



## STAFF REPORT

**TO: Planning Commission**

**FROM: Dina Tasini, Contract Planner**

**REVIEWED BY: Terry Blount, Planning Manager**

**DATE: July 26, 2011**

### **GENERAL INFORMATION**

**LOCATION:** 1047 Arnold Drive (APN: 161-173-050, 051)

**APPLICANT:** The Austin Group; Bill Schrader

**OWNER:** Jeremy Klima

**GENERAL PLAN** John Muir Parkway Specific Area Plan, Mixed Use-C/Residential (Commercial/Residential up to 29 Units per acre)

**ZONING:** M-R-1.5/CC (Mixed Use District-Multi Family Residential: 1500 square feet per dwelling unit/Central Commercial)

**ENVIRONMENTAL REVIEW:** Staff proposes that the Planning Commission find that this permit be categorically exempt (Class 5, Section 15305-Minor Alterations in Land Use Limitations and Class 32; "In-Fill Development") from the requirements of CEQA. If the Planning Commission adopts this proposed finding, no further environmental review would be required by State law.

**PROPOSAL:** Public Hearing to consider approval of construction of a 19,500 square foot Commercial Center on a 1.5 acre site and a Use Permit to allow a drive thru facility and sign program including two monument signs each over 20 square feet in size, Variances to permit less than the minimum required front, rear and (internal) side yards and to allow less than the 95 spaces normally required, and to reduce parking lot dimensions/loading bay requirements and a lot line adjustment between three existing parcels. Design Review for the construction of a 19,500 square foot commercial center.

## **RECOMMENDATION**

Approve 11PLN-0021 for the construction of a 19,500 square foot commercial center as proposed.

## **DISCUSSION and STAFF ANALYSIS**

The applicant proposes to construct a 19,500 square foot parcel located at 1047 Arnold Drive. The proposal requires the approval of a Use Permit for the proposed drive thru, Variances for front, rear and side yards and reduction in parking. The applicant also requests Design Review approval. In addition the applicant requests approval for a lot line adjustment between the three existing parcels.

The level and treeless site has historically been used for such seasonal activities as the sale of pumpkins and Christmas trees and carnivals. The site is currently vacant. To the west and north of the site is an existing "big box" retail shopping center. Development of this site will be in keeping with these existing regionally serving commercial activities. To the east of the property is an existing single family neighborhood.

The applicant proposes to develop the site with three buildings to be completed in two phases. The phasing of this development is required because one parcel just to the east of Home Depot is encumbered with a parking agreement to provide additional parking for the Home Depot as required as a condition of approval for Use Permit #02-14. The applicant will improve the entire frontage of the property to provide egress and ingress as well as parking stalls. Once the lease is terminated the second phase will be constructed.

The project was brought before the Design Review Committee on June 15, 2011 for review and recommendations. The Design Review Committee unanimously recommended approval of the project (sign program and building design) with some discussion requesting additional screening of the trash enclosure and change in pavement or sidewalk on the drive thru drive to create a safer pedestrian crossing.

A Zoning Administrator meeting was scheduled for July 13, 2011. The required public notice was sent to property owners within 300 feet of the project site on July 1, 2011. On July 11, 2011 staff met with approximately 20 residents of Village Oaks, the neighboring subdivision, to discuss the project. The residents were concerned about the proposed development's impact on the adjacent residential development. In particular, the residents had concerns about traffic on Arnold Drive and how it impacts the intersection of Shadow Falls and Arnold Drive, light intrusion into the rear yards that abut the project site, noise, garbage location and pick up hours and fence height and materials. In light of the residents concerns staff recommended to the Zoning Administrator that the item be referred to the Planning Commission and the applicant be requested to provide additional information regarding traffic volume, lighting, trash collection, noise and fencing.

The applicant has provided the following information with respect to the residents concerns:

### Traffic

Staff requested additional information regarding the traffic on Arnold Drive and more specifically to provide traffic counts for the intersection of Shadowfalls and Arnold Drives. The traffic engineer analyzed peak hour traffic on July 19, 2011 as well as an analysis of the existing conditions at the intersection of Arnold Drive and Shadowfalls Drive. In general the intersection of Shadowfalls Drive and Arnold Drive operate at a Level of Service A and do not warrant any additional traffic controls. Staff has attached Abrams Associates memo dated July 20, 2011 for your review (Attachment E).

### Lights

The applicant has reduced the height of the light standards from 20 feet as originally proposed to 12 feet high. The reduction in height will have two effects, one is to lessen the amount of light visible from the rear yards and the second is that the fixtures themselves will be less visible.

### Fence

The applicant's initial application submittal included a 6-foot solid wood ("board on board") fence. Several residents in the neighborhood requested that the applicant substitute the wood fence with a masonry wall. In response the applicant surveyed several centers within Martinez where masonry walls were used and found many in disrepair and marked by graffiti.

The applicant proposed the fence because it can be easily maintained and its materials are more in keeping with the adjacent residential properties. The applicant is aware of neighbor's concern for screening and therefore, is requesting an 8-foot wood fence to provide an additional screening. Use of wood fencing is appropriate adjacent to residential properties and its use is in keeping with the existing wood fencing currently used along the property boundary.

### Trash enclosures and pick-up schedule

There are two trash enclosures on the site. The trash enclosure located on Arnold Drive Of at the southeast corner of the site adjacent to the exit driveway is of concern because of the noise associated with pick of the trash. The applicant, the Design Review Committee and staff tried to relocate the enclosure to another location on the site. Site constraints such as existing easements on the property and the proposed circulation pattern leave the applicant with no alternative trash locations. The applicant has contacted a representative from the sanitation district and no trucks leave the facility prior to 6 am.

The applicant has worked with staff to address the issues raised by the residents and has made some changes to the lighting proposed, fence heights and provided additional information regarding the traffic volumes along Arnold Drive.

## **STANDARDS FOR APPROVAL and DRAFT FINDINGS:**

### **USE PERMIT – DRIVE THRU FACILITY**

The parcel is located within a Mixed Use District Subsection 22.26.030 of the Municipal Code. This section of the Code states that permitted and conditional uses in the Mixed Use District are the permitted and conditional uses of each individual zoning district that has been combined into the Mixed Use District. The Mixed Use District in this instance is CC/R1.5. Within the CC District, drive –thru facilities require a Use Permit.

In order to approve a Use Permit the Planning Commission must make the following findings:

- (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed site has been used for commercial purposes and is currently vacant except for seasonal sales of pumpkins and Christmas trees. The lot is located along a commercial corridor and the area to the west of the project site is commercial. The parcel is zoned for commercial uses and the proposed drive–thru facility is in keeping with the purpose and objective of the district to promote commercial activity.
- (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.** The proposed drive-thru facility will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area, in that the internal queuing and circulation plan is adequate for the anticipated demand, and thus will not negatively affect on- or off-site traffic patterns. Order boards, speakers and lights are to be positioned as not to have any effects on the adjacent residents to the east beyond those associated with any permitted commercial development of the site. The drive-thru will be operated and maintained in accordance with all public health, safety and welfare codes and standards, including the City’s Noise Control Regulation, Chapter 8.34.
- (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** The drive-through facility will comply with all applicable provisions of this title, through applying conditions of approval.

## USE PERMIT – MONUMENT SIGN AND SIGN PROGRAM

In order to approve the Use Permit application to allow two monument signs (20 sq. ft. each) and the related sign program, the Planning Commission must make the following findings:

- (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed project is in accord with the objectives of this title and will be compatible with the commercial zoning district. The proposed project is also compatible with the current uses at the subject property and with the signage in the surrounding area. The proposed monument signs, and wall signs to be allowed under the sign program, will provide clear identification to vehicle travelers for the businesses located in the shopping center. The proposed signs will not obstruct the sight distance of vehicles and pedestrians.
- (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The proposed monument signs are designed and will be located so that they will not be materially injurious or detrimental to public health, safety or welfare. The proposed project has been conditioned to minimize impacts associated with construction. Also, the proposed signs will be located within the subject property and shall not be permitted to be located in the public right-of-way. Thus, the proposed project will be consistent with existing and surrounding uses and will not be detrimental to public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** With the exceptions sought as a part of this proposal, the proposed monument signs comply with all other applicable provisions of this title, including the Central Commercial zoning requirements and the City's Sign Ordinance.

In order to approve the Use Permit application, the Planning Commission must make the following special use permit findings per Section 16.32.040:

- (a) **A free-standing sign is the only feasible means by which the business conducted on the premises can have the same degree of identification to the traveling and shopping public as that available to business on neighboring premises without free-standing signs.** Due to the location of the tenants in the proposed Commercial Center, the proposed monument signs are the only feasible means by which the businesses conducted on the premises can have the same degree of identification to the public as that available to the businesses in the surrounding area.

- (b) **The freestanding sign will not give the business on the premises a greater degree of identification to the public than available to business on neighboring premises without freestanding signs.** The proposed monument signs will not give the businesses at the Commercial Center a greater degree of identification than available to businesses on neighboring premises. The proposed monument signs will be compatible with the signage in the surrounding area.
- (c) **The freestanding sign is consistent with the objectives of the zoning regulations prescribed in Section 22.02.010 of this Code.** With the exceptions sought as a part of this proposal, the proposed monument signs are consistent with the objectives of the zoning regulations prescribed in Section 22.02.010.
- (d) **The free-standing sign, if granted, would not adversely affect the preservation of property values in the vicinity.** The proposed monument signs will not adversely affect the preservation of property values in the vicinity because the proposed monument signs are located on a commercial property and adjacent to a major arterial. The signs are designed to compliment the center and to have the least amount of visual impact yet provide adequate signage for the commercial use.

## **VARIANCES**

The configuration of the trapezoidal lot makes siting of the buildings and provision of required parking difficult. The Zoning District is Mixed Use (Residential/Commercial) which require the standards pertaining to density, coverage, height and spacing of buildings, yard spaces, open spaces, parking and loading facilities and any other aspect regulation in this zoning title shall be those of the most restrictive zoning district in the combining district (subsection 22.26.040). In this instance, the more stringent setback standards are for the R 1.5 Zoning District and need to be applied (side and rear yards are not normally required in the CC- Central Commercial District.). In the R-1.5 the front yard setback is 10 feet, the applicant proposes development of frontage improvements and parking within the front yard setback. (Setbacks are illustrated in Attachment G)

Normally there are no interior side yard setbacks within the Commercial Zoning District. However, because this project is located within a Mixed Use Zoning District with R1.5, residential side yard setbacks are 10 feet. Interior side yard setbacks are not required for commercial developments. The project as proposed will create zero internal side yard setbacks. Therefore, granting a variance in this instance is appropriate.

The rear yard minimum within the R1.5 zoning district is 25 feet. The applicant proposes construction within the 25-foot rear yard setback. The fact that the project site is located within a Mixed Use District with R 1.5 zoning classification the more stringent setback requirements are applied. However, within the commercial zoning district rear yard setbacks are not required. Therefore, granting a variance is necessary and appropriate.

The site is zoned mixed-use development to provide an opportunity for a mix of residential and commercial uses at the site. However, given the economic climate and the location of this site in such close proximity to State Highway 4 the development of housing is not probable nor is it the highest and best use for this site. In addition the site is relatively small and has an irregular shape. Thus exceptions to the R-1.5 standards, to allow a reduction in minimum yards that would comply under the Central Commercial District, appear appropriate.

The applicant has also requested a variance from both the number and size of the parking stalls. The Commercial standards must be used in this instance. Section 22.36.050 requires 5 spaces per 1,000 square feet that would require the applicant to provide 99 parking spaces. The applicant proposes 78 parking spaces. To correctly determine if the reduction in the number of parking stalls is appropriate we requested additional information from the applicant. Abrams Traffic Engineers conducted a study of the site and provided back up information to support the provision of a lesser number of parking. The report concluded that approximately 3 to 4 spaces per thousand were needed and a reduction in parking is appropriate. (Abrams memo attached- Attachment D).

As with many older codes, Martinez' parking space dimensional requirement is for all spaces to be a minimum of 20' long, where a minimum length of 18' has become common practice. Staff is recommending the following: a) all parking spaces be a minimum 18' length, b) parking spaces will be permitted to be 8½' wide where 9' is normally required and c) permitting a reduction in the drive isle width from 25' to 24'. These minor adjustments greatly facilitate the design of the common parking area while preserving some minimal planting areas on this very constrained site.

In order to approve the variances outlined above the Planning Commission must make the following findings:

- (a) **Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty;** The enforcement of the normally required minimum setback and parking standards would either preclude development or result in the practical difficulty of constructing the development based on the fact that the development is of a commercial nature but must adhere to more restrictive residential setbacks because of the mixed use zoning district. Because of the size and configuration of the lot, applying the required setback and parking standards would make the development infeasible unless variances were granted. Furthermore, provision of parking at the required ratio of 5 per 1,000 square feet is not in keeping with industry standards for commercial development and because of the size of the site it is not possible to accommodate the parking as required. Limiting fence height to the normally permitted maximum of 6' would prevent the applicant from providing the 8' high fence, for screening, requested by the adjacent residential neighbors.
  
- (b) **There are exceptional or extraordinary circumstances or conditions**

**applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified on the same zoning district;** The irregular shape of the lot and its location adjacent to Arnold Drive makes siting of buildings difficult and therefore requires that the buildings are located to the rear of the property to allow for access and parking. The site is constrained in that it is an infill site surrounded by fully developed commercial and residential properties leaving little or no flexibility in placement of structures on the lot. Its location as an infill commercial property, irregular shape and Mixed Use Zoning classification requiring application of setback requirements that are more stringent constitute extraordinary circumstances to the intended commercial use of the property that do not apply generally to other properties when compared to the surrounding area and the same zoning district.

- (c) **Strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties;** A strict enforcement of the minimum setbacks and required parking (both number and size) would effectively limit the buildable area of the non-neighborhood commercial development making the site unusable and deprive the applicant of the privileges enjoyed by owners of other properties within the same CC – Central Commercial zoning district.
- (d) **Granting of the variance will not constitute a grant of special privileges inconsistent with the limitations of other properties;** Granting this variance is not a special privilege, in that the proposed encroachment into the typically required setbacks is needed to compensate for the limitations created by the shape of the lot, and its location in an area which is fully developed limiting the ability to locate driveways. The additional fence height of 8 feet was requested by neighbors, and therefore the increased height is not a special privilege but rather a special obligation. The proposed construction would not result in the granting of a special privilege. Furthermore, the granting of this variance would not preclude other property owners in a comparable situation and with similar limitations to apply for a variance that can meet all applicable standards and findings for the granting of such a variance.
- (e) **The granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to property or improvements in the vicinity;** The quality and design of the proposed development will be either at or above that of the surrounding commercial developments. The proposed reductions in minimum yard and parking requirements will have no negative effects on the center's functionality, appearance from off-site or reduce required separation from adjoining residential uses since there are no setback variances along the property line between the residential and commercial properties. Therefore the granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to property or improvements in the vicinity.

## **LOT LINE ADJUSTMENT:**

The 1.5 acre site actually consists of the three separate legal lots. The transfer of areas between these three lots, and the configuration of the new lot lines, will allow the existing property to be developed as proposed with new lot lines conforming to the proposed layout of stores and project phasing. The properties are vacant requiring no removal of structures on the properties there will be no adverse impact as a result of the lot line adjustment. With the proposed lot line adjustment, the parcels will remain in conformance with the zoning district requirements, and with the parcels with respect to lot size, frontage, depth and width. Thus, the proposed reconfiguration of the parcels conforms to the required standards (MMC 21.60.010) for lot line adjustments approval (Lot Line Adjustment is illustrated in Attachment F):

In order to approve the Lot Line Adjustment, the Planning Commission must make the following findings:

- (a) **The land taken from one or more parcel(s) would be added to an adjacent parcel(s); and** the adjustment of the lot lines allows for development of the parcel for commercial use. There are no additional parcels being created.
- (b) **A greater number of parcels than originally existing would not thereby be created;** there are no additional parcels created.
- (c) **There would be no resulting violations of the Martinez Municipal Code;** in that subject to the proposed conditions of approval for recordation, the proposed lot configurations and existing structures will not result in violations of the Martinez Municipal Code.

## **DESIGN REVIEW:**

In order to approve the Design Review, the Planning Commission must make the following findings:

- (a) **Complies with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions.** The proposal complies with all other applicable provisions of Title 22, noting that Variances have been requested to permit the reduction in parking and setbacks and a Use Permit.
- (b) **Provides desirable surroundings for occupants as well as for neighbors. Emphasis is placed upon exterior design with regard to height, bulk, and area openings; breaks in the facade facing on a public or private street; line and pitch of the roof; and arrangement of structures on the parcel.** The project as proposed is a single story commercial center, with several building on the site. The building mass is broken up through the use of awnings, variations in height, siding materials, and stepping out of the larger building to create relief along the frontage and the variation in height of the

buildings provides for a varied roof elevation. The roof design and changes in front elevations provides for the appearance of a small inviting center. The separation of the smaller building with the drive thru and the larger building provides some relief along the street by breaking up the buildings and provides a small outdoor seating area.

- (c) **Has a harmonious relationship with existing and proposed neighboring developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.** The neighboring commercial property is fully developed and separated by parking and driveways from the proposed project site. Furthermore, the existing commercial center to the west is comprised of structures that face the interior of the center and have no relationship with Arnold Drive or the adjacent proposed commercial center. The adjacent residences to the northeast are typically set back approximately 40 feet from the commercial property (minimum distance from the majority of the residences is 20 feet). The use of natural colors will soften the appearance of the center and will blend in with the existing developments along Arnold Drive.
- (d) **Uses a limited palette of exterior colors; those colors must be harmonious and architecturally compatible with their surrounding environment.** The project will use colors that will compliment those in the surrounding areas, primarily based on medium warm browns, with more limited use of darker reds and lighter beiges as accents, which will be harmonious and architecturally compatible with the surrounding environment.
- (e) **Uses a limited number of materials on the exterior face of the building or structure. In addition, all interior surfaces normally visible from public property shall be finished.** The project uses an appropriately limited number of exterior materials, such as red awnings, stucco and wood.
- (f) **Has exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors.** As per the proposed Conditions of Approval, the lighting sources shall be shielded and/or downcast to avoid creating new sources of glare to existing residents.
- (g) **Effectively conceals work areas, both inside and outside of buildings, in the case of non-residential facilities.** There are no outdoor work areas.
- (h) **Undergrounds all utility boxes unless it can be shown that they can be effectively screened from the view of the general public.** Project conditions require that all utility boxes be underground or located in screened areas as required by the City's Engineering Division.
- (i) **Designs the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting.** The applicant has provided

a landscape plan that adheres to the requirements set forth in the Municipal Code.

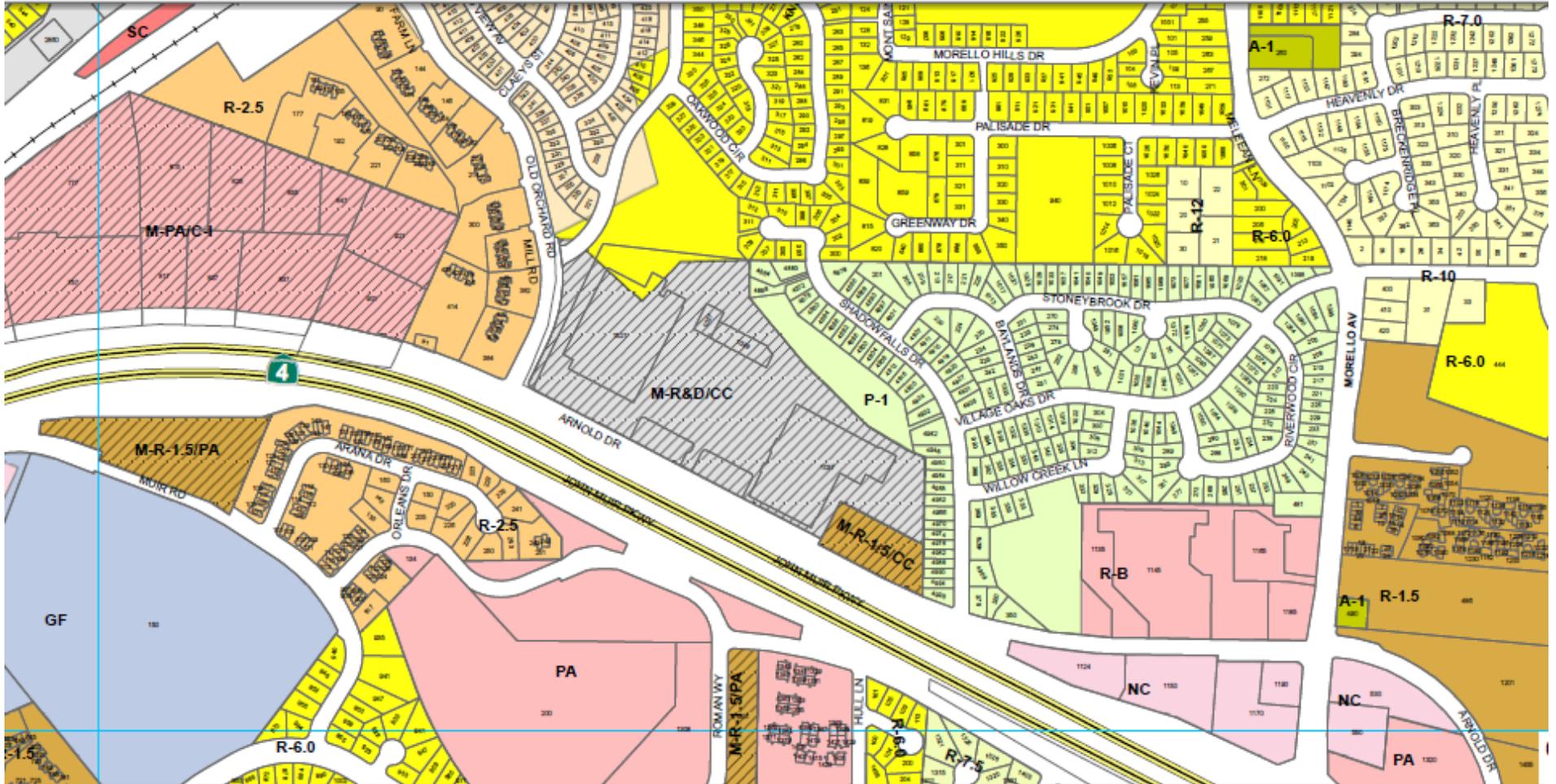
- (j) **Establishes a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered.** All parking is appropriately located along the front of the property and the integration of the drive thru, loading and customer parking has been designed appropriately for the site. Parking for the disabled is proposed as required per Building Code.
- (k) **Ensures that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same.** The applicant has requested a Use Permit for the increase in the size of the two monument signs. The applicant proposes a 48 square foot sign for the anchor tenant and 36 square feet for the remaining tenant spaces. The size and scale are appropriate and will not create a traffic hazard because of the location of the signs, size and the advertising copy all of which will not be obstruct visibility to and from the site.
- (l) **Substantially preserves views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the affected property owner(s) (sic).** As the development is proposed on a vacant level site where all surrounding property is also level it is unlikely that views will be obstructed as a result of this development.

## **CONCLUSION**

Staff is recommending approval of the Use Permit, Variance, Lot Line Adjustment and Design Review (Permit # 11PLN-0021) request subject to the above standards and the attached draft conditions of approval.

## **ATTACHMENTS**

- A. Site Context Map
- B. PC Resolution
- C. Conditions of Approval [DRAFT]
- D. Abrams and Associates Traffic Study, Dated May 4, 2011
- E. Abrams and Associates, Traffic Impacts Memo, Dated July 21, 2011
- F. Lot Line Adjustment
- G. Illustrations of rear and interior side yard setbacks of \$-1.5 District



**SITE MAP**

**RESOLUTION NO. PC 11-07**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ,  
APPROVING DESIGN REVIEW, A USE PERMIT TO ALLOW A DRIVE THRU  
FACILITY AND SIGN PROGRAM INCLUDING A MONUMENT SIGN OVER 20  
SQUARE FEET IN SIZE, VARIANCES TO PERMIT LESS THAN THE MINIMUM  
REQUIRED FRONT, REAR AND INTERNAL SIDE YARDS AND TO ALLOW AN 8'  
HEIGH FENCE WHERE A MAXIMUM OF 6' IS NORMALLY PERMITTED; AND TO  
ALLOW LESS THAT THE 95 SPACES NORMALLY REQUIRED, AND TO REDUCE  
PARKING LOT DIMENSIONS/LOADING BAY REQUIREMENTS AND A LOT LINE  
ADJUSTMENT BETWEEN THREE EXISTING PARCELS FOR A NEW COMMERCIAL  
CENTER TO BE LOCATED AT 1047 ARNOLD DRIVE.  
(APN: 161-173-050, 051)**

**11PLN-0021**

**WHEREAS**, the City of Martinez has received a request for Use Permit, Variance and Design Review approvals to allow construction of a new 19,500 sq. ft. commercial center and to request a Use Permit for a drive-thru and sign program; Variances for minimum setbacks and parking requirements and a Lot Line Adjustment between three existing parcels and;

**WHEREAS**, the proposal is consistent with General Plan policies and with the land use designation which is Commercial; and

**WHEREAS**, the zoning applicable to the property is MX (Mixed Use District (CC/R1.5)), and the proposed commercial center buildings is generally consistent with development standards of the CC designation and the requirements for the granting of exceptions to those regulations where applicable; and

**WHEREAS**, the project is categorically exempt from the requirements of CEQA, under Section 15332 ("In-Fill Development) of CEQA Guidelines; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on July 14, 2011, in regards to the said actions and has considered public testimony and all other substantial evidence in the record; and

**NOW, THEREFORE**, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based
2. The proposed building will have a drive thru. Drive-thru facilities within the Central Commercial Zoning District requires a Use Permit. To approve the Use

permit, the Planning Commission must make the following findings, which it hereby does:

- (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed site has been used for commercial purposes and is currently vacant except for seasonal sales of pumpkins and Christmas trees. The lot is located along a commercial corridor and the area to the west of the project site is commercial. The parcel is zoned for commercial uses and the proposed drive –thru facility is in keeping with the purpose and objective of the district to promote commercial activity.
- (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.** The proposed development will be. The proposed drive-thru facility will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area, in that the internal queuing and circulation plan is adequate for the anticipated demand, and thus will not negatively affect on- or off-site traffic patterns. Order boards, speakers and lights are to be positioned as not to have any effects on the adjacent residents to the east beyond those associated with any permitted commercial development of the site. The drive-thru will be operated and maintained in accordance with all public health, safety and welfare codes and standards, including the City’s Noise Control Regulation, Chapter 8.34.
- (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** The drive-through facility will comply with all applicable provisions of this title, through applying conditions of approval.

3. In order to approve the Use Permit application to allow two monument signs (20 sq. ft each) and the related sign program, the Planning Commission must make the following findings, which it hereby does:

- (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed project is in accord with the objectives of this title and will be compatible with the commercial zoning district. The proposed project is also compatible with the current uses at the subject property and with the signage in the surrounding area. The proposed monument signs, and wall signs to be allowed under the sign program, will provide clear identification to vehicle travelers for the businesses located in the shopping center. The proposed signs will not obstruct the sight distance of vehicles and pedestrians.

- (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The proposed monument signs are designed and will be located so that it will not be materially injurious or detrimental to public health, safety or welfare. The proposed project has been conditioned to minimize impacts associated with construction. Also, the proposed signs will be located within the subject property and shall not be permitted to be located in the public right-of-way. Thus, the proposed project will be consistent with existing and surrounding uses and will not be detrimental to public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** With the exceptions sought as a part of this proposal, the proposed monument signs comply with all other applicable provisions of this title, including the CC (Central Commercial) zoning requirements and the City's Sign Ordinance.

4. In order to approve the Use Permit application, the Planning Commission must make the following special use permit findings per Section 16.32.040, which it hereby does:

- (a) **A free-standing sign is the only feasible means by which the business conducted on the premises can have the same degree of identification to the traveling and shopping public as that available to business on neighboring premises without free-standing signs.** Due to the location of the tenants in the proposed Commercial Center, the proposed monument signs are the only feasible means by which the businesses conducted on the premises can have the same degree of identification to the public as that available to the businesses in the surrounding area.
- (b) **The free-standing sign will not give the business on the premises a greater degree of identification to the public than available to business on neighboring premises without free-standing signs.** The proposed monument signs will not give the businesses at the Commercial Center a greater degree of identification than available to businesses on neighboring premises. The proposed monument signs will be compatible with the signage in the surrounding area.
- (c) **The free-standing sign is consistent with the objectives of the zoning regulations prescribed in Section 22.02.010 of this Code.** With the exceptions sought as a part of this proposal, the proposed monument signs are consistent with the objectives of the zoning regulations prescribed in Section 22.02.010.

- (d) **The free-standing sign, if granted, would not adversely affect the preservation of property values in the vicinity.** The proposed monument signs will not adversely affect the preservation of property values in the vicinity.
5. The proposed building requires the approval of a Variance allowing exceptions to the minimum front, rear and internal side yards and rear yards of the (Mixed Use –R1.5/Commercial) Zoning District. The Zoning District is Mixed Use (Residential/Commercial) which require the standards pertaining to density, coverage, height and spacing of buildings, yard spaces, open spaces, maximum fence heights, parking and loading facilities and any other aspect regulation in this zoning title shall be those of the most restrictive zoning district in the combining district (subsection 22.26.040). In this instance, the more stringent setback standards are for the R 1.5 Zoning District and need to be applied. (side and rear yards are not normally required in the CC- Central Commercial District.) To approve the Variance, the Planning Commission must make the following findings, which it hereby does:
- (a) **Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty;** The enforcement of the normally required minimum setback and parking standards would either preclude development or result in the practical difficulty of constructing the development based on the fact that the development is of a commercial nature but must adhere to more restrictive residential setback because of the mixed use zoning district. Because of the size and configuration, development at this site applying the required setback and parking standards would not be feasible unless variances were granted. Furthermore, provision of parking at the required ratio of 5 per 1,000 square feet is not in keeping with industry standards for commercial development and because of the size of the site it is not possible to accommodate the parking as required. Limiting fence height to the normally permitted maximum of 6' would prevent the applicant from providing the 8' high fence, for screening, requested by the adjacent residential neighbors.
- (b) **There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified on the same zoning district;** The irregular shape of the lot and its location adjacent to Arnold Drive makes siting of buildings difficult and therefore requires that the buildings are located to the rear of the property to allow for access and parking. The site is constrained in that it is an infill site surrounded by fully developed commercial and residential properties leaving little or no flexibility in placement of structures on the lot. Because of its location as an infill piece and its irregular shape and constitute extraordinary circumstances to the intended non-neighborhood commercial use of the property which do not apply generally to other properties when compared to

the surrounding area and the same zoning district.

- (c) **Strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties;** A strict enforcement of the minimum setbacks and required parking (both number and size) would effectively limit the buildable area of the non-neighborhood commercial development making the site unusable and deprive the applicant of the privileges of enjoyed by owners of other properties within the same CC – Central Commercial zoning district.
- (d) **Granting of the variance will not constitute a grant of special privileges inconsistent with the limitations of other properties;** Granting this variance is not a special privilege, in that the proposed encroachment into the typically required setbacks is needed to compensate for the limitations created by the shape of the lot, and its location in an area which is fully developed limiting the ability to locate driveways. The 8' fence height has been requested by neighbors, and therefore the increased height is not a special privilege but rather a special obligation. The proposed construction would not result in the granting of a special privilege. Furthermore, the granting of this variance would not preclude other property owners in a comparable situation and with similar limitations to apply for a variance that can meet all applicable standards and findings for the granting of such a variance.
- (e) **The granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to property or improvements in the vicinity;** The quality and design of the proposed development will be either at or above that of the surrounding commercial developments. The proposed reductions in minimum yard and parking requirements will have no negative effects on the center's functionality, appearance from off-site or impact the reduce the required separation from adjoining residential uses. Therefore the granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to property or improvements in the vicinity.

6 In order to approve the Lot Line Adjustment to reconfigure the three lots, the Planning Commission must make the following findings, which it hereby does:

- (a) **The land taken from one or more parcel(s) would be added to an adjacent parcel(s); and** the removal of the lot lines allows for development on one parcel. The parcel lines must be adjusted to create one parcel. There is no addition of parcels simply a consolidation.
- (b) **A greater number of parcels than originally existing would not thereby be created; and** there will be one parcel as opposed to the three existing parcels.

**(c) There would be no resulting violations of the Martinez Municipal Code;** in that subject to the proposed conditions of approval for recordation, the proposed lot configurations and existing structures will not result in violations of the Martinez Municipal Code including, setbacks for existing structures, distances between structures, and zoning applicable to the property in the mixed use district R1.5/CC.

7. In order to approve the Design Review application for the Commercial Center the Commission must make the following findings, which it hereby does:

**(a) Complies with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions.** The proposal complies with all other applicable provisions of Title 22, noting that Variances have been requested to permit the reduction in parking and setbacks and a Use Permit.

**(b) Provides desirable surroundings for occupants as well as for neighbors. Emphasis is placed upon exterior design with regard to height, bulk, and area openings; breaks in the facade facing on a public or private street; line and pitch of the roof; and arrangement of structures on the parcel.** The project as proposed is single story commercial center, with several building on the site. The building mass is broken up through the use of awnings, variations in height, siding materials, and stepping out of the larger building to create relief along the frontage and the variation in height of the buildings provides for a varied roof elevation. The roof design and changes in front elevations provides for the appearance of small inviting center. The separation of the smaller building with the drive thru and the larger building provides some relief along the street by breaking up the buildings and provides a small outdoor seating area.

**(c) Has a harmonious relationship with existing and proposed neighboring developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.** The neighboring commercial property is separated by parking and driveways from the project site. Furthermore, the existing commercial center's structures face the interior of the center have no relationship with Arnold Drive or the adjacent proposed commercial center. The adjacent residences to the northeast are typically set back over 40 feet from the commercial property (minimum distance from the majority of the residences is 20 feet). The use of natural colors will soften the appearance of the center and will blend in with the existing developments along Arnold Drive.

**(d) Uses a limited palette of exterior colors; those colors must be harmonious and architecturally compatible with their surrounding**

**environment.** The project will use colors that will compliment those in the surrounding areas, primarily based on medium warm browns, with more limited use of darker reds and lighter beiges as accents, which will be harmonious and architecturally compatible with the surrounding environment.

- (e) **Uses a limited number of materials on the exterior face of the building or structure. In addition, all interior surfaces normally visible from public property shall be finished.** The project uses an appropriately limited number of exterior materials, such as red awnings, stucco and wood.
- (f) **Has exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors.** As per the proposed Conditions of Approval, the lighting sources shall be shielded and/or downcast to avoid creating new sources of glare to existing residents.
- (g) **Effectively conceals work areas, both inside and outside of buildings, in the case of non-residential facilities.** There are no outdoor work areas.
- (h) **Undergrounds all utility boxes unless it can be shown that they can be effectively screened from the view of the general public.** Project conditions require that all utility boxes be underground or located in screened areas as required by the City's Engineering Division.
- (i) **Designs the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting.** The applicant has provided a landscape plan that adheres to the requirements set forth in the Municipal Code.
- (j) **Establishes a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered.** All parking is appropriately located along the front of the property and the integration of the drive thru, loading and customer parking has been designed appropriately for the site. Parking for the disabled is proposed as required per Building Code.
- (k) **Ensures that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same.** The applicant has requested a Use Permit for the

increase in a monument sign. The applicant proposes a 48 square foot sign for the anchor tenant and 36 square feet for the remaining tenant spaces.

- (l) **Substantially preserves views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the affected property owner(s) (sic).** As the development is proposed on a vacant level site where all surrounding property is also level it is unlikely that views will be obstructed as a result of this development.

3. All the findings contained above are part and parcel of this Resolution and are incorporated herein by this reference.

**NOW, BE IT FURTHER RESOLVED** that the Planning Commission approves 11PLN-0021 subject to conditions of approval, incorporated herein by this reference.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 26th day of July 2011:

AYES:

NOES:

ABSENT:

BY: \_\_\_\_\_  
Donna Allen, Planning Commission Chair

\_\_\_\_\_  
Dina Tasini, Consultant

CONDITIONS OF APPROVAL [**DRAFT**]

## APPROVED BY PLANNING COMMISSION

Applicant Name: **Austin Group, Bill Schrader**Site Location: **1047 Arnold Drive (APN 161-173-050, 051)**I. Description of Permit

These conditions apply to and constitute the approval of construction of a 19,500 square foot Commercial Center on a 1.5 acre site and a Use Permit to allow a drive thru facility and sign program including a sign program for a monument sign over 20 square feet in size, Variances to permit less than the minimum required front, rear and (internal) side yard and allow less than the 95 spaces normally required, and reduce parking lot dimensions/loading requirements and a lot line adjustment between three existing parcels. Design Review for the signs and construction of the commercial center.

II. Exhibits

The following exhibits are hereby approved and incorporated as conditions of approval, except where specifically modified by these conditions:

<b>EXHIBIT</b>	<b>DATE RECEIVED</b>	<b>PREPARED BY</b>	<b>PAGES</b>
Preliminary Site Plan Phase 1 and 2,	January 11, 2011	Humann Company Inc.	2
Elevations and Architectural Design	April 15, 2011	Johnson Lyman Architects	5
Site Plan	July 15, 2011	Johnson Lyman Architects	1
Landscape Plan	April 15, 2011	Thomas Baak, Assoc.	1

All construction plans and all improvements constructed pursuant to the, Permit #11PLN-0021, shall conform to these exhibits. Building permit plans shall include a checklist of these conditions for staff review and verification that the conditions have been met. Where a plan or further information is required by these conditions, it is subject to review and approval by the Planning Division, Building Division or Engineering Division as noted.

III. Sign Program

Notwithstanding the sign size limits normally prescribed for individual business prescribed by Section 16.32.060, the shopping center's freestanding identification signs and tenant wall signs shall be governed by the following sign program:

1. MONUMENT SIGNS (2 permitted)

- A. Max height 6' ; and
- B. Max area 20 sq ft.; and
- C. Top of sign shall include street name and range of address; and
- D. Tenant identifications faces shall have routed out copy, with uniform opaque background
- E. Sign shall not be located within the Public Right of Way

2. MAJOR TENANT WALL SIGN(S)

- A. Max total area of sign(s): 200 sq ft.; and
- B. Business identification sign: 48" max individual letters internally illuminated; and
- C. Supplemental copy (maximum of 2 signs) 24" max individual letters internally illuminated.

3. MINOR TENANTS WALL SIGNS

- A. Max total sign area for each elevation (corner tenant at Building "A" many have 2 signs): 50 sq ft.; and
- B. Business identification sign: 36" max individual letters internally illuminated; and
- C. Logo Cans: 36" max height; 10 sq, ft area, opaque background; and
- D. Max length of total signage (sign copy w/logo can) 75% of space width; and
- E. Minimum distance from edge of wall plane to sign: 2'

IV. Site Development and Use Conditions

- A. Site layout (e.g. dimension of planning and parking area, location of plaza paving etc.) shall be as substantially shown on the Architectural and site plans. Civil plans for the final building permit plan set shall be adjusted as needed for conformance.
- B. All exterior lighting shall be directed such that lights create as little off-site glare and nuisance as is feasible. All fixtures shall be glare-shielded. Energy-saving fixtures shall be used.
- C. The refuse enclosure at the site's easterly entry shall be sided with the same materials to be used on the exterior of the commercial structures, as conceptually illustrated on applicant's sketch dated April 15, 2011 prepared by Johnson Lyman Architects. Final design of all refuse enclosures shall be approved by planning staff.

- D. Applicant shall provide design of walkway across drive thru driveway to provide appropriate transition and safety for pedestrians. The design shall be approved by engineering, building and planning staff.
- E. A solid "board-on-board" cedar or redwood fence shall be constructed along the easterly property line adjacent to existing residences. . Final landscape plan shall include a fence detail for an 8' high (top 2' lattice) with minimum: 6" x 6"posts (maximum 8' spacing), with ¾" x 6" boards and ¾" overlap, and 2" x 4" rabbet cut top rail.
- F. All construction and business operation activities shall conform to the City's Noise Control Ordinance, Chapter 8.34 of the Municipal Code: Construction activities are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 5 p.m. Saturday and Sunday. The permittee shall post a sign on the site notifying all workers of these restrictions. The permittee shall utilize the automatic volume control (AVC) on the drive thru speaker box as per the Environmental Noise Report, prepared by Frank Hubach Associates Inc., dated May 26, 2011.
- G. Loading of materials and supplies for operation of the commercial activities at the site shall be done in front of the building and such loading shall be done in such a manner as to minimize noise and length of drop off. The loading of materials shall not take place on a daily basis.
- H. All construction equipment shall be muffled in accordance with State Law.
- I. Prior to issuance of, and part of the application for the required building permit(s), the applicant shall prepare and submit site plans and/or stormwater control plan for review and approval by the City Engineer in accordance with the *Stormwater C.3 Guidebook*. The building permit and site improvement plans shall include drawings and specifications, consistent with the approved washout stormwater control plan, to implement all measures required in the approved Plan, as required by the City Engineer.
- J. All fees and deposits required by City and other agencies having jurisdiction shall be paid to the Building Division. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable fees and deposits including plan check fees, inspection, and drainage impact fees.. The final amount for the above fees shall be in accordance with the fee schedule in effect of time of payment.
- K. A City Encroachment Permit is required for any work within the City Right-of-Way. A site development permit is required for working on the property.

- L. Construction shall comply with all applicable provisions of the City's Municipal Code and City and State building codes and requirements including energy conservation requirements, grading, and erosion control ordinances.
- M. The on-site finish grading shall require drainage to be directed away from all building foundations at a slope of 2 percent minimum to 20 percent maximum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. A minimum 4-ft. wide clear access shall be provided around each building. Contours with spot elevations shall be used on the site construction drawings.
- N. Erosion control measures shall be implemented per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.
- O. The finished grading shall be inspected and certified by the developer's engineer that it is in conformance with the approved Grading Plan and Soils Report pursuant to the provisions of Title 15 of the Martinez Municipal Code.
- P. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for fencing and drainage. Design of the fencing between the commercial development and residential properties to the east shall be approved by planning staff.
- Q. Concentrated runoff shall not be permitted to cross sidewalks or driveways. It shall be collected and conveyed to the street or an approved storm drainage system to the satisfaction of the City Engineer. Existing slopes that have no additional discharge directed onto them or are not substantially re-graded can remain as natural runoff.
- R. All new utility distribution services on-site and off-site shall be installed underground.
- S. The developer shall keep the adjoining streets free and clean of project dirt, mud, materials and debris during the construction period as is found necessary by the City Engineer.
- T. Where required, water system facilities improvements shall be designed to meet the requirements of the City of Martinez water service agency and the fire flow requirements of the Contra Costa County Consolidated Fire Protection District.

- U. Complete grading, site and improvement plans, specifications and calculations shall be submitted to the approval of the City Engineer, Community & Economic Development Director, and/or other agencies having jurisdiction for all improvements within the proposed development prior to issuance of a Building, Site, or Encroachment Permit whichever comes first.
- V. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers' vehicles.
- W. Adequate dust control measures shall be employed throughout all grading and construction periods. The Contractor shall regularly water areas that are exposed for extended periods to reduce wind erosion.

V. Agreements, Fees and Bonds

- A. All improvement agreements required in connection with said plans shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval to issuance of the Building, Encroachment, Grading or Site development permit, whichever comes first.
- B. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable fees and security deposit(s) including plan check fees, inspection, drainage impact fees and Impact Mitigation Fees. Impact fees for Retail development include but are not limited to: transportation facilities fees, park and recreation facilities fees, cultural facilities fees, police facilities fees, as required by the Community Development Director. The final amount for the above fees shall be in accordance with the fee schedule in effect of time of payment.
- C. All fees and deposits required by other agencies having jurisdiction shall be paid prior to City approval and issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.

VI. Drainage

- A. A hydrologic study shall be prepared and submitted to the City Engineer for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The developer shall make necessary upgrades to existing systems as required. Drainage area is defined as all that area draining into, and including, the area of the proposed development.
- B. All concentrated runoff shall be collected and conveyed to an approved storm drainage system. Existing slopes that have no additional discharge directed onto them or are not substantially regraded can remain as natural runoff.
- C. Applicant shall not increase storm water runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of

affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements shall be obtained prior to filing of Final Map or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.

- D. The storm drain system shall be designed per City and County Flood Control District Standards to carry at least a 10-year storm. Should the runoff due to the proposed development contribute incrementally to an existing flooding problem, then the developer may be required to contribute funds for his proportional share of future drainage system costs as required by the City Engineer.
- E. Parking lots and on-site drainage shall be collected and conveyed to an approved storm drainage facility. When approved by the City Engineer, drainage may be conveyed under the sidewalk and discharged through the curb in accordance with City standards. Drainage shall be directed to a concrete curb and gutter whenever practical.
- F. All public drainage facilities (including the existing storm system), which cross private lots and to be maintained by the City, shall require a 20-ft. minimum width storm drain easement, inlets otherwise approved by the City Engineer. Common private storm drain facilities to be maintained by individual lot owners shall be contained within a private drainage reserves. Said easements and/or reserves shall be recorded by separate document prior to City approval or issuance of Building Permit, whichever comes first. All required public storm drain easements shall be dedicated to the City. Existing drainage easement shall be dedicated to the City of Martinez.
- G. The Developer shall dedicate to the City a 20 feet wide storm drain easement over the exiting public storm drain line on the property at no cost to the City.
- H. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.
- I. The developer shall comply with Contra Costa County Flood Control District Design requirements.
- J. Fifteen (15) inch minimum RCP (reinforced concrete pipe) shall be used for all public storm drain lines and 12-inch minimum pipe shall be used for laterals and for private storm drain lines per City of Martinez standard.

## VII. NPDES Requirements

- A. Trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage.
- B. All areas used for washing, steam cleaning, maintenance, repair or processing shall have impermeable surfaces and containment berms, roof covers, recycled water wash facilities, and shall discharge into the sanitary sewer, as approved by the City Engineer.
- C. Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
- D. To the maximum extent practicable, as determined by the City Engineer, drainage from paved surfaces shall be routed through grassy swales, buffer strips or sand filters prior to discharge into the storm drain system.
- E. A parking lot sweeping program, as approved by the City Engineer, shall be implemented which at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
- F. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.
- G. For projects one (1) acre or larger, developer shall comply with the State Water Resources Control Board requirements, NPDES permit, for construction. The Developer shall be responsible for preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) for the project. A copy of the SWPPP and the Notice of Intent and WDID shall be submitted to the City prior to issuing permits for construction. The SWPPP and The WDID shall be kept at the job site during construction.
- H. Developer shall comply with the requirements of Provision C.3 of the State Regional Water Resources Control Board NPDES Permit as applicable to this project. This project shall be designed and constructed to comply with C.3 requirements for flow-control and treatment measures in accordance with the current edition (5<sup>th</sup> Edition) of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook.
  - a. Prior to the issuance of building, grading, or site development permits, the applicant shall submit a complete stormwater control plan with the operation and maintenance plan for review and approval by the City Engineer. All required documents and agreements shall be submitted and executed prior to issuing permits for construction.
  - b. The construction improvement plans with all required calculations, and specifications for the stormwater control facilities shall be submitted to the City for review and approval. These plans and specifications shall

include, but not limited to, grading plan, drainage plans, detail drawings for the proposed facilities, proposed and existing structures, piping, subdrains, landscaping and irrigation plans. The plans shall include a watershed map showing the tributary areas to each facilities and the proposed surface improvement. The locations of the roof drain downspouts shall be shown of the plans.

- c. The owner(s), in perpetuity, shall be responsible for the ongoing operation and maintenance of the C.3 storm water control facilities (including reporting) at his/their own expense. Prior to City approval of the plans and issuance of permits, the owner(s) shall execute all required agreements to insure proper operation and maintenance of the facilities. The agreement will run with the land and include, but not limited to, provision for transfer of ownership and long-term operating and maintenance of the facilities, providing the City and other regulatory agencies the right of entry to perform periodic inspections to insure compliance with requirements, as per the CCCCWP, C.3 Guidebook.
- d. Stormwater control plan and the operation and maintenance plan shall be included as a part of the CC&R (or other approved document) for this development.
- e. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit as built drawings of the stormwater control facilities, including any updates. All required agreements must be executed and recorded.
- I. Garbage dumpster shall be accessible to garbage trucks and provided with a roof cover.
- J. Development shall include adequate accessible and convenient areas for collecting and loading recyclable materials, to the satisfaction of the City Engineer, in conformance with the California Integrated Waste Management Board Recycling Ordinance.

#### VIII. Street and Parking Lot Improvements

- A. Pursuant to Chapter 12.30 of the Martinez Municipal Code sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property frontage. The developer shall replace any damaged portion of the sidewalk, curb and gutter that is to remain. The developer shall construct and dedicate to the City the frontage improvements within the City's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the City Engineer. The existing street structural section shall be removed and replaced along the frontage of the property to the centerline of the street if the existing structural section is cracked or damaged in any way, or if the

street structural section is determined by the City Engineer to be inadequate for the intended traffic. All improvement shall be designed and constructed to the satisfaction of the City Engineer.

B. Arnold Drive:

1. The street shall be widened, approximately 10 feet, or as required to accommodate a right turn lane into the property. The final design shall be subject to the City Engineer's approval.
2. The paving structural design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. 8.5 of with a minimum 0.40 ft. AC pavement section over a minimum 0.5 ft. Class 2 aggregate base.
3. A minimum right of way width of 10 feet shall be dedicated to the City along the entire frontage.
4. The existing sidewalk shall be removed and replaced along the entire frontage of the property, unless otherwise approved by the City Engineer. The width of the sidewalk shall be no less than 7 feet, as measured from face of curb, and shall be ADA accessible.
5. The street shall be paved and improved after utilities are installed in accordance with City of Martinez Standard Drawings and Design Guidelines.
6. Standard street lights shall be installed, at the developer own expense, along the frontage on Arnold Drive to the satisfaction of the City Engineer. The developer shall bear full costs of energizing the street lights, and monthly utility charges until acceptance of improvements by the City.
7. Street trees shall be planted in accordance with City standards. The species of tree shall be approved by the Parks Superintendent.
8. Street striping and legend shall be thermoplastic, unless otherwise approved by the City Engineer. The location of the fire hydrant(s) location shall be approved by the Fire Department.
9. Construction activities on Arnold Drive shall be restricted to Monday - Friday and to the hours of 9:00 a.m. to 4:00 p.m. Work on weekends shall not be permitted. No equipment shall be started or delineation take place on the street before or after the specified operations hours.

C. Parking Lot:

1. Paving structural design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 5.0 with a minimum 0.2 ft. AC pavement section over a minimum 0.5 ft. Class 2 aggregate base.
2. The easterly most driveway (adjacent to the refuse enclosure) shall be signed and striped for a right turn, exit only.
3. The maximum width of the driveways shall be 35 feet unless

otherwise approved by the City Engineer.

- D. Driveway structural section shall be per City Standard Detail for Commercial Driveways.
  - E. No private monument signs are allowed in the public right of way.
  - F. All new utility distribution services on-site and off-site shall be installed underground.
  - G. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
  - H. A City Encroachment Permit is required for any work within the City Right-of-Way.
  - I. All traffic control devices, including Stop signs, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.
  - J. The developer shall keep the adjoining streets free and clean of project dirt, mud, materials and debris during the construction period as is found necessary by the City Engineer.
  - K. Access to the site shall be subject to the Fire Department approval.
  - L. Water system facilities shall be designed to meet the requirements of the City of Martinez water service agency and the fire flow requirements of the Contra Costa County Consolidated Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans.
  - M. Water system connection, including installation of the water meter, shall be made in accordance with appropriate Water District standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee schedule in effect at time of payment.
  - N. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building. Backflow devices shall be provided with protective enclosure per City Standards.
- IX. Sanitary Sewer System
- A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the responsible Sanitary District. All requirements of that District shall be met before approval of the improvement plans.

X. Other Requirements

- A. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.
- B. Design of all public improvements shall conform to the City of Martinez Design Guidelines, Standard Special Provisions, and Standard Drawings. Prior to preparation of improvement plans, the developer or his representative should contact the City's Engineering Development Review section of the Community Development Department.
- C. Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer, Community Development Director, and/or other agencies having jurisdiction for all improvements within the proposed development prior to filing of the Final Map or issuance of a Building, Site, Grading or Encroachment Permit whichever comes first. Approved plans shall become the property of the City of Martinez upon being signed by the City Engineer and Community Development Director.
- D. Prior to City approval, all fees, bonds, and deposits shall be paid and posted; all agreements shall be executed and all grading and improvement plans shall be approved by the City Engineer and Community Development Director. No construction shall take place until the issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.
- E. Should the developer wishes to phase the site improvements, the developer shall submit a master plan for review and approval by the City Engineer. Common improvements including, but not limited to, drainage improvements, C.3 facilities, and utilities shall be constructed with the first phase, unless otherwise approved by the City Engineer.
- F. The developer shall comply with all the mitigation measures listed in the approved environmental documents, if any, prepared for this project. The Community Development Director shall interpret the mitigation measures and furnish the developer with specific improvements to be installed.
- G. Prior to issuance of the first building permit, the access to building sites shall be graded and improved to at least an all-weather surface condition, and operating fire hydrants shall be in place.
- H. Prior to issuance of the first certificate of occupancy, the public improvements including streets, sewers, storm drains, street lights, and traffic signs required for access to the sites of that phase of the project shall be completed. All public improvements shall be completed and accepted by the City prior to issuance of certificate of occupancy on final

dwelling unit in the project.

- I. Prior to acceptance of improvements, offers of dedication, and release of security deposits by the City, the City's record copies of the grading, site, and improvement plans shall be updated to show "As Built" conditions of the project. Said plans shall be prepared by the responsible Civil Engineer of work and shall reflect all changes made during the course of project construction. Grading and improvement plans shall be 24" x 36" in size. The as built plans and final map shall be provided in 4 mil photo mylars and in the form of electronic files compatible with AutoCAD release 14.
- J. All on-site improvements not covered by the building permit including sidewalks, driveways, paving, sewers, drainage, curbs and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
- K. Building permits for retaining walls shall be obtained as follows:
  - 1. For major walls to be constructed during the mass-grading phase, obtain permit prior to issuance of the Grading or Site Development Permit.
  - 2. For all other walls, obtain permit prior to issuance of Permits for structures on the respective lot.
- L. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- M. A lot line adjustment is required to accommodate the proposed development. Lot line adjustment application shall be subject to City's approval. All required legal description, plat maps and fees shall be submitted by the developer. When approved, a "Certificate of Compliance for a Lot Line Adjustment" will be recorded by the City at the County Recorder's Office. The developer's title company should be responsible for recording the deeds. All required documents for the adjustment of the property lines shall be complete prior to issuing building permits.
- N. Public facility with kitchen (restaurants, meeting and recreation rooms) shall be approved by the Contra Costa County Health Department.
- O. Approval by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, Sewage District, water agency, of all improvements and buildings is required prior to City approval of construction plans.
- P. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

- Q. Applicant shall submit for review and approval a CC & R (or other approved agreement) for access to and maintenance of common facilities (including the stormwater control facilities).
- R. There shall be no parking of construction vehicles or equipment on Arnold Drive or on the surrounding residential streets, including all workers vehicles.
- S. Approval of grading plans, improvement plans and building plans shall be required by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, the Sanitary District and the Water District prior to City approval of construction plans and issuance of any permits.

## XII. Validity of Permit and Approval

- A. Zoning Administrator approval is subject to appeal to the Planning Commission within ten calendar days of the approval.
- B. The permit and approval shall expire in one year from the date on which it became effective (unless extended under C) unless a building permit is obtained and construction begun within the one year time period. If approval includes approval of a subdivision, the expiration time period for all concurrently approved permits or approvals shall be two years. The effective date of the permit and approval is July 13, 2011.
- C. The time extension of the expiration date, July 13, 2012, of a permit or approval can be considered if an application with required fee is filed at least 45 days before the original expiration date. (Otherwise a new application is required.) A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved: Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require or permit denial.
- D. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
- E. The permittee, Austin Group, Bill Schrader, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Zoning Administrator's decision to approve the Variance, Permit #11PLN-0021, and any environmental document approved in connection therewith. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by

Austin Group-Bill Schraeder, the City, and/or the parties initiating or bringing such action.

- F. The Austin Group-Bill Schraeder, shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of, or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Negative Declaration), if made necessary by said legal action and if The Austin Group-Bill Schraeder desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents.
- G. In the event that a claim, action or proceeding described in section E, above, is brought, the City shall promptly notify The Austin Group- Bill Schraeder of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that The Austin Group- Bill Schraeder is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with The Austin Group- Bill Schraeder in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where The Austin Group- Bill Schraeder has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the applicant.
- H. The Austin Group- Bill Schraeder shall indemnify the City for all the City's costs, fees, and damages, which the City incurs in enforcing the above indemnification provisions.
- I. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirement, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.





**May 4, 2011**

Mr. William Schrader  
The Austin Group, LLC  
164 Oak Road  
Alamo, CA 94507

**Re: Review of Parking for the Proposed Commercial Development at 1047 Arnold Drive**

In response to your request we have prepared a review of the parking supply for the proposed commercial project at 1047 Arnold Drive in the City of Martinez. The final project is proposed to include 19,852 square feet of retail space with 78 parking spaces. According to the City of Martinez Municipal Code (Section 22.36.050) this type of retail project would typically require 5 spaces per 1000 square feet of gross floor area, which would equate to 99 parking spaces.

It is our understanding that the project is proposed to be constructed in two phases. The first phase would include 15,302 square feet of retail space with 66 parking spaces for a net total of 4.3 spaces per 1000 sq. ft. The second phase would add another 4,550 sq. ft. of building space for a total of 19,852 sq. ft. Phase 2 would also add another 12 parking spaces for a total of 78 parking spaces. This would equate to a parking ratio of 3.93 spaces per 1000 sq. ft.

**City of Martinez Zoning** - The number of spaces required for shopping centers by the City of Martinez Municipal Code is 5.0 spaces per 1,000 square feet. This is a very high requirement for a neighborhood shopping center of this size, and is much higher than is recommended by the Institute of Transportation Engineers (ITE) and other commonly accepted traffic engineering references. This is discussed in more detail below.

It should be noted that 5.0 spaces per 1000 sq. ft. is also higher than what is used in many other cities in Contra Costa County. For example, Concord and Walnut Creek typically require parking ratios for shopping centers of 3.5 or 4.0 spaces per 1,000 square feet. It is important to note that the parking rate of 5.0 does not consider the fact that the individual businesses have different peak times of operation, and that some customers may visit more than one business in one trip. A requirement of 5.0 spaces per 1,000 is sometimes appropriate if a center has only one large tenant. However, with multiple tenants the effects of shared parking will typically reduce the requirements by 30 percent or more.

**Other References on Parking Generation** – The ITE Parking Generation Manual provides data on the peak parking requirements for shopping centers based on surveys of shopping centers throughout the U.S. and Canada.<sup>1</sup> This reference provides the average parking demand for various land uses. However, shopping centers typically have a larger seasonal variation than other land uses so the higher 85<sup>th</sup> percentile demand is typically used to provide a higher confidence level in the parking estimates. According to ITE the peak demand for design (the 85 percentile) at a shopping center for a typical weekday is about 3.16 vehicles per 1000 square feet. However, ITE also specifies that the peak demand on a Saturday is 3.40 vehicles per 1000 sq. ft. and on a Friday it can be as high as 3.90 vehicles per 1000 sq. ft.

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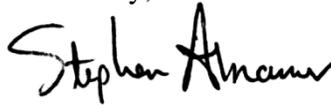
<sup>1</sup> *Parking Generation, 4<sup>th</sup> Edition*, Institute of Transportation Engineers, Washington D.C., 2010.

It is important to note that shopping center parking requirements have clearly been changing over time. According to a study by the Urban Land Institute (ULI) the shopping center industry standard in 1965 was 5.5 spaces per 1000 square feet.<sup>2</sup> In a 1982 study the ULI concluded that the then-current shopping center parking generation rate was “*slightly less than 5.0 and even lower for smaller centers*”. The ULI repeated the study in 1999 and the new results showed that shopping center parking rates had dropped again.<sup>3</sup> The latest data indicated a center containing between 25,000 and 400,000 sq. ft. should be required to provide 4.0 spaces for every 1000 sq. ft. of gross floor area.

**Recommendations** – Based on our review of the proposed parking supply the City of Martinez should be able to make the findings to approve a variance for parking on this project. The commonly accepted references on parking generation indicate that with a total of 78 parking spaces being provided the 19,852 square foot retail project should not have any significant impacts on surrounding properties or to on-street parking in the area (which is actually prohibited on Arnold Drive in the immediate vicinity of the project). The proposed project would have a slightly higher parking ratio during Phase I of the project (4.3 spaces per 1000 sq. ft.) and at ultimate build-out would exceed ITE’s estimated peak parking demand of 3.90 spaces per 1000 square feet on a typical Friday (with 3.93 spaces per 1000 sq. ft. of proposed building space).

Please don’t hesitate to contact me if you have any questions.

Sincerely,



Stephen C. Abrams  
President, Abrams Associates  
T.E. License No. 1852

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<sup>2</sup> *The Dimensions of Parking, Fourth Edition*, Urban Land Institute, Washington, D.C., 2000.

<sup>3</sup> *Parking Requirements for Shopping Centers, Second Edition*, Urban Land Institute, Washington, D.C., 1999.



**July 20, 2011**

Mr. William Schrader  
The Austin Group, LLC  
164 Oak Road  
Alamo, CA 94507

**Re: Review of Potential Traffic Impacts at Arnold Drive and Shadowfalls Drive Associated with the Proposed Commercial Development at 1047 Arnold Drive**

As per your request we have reviewed the potential for project traffic impacts at the intersection of Arnold Drive and Shadowfalls Drive. Our review included an analysis of the existing conditions at the intersection and also the cumulative general plan buildout conditions that include the traffic from the proposed commercial project. It is assumed the final project will include 19,852 square feet of retail space. The project trip generation is presented in Table 1 which is attached to this letter.

**Analysis Methodology**

Peak hour traffic volume data was conducted at the intersection of Arnold Drive and Shadowfalls Drive on Tuesday July 19<sup>th</sup>, 2011. The existing operations were then evaluated using Synchro Software to implement the 2000 Highway Capacity Manual (HCM) Level of Service (LOS) methodology. Level of service is an expression, in the form of a scale, of the relationship between the capacity of an intersection (or roadway segment) to accommodate the volume of traffic moving through it at any given time. The level of service scale describes traffic flow with six ratings ranging from A to F, with "A" indicating relatively free flow of traffic and "F" indicating stop-and-go traffic characterized by traffic jams.

As the amount of traffic moving through a given intersection or roadway segment increases, the traffic flow conditions that motorists experience deteriorate as the capacity of the intersection or roadway segment is reached. Under such conditions, there is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays that lead to traffic congestion. This near-capacity situation is labeled level of service (LOS) E. Beyond LOS E, the intersection or roadway segment capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it.

For unsignalized intersections the average control delay and LOS operating conditions are calculated by approach (e.g., northbound) and movement (e.g., northbound left-turn) for those movements that are subject to delay. In general, the operating conditions for unsignalized intersections are presented for the worst approach. Table 2 summarizes the relationship between LOS and average control delay at unsignalized intersections.

**Existing Intersection Operations**

Attached to this letter is the results of the Sychro analysis of the existing conditions during the critical PM peak hour. The LOS calculations indicate that the overall intersection currently operates at LOS A and the side street approach (Shadowfalls Drive) operates at LOS C. It should be noted that some motorists turning out of Shadowfalls Drive may experience some delay waiting for a gap in traffic during peak periods. Although the sight distance at this intersection does meet Caltrans standards it is slightly restricted. This in combination with the relatively high travel speeds on Arnold Drive probably makes some motorists uncomfortable turning out of Shadowfalls Drive. However, it is important to note that no motorists are forced to make this movement. There is a readily available connection to an all-way stop controlled intersection at Morello Drive via Village Oaks Drive. This route provides a reasonable alternative for any motorists who want to avoid using the Shadowfalls Drive intersection to access Arnold Drive.

**TABLE 2  
UNSIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS**

<b><u>Level of Service</u></b>	<b>Description of Operations</b>	<b><u>Average Delay (seconds/vehicle)</u></b>
A	No delay for stop-controlled approaches.	0 to 10
B	Operations with minor delays.	> 10 to 15
C	Operations with moderate delays.	> 15 to 25
D	Operations with some delays.	> 25 to 35
E	Operations with high delays and long queues.	> 35 to 50
F	Operation with extreme congestion, with very high delays and long queues unacceptable to most drivers.	> 50

SOURCE: *Highway Capacity Manual*, Transportation Research Board, 2000.

**Cumulative Plus Project Intersection Operations**

A detailed analysis was conducted of the future general plan buildout conditions at the intersection in question for the critical PM peak hour (with the addition of traffic from the proposed project). The results of these calculations are attached to this letter. The LOS calculations indicate that the overall intersection would continue to operate at LOS A and the side street approach (Shadowfalls Drive) would also have acceptable operations (LOS D) according to City and County standards.

As seen in the LOS and delay calculations, the average delay for motorists turning out of Shadowfalls Drive is forecast to increase by about 11 seconds during the peak periods. However, it is again important to note that no motorists would be forced to use this route. Although it is a slightly circuitous route it is clearly a readily available alternative for motorists who wish to exit the neighborhood. Village Oaks Drive provides a direct connection to an all-

way stop controlled intersection at Morello Drive (which connects directly to an interchange at SR 4). This route provides a reasonable alternative for any motorists who want to avoid using the Shadowfalls Drive intersection to access Arnold Drive during peak periods.

### **Traffic Signal and All-Way Stop Control Warrants**

Traffic signals or all-way stop control may be justified when traffic operations fall below acceptable levels of service and/or when one or more of the established signal “warrants” are satisfied. Consistent with City of Martinez and Caltrans standards, traffic volumes at the intersection in question were compared to the warrants in the Manual of Uniform Traffic Control Devices published by the U.S. Department of Transportation. The Peak Hour Volume Warrant is a primary indicator of the need for a traffic signal. This warrant is satisfied when traffic volumes on major and minor roadway approaches exceed level of service thresholds for one hour of the day. This is generally the first warrant to be satisfied. The warrant applies to traffic conditions during a 1-hour peak that are high enough that the minor street traffic experiences excessive delay in entering the cross street. Additional warrants, such as minimum vehicle volumes, interruption of continuous traffic, and traffic progression are often satisfied at intersections meeting peak hour warrants.

In this case the intersection of Shadowfalls Drive with Arnold Drive does not meet any of the warrants for a traffic signal or all-way stop control. In addition, the intersection is not forecast to meet any of the established warrants under cumulative plus project conditions. It should be noted that there is no expectation of any increases in traffic on Shadowfalls Drive in the future. Shadowfalls Drive extends less than 2000 feet north of Arnold Drive and is not a through street. It is also already completely built out with single family homes. In general, no significant operational impacts or safety problems were identified that would indicate installation of a traffic signal or all-way stop control would ever be justified at this intersection.

### **Potential Left-Turn Restrictions for Intersections on Arnold Drive**

Since a traffic signal or all-way stop is not warranted the only real option available to reduce delay would be to prohibit left-turns out of Shadowfalls Drive (because the majority of the delay is related to left-turns). This would effectively restrict traffic exiting from Shadowfalls Drive to right turns only. However, from a traffic operations standpoint this is not necessary because the only queues or delays are contained on Shadowfalls Drive they have no affect at all on the majority of traffic at this intersection. Shadowfalls Drive carries about 100 cars per hour and less than 15 vehicles per hour were counted making the left-turn movement onto Arnold Drive (during the peak commute hours). For comparison, Arnold Drive carries about 1,000 vehicles during the peak hour (and has no delay at this intersection) so the overall average delay ends up being only about 1 second per vehicle.

As per you request we have also considered the suggestion that the project driveways should be limited to right turns only. As is the case with the Shadowfalls Drive intersection, there is adequate sight distance and no reason (from a traffic operations perspective) to implement turn restrictions for the project. Any delays from left-turning vehicles would be contained on site and would not cause delays to traffic on Arnold Drive. We have not identified any reason to believe

safety problems will develop in the future and, as described above, there is clearly no justification for project turn restrictions as a way to minimize the traffic volumes on Arnold Drive at Shadowfalls Drive. The future delays for side street traffic at the Shadowfalls Drive intersection are forecast to be the same regardless of whether or not the proposed project is implemented.

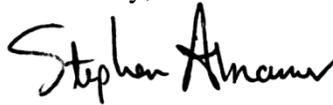
### Summary

Based on our review of the traffic operations at this intersection it is our conclusion that the traffic generated by the proposed project would not significantly change the conditions at the intersection of Shadowfalls Drive and Arnold Drive. Although this intersection would continue to operate at LOS A the average peak hour delay for motorists turning from Shadowfalls Drive onto Arnold Drive is expected to increase by about 11 seconds per vehicle under cumulative (general plan buildout) conditions. This would occur regardless of whether or not the proposed project is implemented. It is fortunate that there is an alternate route available for residents of this neighborhood because there are very few options available for the City to reduce the side street delay at this intersection.

In summary, we would not recommend that the City restrict any turning movements at Shadowfalls Drive or at the project entrances unless a pattern of specific safety problems (that could be corrected with turn restrictions) were to develop there in the future.

Please don't hesitate to contact me if you have any questions.

Sincerely,



Stephen C. Abrams  
President, Abrams Associates  
T.E. License No. 1852

**Table 1**  
**Net New Project Trip Generation on the Surrounding Street Network**  
**1047 Arnold Drive Commercial Project**

Land Use	ITE Code	Size	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
<i>Starbucks</i>	934	5,334 sq. ft.	2,646	134	129	263	94	87	181
<i>Pass By Reduction (50%)</i>			1,323	67	64	132	47	43	90
<i>Subtotals</i>			1,323	67	64	132	47	43	90
<i>Retail Space</i>	820	14,518 sq. ft.	623	9	6	15	26	28	54
<i>Pass By Reduction (34%)</i>			212	3	2	5	9	10	19
<i>Subtotals</i>			411	6	4	10	17	19	36
<b>Totals</b>		<b>19,852 sq. ft.</b>	<b>1,734</b>	<b>73</b>	<b>68</b>	<b>141</b>	<b>64</b>	<b>62</b>	<b>126</b>

HCM Unsignalized Intersection Capacity Analysis  
 1: Arnold Dr. & Shadowfalls Dr.

Existing PM Volumes  
 7/20/2011

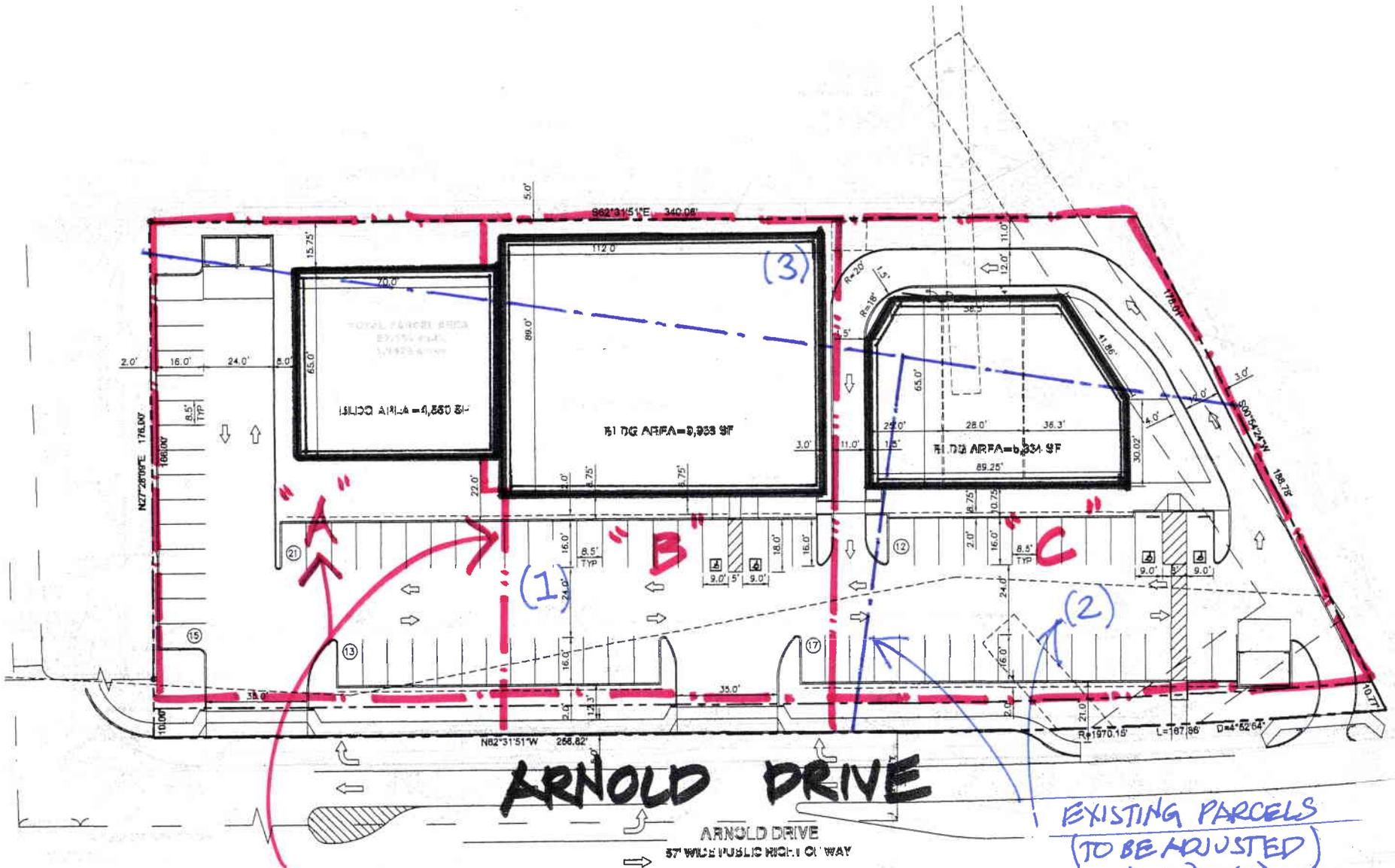


Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Volume (veh/h)	29	505	488	30	11	31
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	32	549	530	33	12	34
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	563				1159	547
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	563				1159	547
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	97				94	94
cM capacity (veh/h)	1008				210	537
Direction, Lane #	EB 1	EB 2	WB 1	SB 1		
Volume Total	32	549	563	46		
Volume Left	32	0	0	12		
Volume Right	0	0	33	34		
cSH	1008	1700	1700	381		
Volume to Capacity	0.03	0.32	0.33	0.12		
Queue Length 95th (ft)	2	0	0	10		
Control Delay (s)	8.7	0.0	0.0	15.7		
Lane LOS	A			C		
Approach Delay (s)	0.5		0.0	15.7		
Approach LOS				C		
Intersection Summary						
Average Delay			0.8			
Intersection Capacity Utilization			37.5%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 1: Arnold Dr. & Shadowfalls Dr.

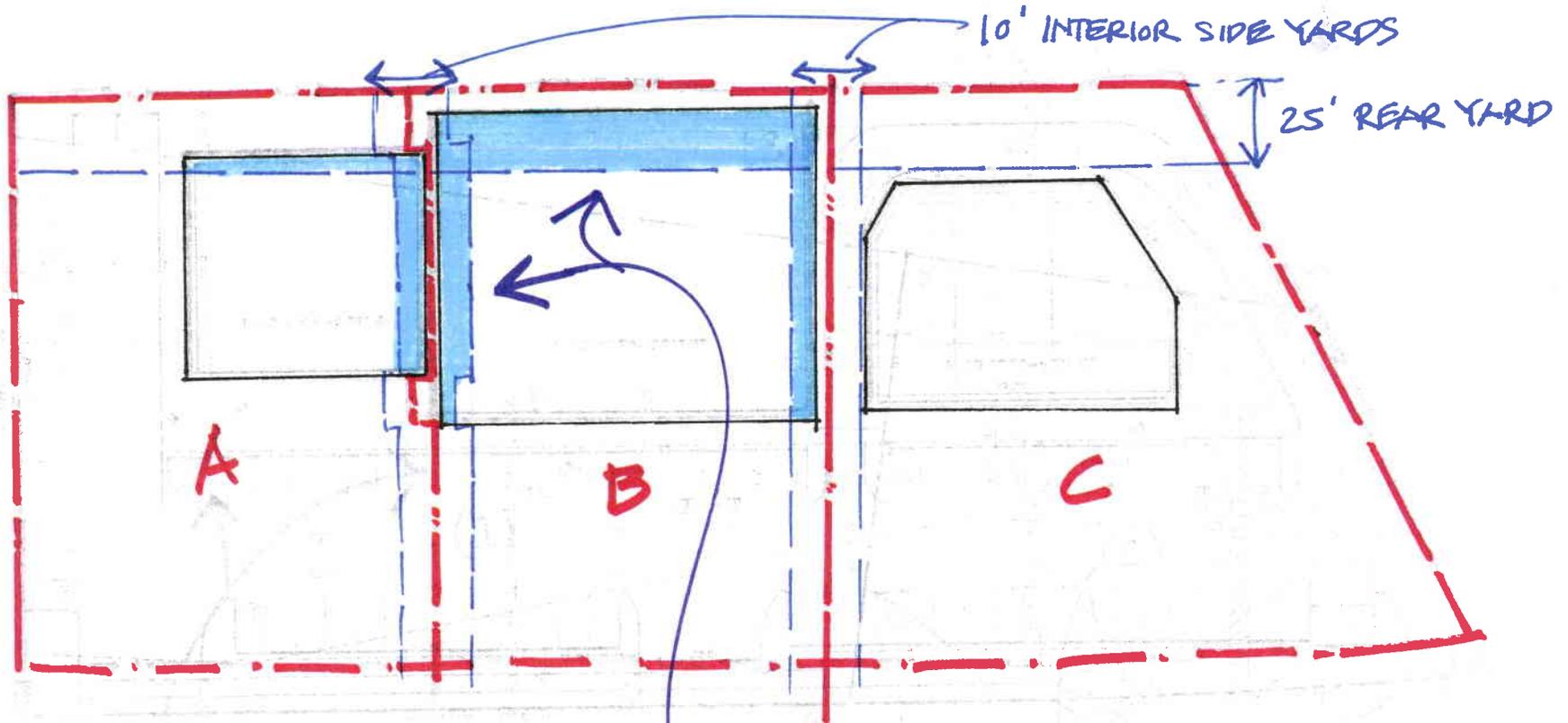


Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Volume (veh/h)	34	705	688	35	16	36
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	37	766	748	38	17	39
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	786				1607	767
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	786				1607	767
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	96				84	90
cM capacity (veh/h)	833				110	402
Direction, Lane #	EB 1	EB 2	WB 1	SB 1		
Volume Total	37	766	786	57		
Volume Left	37	0	0	17		
Volume Right	0	0	38	39		
cSH	833	1700	1700	222		
Volume to Capacity	0.04	0.45	0.46	0.25		
Queue Length 95th (ft)	3	0	0	24		
Control Delay (s)	9.5	0.0	0.0	26.7		
Lane LOS	A			D		
Approach Delay (s)	0.4		0.0	26.7		
Approach LOS				D		
Intersection Summary						
Average Delay			1.1			
Intersection Capacity Utilization			48.3%		ICU Level of Service	A
Analysis Period (min)			15			



**PROPOSED PARCELS  
 (PER LOT LINE ADJUSTMENT)  
 "A", "B" + "C"**

**EXISTING PARCELS  
 (TO BE ADJUSTED)  
 (1), (2) + (3)**



10' INTERIOR SIDE YARDS

25' REAR YARD

A

B

C

ARNOLD DRIVE

ENCROACHMENTS INTO  
" R-15' YARDS NOT  
NORMALLY REQUIRED  
FOR COMMERCIAL DEV.

PROPOSED PROCELS  
(SEE THE LINE ADJUSTMENT)