2010
12. Wildcroft Drive Alternative #1, dated May 13, 2010
13. Alhambra Highlands Development Guidelines and Design Criteria, dated February 18, 2011
14. Conditions of Approval (as approved by the Planning Commission)
15. Appeal of Chuck Sutton and Elen Visser, dated April 22, 2011
16. Letter from Alicia Guerra, Briscoe Ivester & Bazel LLP, dated June 15, 2011
17. Appeal of Marlene Haws and Richard Pile, dated April 22, 2011
18. Appeal of Bill Schilz, dated April 22, 2011
19. Appeal of Robert Barker, dated April 21, 2011
20. Correspondence received

Draft Resolutions (to be provided at a later date)

APPROVED BY:



City Manager