



Department of Conservation and Development

County Planning Commission

Tuesday, March 24, 2015– 7:00 .P.M.

STAFF REPORT

Agenda Item # ____

Project Title:	Heritage Point Mixed Use Project
County File Numbers:	DP14-3026, MS14-0007 & GP13-0004
Applicant/Owner:	Community Housing & Development Corp. (Applicant) / Contra Costa County (Owner)
General Plan/Zoning:	Commercial (CO) & Single Family High Density (SH) / Planned Unit Development (P-1)
Project Location/Address:	The project site is located at the northeast corner of Chesley Ave. and Fred Jackson Way in the unincorporated North Richmond Area (APN's: 409-080-001, 013, 014, 015, 016, 020 & 021)
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) has been prepared for the project. The MND indicates that, with mitigation, the project would not have any significant environmental impacts.
Project Planners:	John Osborne (925) 674-7793 / Maureen Toms (925) 674-7878
Staff Recommendation:	Approve (See Section II for Complete Recommendation)

I. Project Summary

The applicant, Community Housing & Development Corporation is requesting approval of a 4-story, 42-unit, multi-family affordable housing development with 45 parking spaces on a 35,367 square foot (0.81 acre) site, which currently contains two older buildings. There would be small retail and office uses on the ground level. The project proposes a mix of one, two and three bedroom units. The vicinity map and project plans are attached to this report as Attachment E.

To accomplish development of the project the applicant is requesting approval of the following, 1. A Preliminary and Final Development Plan, 2. A Vesting

Tentative Map approval to combine 7 existing lots into 2 lots, and 3. A General Plan Amendment to change the land use designations from Commercial (CO) and Single Family High Density (SH) to Mixed Use (MU). Also proposed are frontage improvements which include modifications to the median strip in Fred Jackson Way to provide more room for emergency vehicles, possible off-site improvements along Fred Jackson way, north to the Wildcat Creek, involving sidewalk reconstruction, installation of corner curb cuts and/or bulb-outs, utility pole relocation and striping for bike lanes. Acquisition of an adjacent 1,060 sq. ft. property is also contemplated.

II. Recommendation

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County (Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553) that there is no substantial evidence the project will have a significant effect on the environment and that the February 3, 2015 Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
- B. ADOPT the February 3, 2015 Mitigated Negative Declaration and Mitigation Measures prepared for the project;
- D. ADOPT the findings contained in Resolution 6-2015 (Attachment A) and APPROVE the Preliminary and Final Development Plan (DP14-3026) and Minor Subdivision (MS14-0007) received January 22, 2015 by the Department of Conservation and Development;
- E. ADOPT a motion recommending that the Board of Supervisors do the following:
 - 1.) FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the February 3, 2015 Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
 - 2.) ADOPT the February 3, 2015 Mitigated Negative Declaration and Mitigation Measures (Attachment C) prepared for the project;
 - 3.) APPROVE the General Plan Amendment that changes the General Plan Designations on the project site from Commercial (CO) and Single Family

Residential High Density (SH) to Mixed Use (MU) as shown on General Plan Amendment Map (Attachment E, Exhibit 2);

III. Site / Area Description

The project site is located in an established residential neighborhood of the unincorporated North Richmond area. It is at the northeast corner of Chesley Ave. and Fred Jackson Way and bounded by the Heritage Senior Apartments to the west and residential uses to the east, south and north.

IV. Project Description

The project would include the construction of a 47-foot tall, 4-story, 42-unit, multi-family affordable dwelling unit complex and 45 parking spaces. The density is 52 dwelling units per acre. The unit mix consists of one, two and three bedroom units, including a manager's unit.

The development includes small retail and office uses with a patio common area and children's play space, as well as other common areas for residents, including a community room. The project proposes to add landscaping and hardscape along Fred Jackson Way and at the rear of the property. The removal of several non-code protected trees is necessary to make room for development of the project.

Affordability of all the apartments except for the manager's unit will be regulated by deed restrictions recorded by the public funding sources, including County and Low-Income Housing Tax Credit programs. As a result, 10% of the units would be affordable to extremely-low income families with incomes no higher than 30% of the Area Median Income (AMI) and 88% of the units would be affordable to very low-income households earning up to 50% of AMI.

The project's entry drive would be located on Fred Jackson Way. The parking area would provide 45 spaces in addition to 2 handicap accessible spaces. A visitor's bike rack for 8 bikes is located near the entry door and a resident's bike rack for 16 bikes is located within the complex. In addition, the project proposes a Transportation Demand Management (TDM) Strategy that would include de-coupled parking, where a unit resident would receive parking only if they had a car. If they did not have a car, they would, upon request, be given a monthly bus pass at no charge. There are bus stops adjacent to the site. Also included is a bike sharing program by which the unit residents would have free access to bicycles for local use.

Also proposed are frontage improvements which include modifications to the

median strip in Fred Jackson Way to provide more room for emergency vehicles, possible off-site improvements along Fred Jackson way, north to the Wildcat Creek, involving sidewalk reconstruction, installation of corner curb cuts and/or bulb-outs, utility pole relocation and striping for bike lanes. Acquisition of an adjacent 1,060 sq. ft. property is also contemplated.

The project proposes to seek financing from the following sources: County funds as follows: Housing Successor; HOME Investment Partnerships Act (federal); Community Development Block Grant (federal), and State funds as follows: Greenhouse Gas Reduction Funds (Affordable Housing and Sustainable Communities), and other possible sources.

Sustainability

The applicant is planning to implement the following green building features for the project: solar panels to cover the common areas, low volatile organic compounds (VOC) paints and adhesives to support indoor air quality. Also included in the project are, recycled content flooring, recycling of construction debris, water conserving fixtures, drought tolerant landscaping, Energy Star appliances, as well as performing 15% better than Title 24 baseline energy use to construction plans for savings on utility bills for residents.

V. Agency Comments

Comments on the project were received from the following agencies:

- A. North Richmond Municipal Advisory Council (MAC):** In a letter dated June 24, 2014 the North Richmond MAC indicated support of the project with comments about lighting, parking on Fred Jackson Way and street landscaping (Letter attached in Attachment D, Correspondence Section of this report).

The project has incorporated the concerns of the Richmond MAC.

- B. California Historical Resources Information System (CHRIS):** In a letter dated May 27, 2014 CHRIS indicated that the project has the potential of containing cultural resources and that a study should be conducted. A cultural resource study was done as part of the CEQA review and a report, dated January 2015 was submitted to the County. It found there would be a less than significant impact to cultural resources if Mitigations were incorporated. Those Mitigation Measures are required of the project.
- C. East Bay Municipal Utility District (EBMUD):** In a memo dated June 6, 2014, EBMUD indicated that water service is available for the project subject to their requirements.

- D. West County Waste Water District (WCWD):** In a letter dated June 6, 2014, WCWD indicated that service was available subject to their requirements.
- E. Contra Costa County Fire Protection District:** In a memo dated May 27, 2014 the Fire District indicated that the plans did not meet their requirements as to Emergency Vehicle Access. Subsequently, the applicant met with the Fire District and based on those meetings reconfigured the plans to address the Fire District's concerns. In a memo, dated September 11, 2014 the Fire District indicated they can serve the project based on the discussions they had with the applicant and resubmission of plans that incorporated those agreed upon Fire District requirements.
- F. TransForm:** In a Letter of Conditional Certification dated March 9, 2015 and Project Evaluation Report (Letters attached in the Attachment D, Correspondence Section of this report), Transform summarizes how Heritage Point meets TransForm's criteria for maximum driving and maximum parking, and the inclusion of traffic reduction strategies like free transit passes and the separation of parking cost from rent. Letter and Certificate attached in Attachment D, Correspondence Section of this report.

VI. Environmental Review

In accordance with the provisions of the California Environmental Quality Act (CEQA), an Initial Study was prepared to determine potential environmental impacts of the project. A Mitigated Negative Declaration was circulated for public review from February 12, 2015 and March 4, 2015. The County received two letters as follows:

1. East Bay Municipal Utility District (EBMUD) – letter dated February 24, 2015 indicated they would provide water to the development subject to their requirements.

The project is required to comply with EBMUD requirements.

2. West County Wastewater District (WCWD) – letter, dated March 3, 2015 indicated they would serve the project subject to their requirements.

The project is required to comply with WCWD requirements.

VII. Staff Analysis & Discussion

Background

Staff believes the Heritage Point project would be an asset to the community. Development of the Heritage Point site was an objective under the former

North Richmond Redevelopment Project. The parcels were originally acquired by the former Redevelopment Agency for the purpose of developing a mixed use retail and housing project along Fred Jackson Way to complement the Heritage Senior Apartment Complex located directly across the street. The North Richmond community has strongly supported development of the Heritage Point site. However, due to market conditions, and then the dissolution of the Redevelopment Agency, development of Heritage Point never occurred. Currently on the seven parcels that make up the project site are older housing stock, vacant lots and a small building. Now, the applicant's agreement with the County as Housing Successor and their development proposal offers new hope that a mixed use project on the Heritage Point site may be realized.

Retail Use

The project envisions the use of the corner retail space as a Woman, Infant and Children (WIC) store, with fresh produce for sale. WIC is a federally funded health and nutrition program for women, infants and children. The smaller commercial use is envisioned to be a small neighborhood commercial office consistent with neighborhood needs.

The market, with fresh produce, would be a valuable addition to the neighborhood that now is lacking in a full time produce market. While the market would be easily accessible by public transportation, it is anticipated that most of the users of the market would walk to and from the surrounding neighborhood. And, because it is only open to specific clients, mostly from the surrounding neighborhood, the need for parking would be minimal.

Parking

The project proposes 45 off-street parking spaces, along with 2 Accessible Parking spaces, for a total of 47 off-street parking spaces. Per Fire District requirements there would be no parking allowed at the front of the building, along Fred Jackson Way.

While under the development standards for the North Richmond P-1 District the project would require 82 off-street spaces, staff believes the applicant has provided a reasonable explanation for requested number of off-street parking spaces.

Support for the proposal is based on several factors including; car ownership rates of the target population, parking ratios of comparable properties and observation of available street parking in the immediate area surrounding the development. Also, the project has received a certification regarding parking from GreenTRIP, which is attached in the correspondence section of this report.

As noted above, the housing portion of Heritage Point is an affordable multi-family

rental development designed to serve those very low-income and low-income families. This income target group has a low rate of vehicle ownership and would require fewer parking spaces than the general population. Given the costs of purchasing, operating and maintaining a vehicle, it is assumed the rate of car ownership would be low. To support this assumption, research was conducted looking at vehicle ownership according to income and housing tenure.

Availability of On Street Parking – Shared Parking Analysis

Over a 10 day period, the applicant conducted a parking study and found that street parking, along Chelsey Street and Grove Street was available. In addition, the County Health Center parking lot, directly across the street from the project, would offer after hour parking in an open lot that provides 15 spaces, including 2 Accessible spaces provided for public use.

As noted above other measures the applicant has proposed to reduce the need for parking include:

- Parking is un-bundled; if a resident does not have a car they will not be assigned a parking space. All un-assigned parking spaces would be requested and allocated on a first come – first served basis.
- Bike sharing program which provides bicycles, supplied by the applicant, for the residents of Heritage Point for use in the local neighborhood.
- Heritage Point is located on a Bus Route and, upon request, a resident of Heritage Point would be given, at no charge, a monthly bus pass, if they don't have on-site parking.
- Overflow parking would be along Chelsey Street, Grove Street and the Health Center across the street from the development.
- Delivery service would occur as it is now with UPS/USPS and all others, parking in front of Senior Center (white zone) directly across the street from the development.

Density Bonus

A density bonus is a zoning tool to incentivize and facilitate the construction of affordable and senior housing. It does so by allowing for increase in density and incentivizes or concessions to an applicant for residential housing development that agrees to provide housing affordable to low, very-low, and extremely-low income households, or accessible housing for senior citizens.

The state of California requires that cities and counties adopt an ordinance that specifies how compliance with Government Code Section 65915-5918 shall be implemented. Contra Costa County's Residential Density Bonus Ordinance complies

with the state's requirements, which requires that density bonuses and incentives or concessions be provided applicants that meet affordable or senior housing requirements described in Section 65915-65918. These include relaxation of development standards and parking requirements.

The parking provided is less than the County's requirement for the North Richmond Development Plan area. The applicant and staff believe this request is supported by the aggressive transit demand management measures built into the Heritage Point project including the proximity to bus stops, free bus passes for unit residents without a car, decoupling parking and bike sharing. The design maximizes the possible on-site parking, which is otherwise constrained by the challenging geometry of the site.

VIII. General Plan Consistency

The Project, which includes the General Plan Amendment, would be consistent with the General Plan after approval of the proposed General Plan Amendment. The project site is located inside the Urban Limit Line and therefore has the potential for urban development. The General Plan Amendment approved for this Project would not cause the General Plan to become internally inconsistent. The General Plan Amendment and the remainder of the General Plan comprise an integrated, internally consistent and compatible statement of policies for the County. The various land uses authorized for the Project, and each of its components, are compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The Project is compatible with and conforms to the objectives, policies, general land uses and programs specified in the General Plan. The Project will further the objectives and policies of the General Plan and not obstruct their attainment.

- A. The Commission has considered the effects of the Project on the housing needs of the region and balanced those needs against the public service needs of County residents and available fiscal and environmental resources. The Project helps to achieve a desirable balance. The Project provides, to the extent feasible, for future passive or natural heating or cooling opportunities. The Project is in harmony with surrounding land uses to the west.
- B. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively "policies"), as well as performance standards. At times the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth, and those that provide for protection of resources that exist because land is undeveloped (such as open space, visual resources and agricultural land). As part of approving the Project, all applicable General Plan policies and the extent to which the Project conforms to each of those policies have been considered.

- C. The Commission has fully evaluated the extent to which the Project achieves each policy, including those pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line, Measure C-1990 and Measure J-2004, protection of open space, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, transportation standards and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, and protection of archeological and historical resources. The Commission has also fully considered the Project's compliance with all performance standards in the General Plan, including the Growth Management Element policies and standards (including those for traffic levels of service), and performance standards for public services and facilities.
- D. The Commission finds that through the development of housing at various economic levels, the Project will help implement housing-related goals of the General Plan.
- E. The Commission acknowledges that the proposed residential designations are consistent with densities in neighboring development to the west.
- F. Measure C-1988, 1990 and Measure J-2004 and Related Resolutions

The Commission has considered the Project's compliance with the traffic service objectives of Measure C-1988 and Measure J - 2004, the Contra Costa Transportation Improvement and Growth Management Program and related Contra Costa Transportation Authority (CCTA) resolutions.

Measure C-1988 established a Growth Management Program, "to assure that future residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth." The Growth Management Program requires the County to adopt Traffic Level of Service (LOS) Standards keyed to types of land use, and to comply with the adopted standards; to "adopt a development mitigation program to ensure that new growth is paying its share of the costs associated with that growth;" to participate in the forum established by the Authority to cooperate in easing cumulative traffic impacts, using the CCTA computer model; and to develop an implementation program that creates housing opportunities for all income levels. Measure J- 2004 amended Measure C to continue transportation sales tax to fund Contra Costa's transportation projects.

The County has complied with all these requirements. Most important, the County is achieving Measure C-1988 and Measure J- 2004's overarching goal that development pay its own way.

Public Works / Traffic and Circulation

The subject site fronts the entire east side of Fred Jackson Way between Grove Avenue and Chesley Avenue, all public roads. Fred Jackson Way has a 70-foot-wide right-of-way, while both Chesley and Grove are only 60 feet wide. No additional right-of-way dedications will be necessary.

It appears that most frontage improvements are in place. The applicant should be required to install or widen the sidewalk to a 10-foot width, remove any unused driveways and replace any broken, cracked and displaced curb, gutter, and sidewalk along the project frontage of all three streets. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.

Due to the vehicular inaccessibility of the collection area, the refuse and recycling receptacles from the project will need to be hauled to the street for their scheduled pick-up. The applicant should submit an operations plan for County approval that will address this issue and minimize potential obstruction of public sidewalks.

Drainage

Division 914 of the County Ordinance Code requires that all stormwater entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse. Drainage infrastructure exists along all three project frontages. Verification as to the capacity of these facilities will be required to fully comply with the County Code requirements.

IX. Conclusion

Staff recommends that the Planning Commission find that the Mitigated Negative Declaration is adequate for the purpose of CEQA, approve Preliminary and Final Development Plan (DP14-3026) and Minor Subdivision (MS14-0007 and adopt Resolution No. 6-2015 to recommend the Board of Supervisors approve General Plan Amendment (GP13-0004).

List of Attachments

- A. Draft County Planning Commission Resolution No. 6-2015
- B. Draft Conditions of Approval
- C. CEQA Determination; Initial Study / Mitigated Negative Declaration
- D. Correspondence; Letter from North Richmond Municipal Advisory Council; GreenTRIP Certification / Traffic and Parking Evaluation Report
- E. Maps; Exhibit 1-Vicinity Map; Exhibit 2- General Plan Map; Vesting Tentative Map, Landscape Plan, Site Plan, Floor Plan, Elevations