



West Coast Land and Development, Inc.
145 John Glenn Drive, Concord, California, 94520
www.wcdands.com

CONTRA COSTA COUNTY
2023 AUG 21 PM 3:08
APPLICATION & PERMIT
CENTER

Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

August 21, 2023

Re: Appeal to County Planning Commission's Decision to Uphold the Appeal
on County File #CDDP21-03031

Dear County Planning Staff, Commissioners and Supervisors,

West Coast Land and Development (West Coast) is filing an appeal in opposition to the Planning Commission's decision to uphold the appeal filed by neighbors in the vicinity of the proposed Windhover Terrace apartment complex.

The Windhover Terrace Apartment building is a contemporary three story, type V, wood framed structure built on a post tension slab, consisting of twenty-four total apartment units, twelve single bedroom units and twelve two-bedroom units. The contemporary design allows for the maximizing of interior spaces while providing the lowest visual profile, lessening the visual impact to mostly M-29 zoned surrounding properties.

The structure has been placed on the "infill" site to maximize the horizontal separation between the main structure and the neighboring three single family homes (eighty-two feet) to the project's north property line, while maintaining the standard code separations to its M-29 neighbors.

The project features sixteen carports, fourteen parking spaces, four EV charging stations, two ADA spaces and four guest parking spaces for a total of thirty-four vehicle spaces plus six bicycle storage compartments.

The building design features a three-tone stucco exterior, accentuated with balconies, patios, and staircase voids to add shadows and interest to the elevations. Windows have been strategically placed to enhance site line privacy to the north of the project while at the same time meeting uniform building code requirements.

To enhance safety and access the project provides “no step” access to all ADA units, an onsite fire-code hammerhead turn-around feature to accommodate emergency vehicles and each unit will enjoy a code compliant fire sprinkler system.

Among the many additional features are two elevators to allow for convenient access to the upper floors. In kitchen pantry closet, pre-plumb and wired, in unit, washer and dryer closets. Nine-foot ceiling heights to provide a more spacious living experience. Solar panels per code, dedicated, individual heating and A/C units, security upgrades on all first-floor unit access points, modern all-electric energy efficient built-in appliances, water conservation fixtures and enhanced energy saving insulation.

The Windhover Terrace Apartments Feature:

Professionally Appointed Interiors Combine Luxury with Functionality

- 5" Faux hardwood flooring at kitchen and great room
- Shaker style cabinetry in kitchen and baths in choice of three finishes with under-counter task lighting and stylish brushed nickel hardware
- Kitchen countertops in choice of two colors with 6" splash and full height at cooktop
- Nine-foot interior ceilings throughout.
- General Electric stainless-steel appliances including built-in microwave with vent hood, electric cooktop / oven , and dishwasher
- Stainless steel surface-mount, single basin sinks with spot resistant stainless steel high arc, faucet, and waste disposal in kitchen
- Spacious great room with patio, balcony, or deck (per unit/building/plan). Spacious primary bedroom(s) with mirrored closet doors and easy-care carpeting
- En suite primary bath (2-bedroom units) with clear glass-enclosed shower: Kohler or equal surface mount sinks and comfort-height low-flow toilet; Mon plumbing fixtures in chrome finish; decorative framed mirrors (per plan)
- Secondary baths (2-bedroom units) include tub/showers with chrome low flow fixtures, Kohler or equal surface mount sinks
- Kitchen pantry
- Prewired and plumbed washer and dryer closet
- Interior paint color schemes of Bone walls and ceilings with Swiss Coffee trim and doors, Swiss Coffee walls and ceilings with Bone trim and doors.

Energy-Efficient, Comfort, Convenience and Security Features:

- Four electric vehicle charging stations (some units)
- Six bike storage compartments (some units)
- 15 covered carports (some units)
- One elevator per building, to exterior lobby of each floor. (per plan)
- Solid Core entry door with aged bronze hardware
- Clean energy, minimum solar panel system with monitoring (size per plan)

- Low-E premium vinyl windows and single-light French or sliding doors to patio, deck, or balcony (per plan)
- Solid core 1-3/8" interior passage doors with brushed nickel lever hardware
- Surface mount LED lighting throughout with dimmer switch at kitchen, dining, great room, (per plan)
- Ceiling fan pre-wire at great room and all bedrooms
- Tankless water heater with recirculating pump, water saving showerheads and toilets
- Energy-efficient dual zone HVAC system with programmable set-back thermostat and LED display (per plan)
- Security system with three alpha-numeric keypads at entry door and ground floor patio doors with wireless contact at ground floor windows
- RG5/COAX and Cat6 at master bedrooms, and great room (per plan)

Robert West is the owner and president of West Coast. During Robert's career, he has designed and built over one hundred single-family homes in California. Including those in picturesque Marin County, rolling hills of Orinda and Lafayette, and from Granite Bay all the way down to the beautiful San Joaquin Valley.

With humble beginnings, while working on his grandfather's Marin County, Bel Marin Keys Development as a teenager, Robert West has spent his career in the real estate development industry. The breadth of his experience has also included land acquisition and entitlement work in California and Nevada. His companies have developed large scale projects that encompass between 200 and 2,000 acres.

These developments include entitlements for 10,000 residential units as well as hundreds of acres of retail, commercial, and business parks. The companies' past projects include the Demonte Ranch, Reno Nv., the Stonebrook Development, Sparks Nv., the Heinz Ranch, Reno Nv., and the Quail Oaks Development, Santa Rosa Ca.

Hi entitlement projects were sold to regional builders including Lewis Homes, Reynen and Bardis Homes, Centex Homes, Di Loreto Homes, and Toll Brothers Homes.

The property located at 0 Pacheco Boulevard, Martinez, Ca, or the property where the Windhover Terrace Apartments would be located, has had three previously proposed projects approved for the site:

- CDDP16-3009 – 16-unit apartment complex, 2 stories, the height was 33 feet tall.
- CDSD88-7246 – 18-unit condo project, 3 stories, however height is not noted on the plans
- CDDP88-3044 – 18-unit, 3 stories with variances to height

All three projects were approved by the County Zoning Administrator, one after exhaustive resubmittals (the last group of developers received an approval after working with county staff on the plans for nearly five years). West Coast chose to reuse those basic plans, incorporating the same building envelope, when submitting its application.

The subject parcel was originally created in 1989. Despite three projects being approved for the parcel, site restraints, development standards and neighbors' complaints created overwhelming

monetary and conditional hurdles. Each time developers have had to abandon approved plans for the site.

In 1989 a three-story condominium complex was submitted and approved. The COA's required extensive improvements, including widening of Pacheco Boulevard, and the installation of curbs and sidewalks. The extremely costly project was therefore abandoned.

Another three story 33.5-foot-high project was approved with no reference to pad height. But that project was abandoned after the zoning administrator deleted several units as a condition of approval.

More recently, the site was approved for a 16-unit apartment complex. The development was abandoned by the applicant when neighbors appealed the project citing traffic, parking and safety concerns as reasons it should not be developed on the property.

On July 2, 2021, West Coast purchased Parcel C of Parcel Map 143PM48. While planning to buy the subject property, it relied on a previous project approval wherein the property was deemed CEQA exempt, subsequent affirmation of the exemption by the County, its designation as an infill project, certain government codes, listed hereafter, and staff support, all of which should have ensured approval of a density bonus apartment complex on the property, all within a certain timeframe, with a predicted level of financial obligation.

West Coast's Project Manager discussed submitting the application as a density bonus project with the Housing and Community Improvement (HCI) Division of DCD. The project would incorporate a three-story building into the plan, which could accommodate much needed affordable housing and ensure that variances, exceptions, and reductions in development standards needed to complete a project on this constrained, infill lot, could be approved. Such a plan would also meet the financial goals of the developer.

On February 4, 2022, West Coast applied for a Density Bonus Project, based on Government Code – Gov, Title 7. Planning And Land Use [65000 - 66499.58], Division 1. Planning And Zoning [65000 - 66301], Chapter 4.3. Density Bonuses and Other Incentives [65915 - 65918] and Contra Costa County's Title 8 – Zoning, Division 822 - Affordable Housing, Chapter 822-2 Residential Density Bonus. By adding one story to the building, lowering plate lines, and eliminating the parapet walls of the original design a more modern profile would more closely aligned with the 30' height limit (the redesign yields a 31.5-foot building when measured from finish grade to highest point), while also being able to accommodate three affordable units. The application provided reasonable documentation to establish eligibility for the requested density bonus, which included one concession and requests, as described in subdivision (d), waivers/reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), which staff was willing to support.

A Zoning Administrator meeting was scheduled for January 23, 2023. In the meeting neighbors stated that they were not properly noticed, even though staff assured the ZA proper notice was given. The ZA postponed the meeting.

A subsequent ZA meeting was scheduled for February 22, 2023, wherein the project was approved, subject to additional COA's, which West Coast agreed to comply with. The approval was appealed on February 27, 2023 and a meeting before the Planning Commission (PC) was scheduled for May 24, 2023

DCD postponed the PC meeting pending an initial study for a CEQA review after withdrawing the CEQA exemption in favor of providing a mitigated negative declaration. The new requirement was issued under CEQA guidelines to satisfy neighbor's concerns about the impact of the project. After the initial study and mitigated negative declaration were complete, and the subsequent review period had lapsed, a PC meeting was scheduled for August 9, 2023,

During the meeting neighbors addressed the height of the building, traffic safety, and neighborhood parking, or the same concerns mentioned in the previous appeal for a two-story apartment building on the site in 2020.

The Commissioners were sympathetic to neighbors' concerns and asked staff if they were allowed discretion regarding the reduction of development standards or exceptions and variances when considering a density bonus project. Staff conceded that it did. West Coast believes that the density bonus codes are very specific, and the project should be approved based on the law, staff support, and previous approvals, which West Coast relied on when it purchased the property.

Government Code 65915:

(a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), if an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development, including a shared housing building development, for rental or sale to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development, including a shared housing building development, for rental or sale to very low income households, as defined in Section 50105 of the Health and Safety Code.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant

unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

All Departments within the Contra Costa County Conservation and Development Department, including the Building Inspection Division, Advanced Planning, Transportation Planning Section, Housing & Community Improvement Division, County Geologist, Public Works' Engineering Services and Traffic Departments, the Fire Protection District, Contra Costa Environmental Health, Mosquito and Vector Control District, Northwest Information Center and Water Districts, City of Martinez and Martinez Unified School District supported the project, in some cases by adding additional COA's.

The County did not find that allowing any of the concession or incentives did not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Government Code 65915. The county did not find any substantial evidence of violations of Section 50052.5 of the Health and Safety Code.

The concessions or incentives were not found to have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

County staff was unanimously in favor of the density bonus project, finding, without exception, that it complies with state mandated laws, local housing needs and the general plan. West Coast did not receive any written finding, based upon substantial evidence, of any of the above listed violations.

(d)(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions,

to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(o) For purposes of this section, the following definitions shall apply:

(1) "Designated county" includes the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura.

(2) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(3) "Located within one-half mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

(p) (1) Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: one and one-half onsite parking spaces.

(3) Notwithstanding paragraph (1), if a development meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b), then, upon the request of the developer, a city, county, or city and county shall not impose vehicular parking standards if the development meets any of the following criteria:

(A) The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

(u) (1) The Legislature finds and declares that the intent behind the Density Bonus Law is to allow public entities to reduce or even eliminate subsidies for a particular project by allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units. It further reaffirms that the intent is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional public subsidy.

(2) It is therefore the intent of the Legislature to make modifications to the Density Bonus Law by the act adding this subdivision to further incentivize the construction of very low, low-, and moderate-income housing units. It is further the intent of the Legislature in making these modifications to the Density Bonus Law to ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing. The Legislature further intends that these modifications will ensure that the Density Bonus Law creates incentives for the construction of more housing across all areas of the state.

Although the Commissioners agreed that the project adheres to the letter of the law, County Planning Commissioner Chair Kevin Van Buskirk acknowledged that according to state law he could put an ADU in his backyard, but it would not be the “right thing to do”, and other commissioners expressed similar views. Subsequently the County Planning Commissioners unanimously voted in favor of the appeal submitted by neighbors.

County staff and its agencies/departments have overwhelmingly supported the Windhover Terrace project, both verbally and in the staff report. Mitigations to any adverse effects of the proposed project are listed in the COA’s and Mitigated Negative Declaration. If the Supervisors maintain that the project is in violation of d) of Section 65589.5, for health or safety reasons, and for

which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, it is incumbent on the governing board to bear the burden of proof for the denial.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

In response to the Windhover Terrace appeal, West Coast would like to offer the following narrative:

1. Most of the Windhover and Cormorant Court is zoned R-6 and the proposed building is zoned M-29. There are two single family homes and 2 single story duplexes located within this M-29 zone. The intent of section 84-26.802 is to prevent an apartment building from towering above residential units. The proposed apartment building will tower above the existing residential units. Maybe this project meets the letter of the law, but it certainly does not meet the intent. CONTRA COSTA COUNTY Chapter 84-26 - M-29 MULTIPLE FAMILY RESIDENTIAL DISTRICT 84-26.802 - Maximum. No building or other structure permitted in this district shall exceed thirty feet in height, except that when an M-29 district abuts any single-family residential district, then the building height maximum of the portion of this district within fifty feet of the abutting single-family residential district shall be twenty feet. (Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(f): Ord. 1224).

The following uses are allowed in an M-29 district: a detached single-family dwelling on each lot and the accessory structures normally auxiliary to it, duplexes, multiple family buildings, but not including motels or hotels, and several other uses not yet found in the area. Many other uses are allowed in an M-29 district with the issuance of a land use permit, such as hospitals, convalescent homes, boarding homes, churches, stores, private schools, community buildings, clubs, etc.

The M-29 designation is intended to serve as a transitional zoning. The code is written to provide a transition zone as a buffer from commercial to residential zoned properties. The subject, infill property is situated in an area with apartments, townhouses, condominiums, single family residences, a 7-11, eateries, public storage facility, construction yard, rental shop, hardware store, elementary school, etc.

Through substantial contributions to the Parkland Dedication and Park Impact Fee programs the Windhover project's donations to park systems in the area will ensure that all residents of the complex, and in the area, can continue to enjoy abundant open spaces nearby.

County Code Section 84-26.802 requires all buildings or structures to have a maximum height of thirty feet in height, or twenty feet in height when the building is within fifty feet of a single-family residential district. The proposed building envelope is more than 50 feet from the nearest R-6 zoned property and is not subject to the twenty feet maximum height limit.

Parcels to the northeast of the project site are zoned R-6. Parcels northwest, east and south are in an area designated with M-29 zoning. Multiple-Family Residential High Density (MH) General Plan land use designation. M-29 zoning is subject to the definition of urban area development guidelines. Urban areas are defined as primarily for multiple-family residential buildings. They typically include three- or four-story buildings and single-family homes on relatively small lots. West Coast's development proposal fits that definition.

The proposed apartment complex contributes to a mix of housing types, which complies with the intent of the zoning. It is located close to public transit and major roadway outlets and is only 2.4 miles from downtown Martinez. The six-minute commute makes it close to numerous job opportunities as well as a variety of services and amenities.

County Staff states that the Windhover Terrace apartment building will be 38'-6" and is requesting a variance, which is allowed per County Code 84-26.2002. Planning staff initiated the required variance findings; results of its findings are in the COA's.

2. In the staff report the project is exempted from CEQA requirements, this should be reviewed by in the appeal process. This site is within 3200 feet of an active oil refinery and the impacts should be studied.

West Coast authorized the County to prepare an Initial Study (SCH No. 2023070169) to evaluate the environmental impacts of the proposed project. During the preparation of the Initial Study, the County identified several environmental factors that would have been potentially affected by this project. However, with the addition of mitigation measures, the project would not result in any significant impacts to the environment. The subsequent Mitigated Negative Declaration found that no significant environmental impacts would be created by the proposed project. Therefore, the project was reviewed under current CEQA guidelines and was found to have a less than significant environmental impact on the community.

3. The MT. View Sanitary District letter attached to notes dated 11/17/2021 is referring to a 16-unit apartment complex not the 24 unit that is now proposed. The letter also calls into question some of the notes on the drawing C3.0. Approval should not be granted until this is resolved.

The project was reviewed by the Mt. View Sanitary District. West Coast will be required to submit development plans prepared and stamped by a Registered Civil Engineer to the District for review of any sewer improvements. During the building permit process, West Coast will

obtain Sanitary District approvals for all construction plans before any building permits are issued, which is a COA for any project.

4 & 5. The drainage plan does not show elevation or details of the retaining wall that will be needed on the Pacheco side of the site. It is not possible to visualize how this will look from the Pine View townhouses to the east of the project. It can be seen in the attached photos, the duplex at 98 Windhover Way presently drains into the proposed project, how will this be addressed.

County Ordinance Code Division 914 requires that all storm water entering and/or originating on the project to be collected and conveyed, without diversion and within an adequate storm drainage system leading to an adequate watercourse with a definable bed and banks or an existing adequate public storm drainage system which conveys the storm waters to a natural watercourse.

The Department of Public Works has determined that there is no evidence that the drainage from 98 Windhover Way drains onto the subject property. County documentation stipulates that stormwater should naturally drain southeast from 98 Windhover Way, avoiding the proposed project.

In addition, West Coast is proposing drainage upgrades which are consistent with such developments. The property naturally slopes from the northwest corner to the southeast corner, away and below street level. The project includes additional padding, which will raise the grade of the site to prevent unwanted off-site discharge. The project will direct stormwater runoff from the site to be captured in a bioretention facilities onsite which will discharge to an existing 18" storm drain in Windhover Way, effectively diverting the onsite flows (Section 914-2.004 of the County Ordinance prohibits the diversion of surface waters from any development).

West Coast requested an exception from the Advisory Agency (Contra Costa County Public Works Department) per section 92-6.002 of the County Ordinance Code. The Public Works Department reviewed the proposed project and is not opposed to granting the applicant an exception from the collect and convey requirements of the County Ordinance Code because on-site drainage facilities will be installed to tie into the existing storm drain in Windhover Way to the west, drainage infrastructure already existing within the Winhover Way right-of-way which makes draining towards Windhover Way the most appropriate direction. The capacity of the downstream drainage system will be verified to ensure it is sufficient to accommodate the additional runoff created by the project. West Coast's engineers agree that drainage flows in the area will be improved, along with the positive impact of having water filtered in a bioretention facility before being discharged into the system.

To facilitate gravity flows to Windover, the project's engineers have designed a 3' high retaining wall which is delineated on sheet C2-0 of the engineer plan set. On Sheet L-1 of the plan set is a six-foot-tall masonry wall, which is part of the landscape plan and features, which acts as a visual separation between the Pine View Townhouses and the two Pacheco M-29 properties. A visual of what the wall will look like is on Sheet L-2 item 5 of the plan set. The proposed wall which is delineated on Sheet L-1 of the plan set is a six-foot-tall masonry wall, which is part of

the landscape plan and features. A visual of what the wall will look like is on Sheet L-2 item 5 of the plan set. This is technically not a retaining wall. Since it does not hold up any fill and will therefore be treated like a fence. The six-foot-tall masonry decorative wall will be required before West Coast can obtain a building permit (note: the six-foot-tall masonry decorative wall, which also runs on the west and north property lines, will be required to be installed prior to West Coast obtaining a building permit)

Grading plan Sheet C2.0 demonstrates all elevations and details for the proposed retaining walls on the site. Detail #4 on Sheet C2.0 includes larger illustration for the walls. County staff agreed that the project's plans addressed any drainage or wall issues.

6.. The olive trees on the north end of the site appear to have grown into the adjacent lot. These trees should not be removed until an on-site survey has determined the property line at the base of the trees. During the 2/22/23 hearing the developer indicated that the olive trees on the north end of the site would remain. These are trees 40, 41, and 42 shown on landscape plan dwg L-1.

During the ZA hearing on February 22, 2023, West Coast agreed to amend the Tree Permit application in order to attempt to preserve the olive trees in question, #40, 41, 42, which are on Sheet L-1 of the project plans and mitigate neighbor's concerns. The ZA added COA #26 stipulating that these three trees should be preserved.

If work within the dripline of the olive trees should occur, West Coast will be required to provide security and comply with COA's #27, #28, and #29-38 which mandate arborist oversight and use of best practices in relation to the aforementioned trees.

7. A survey of the Windhover and Cormorant Court area was recently done. It was found that there are 35 existing dwellings. At the time of the survey there were 106 cars and pickup trucks, 11 motorcycles and 4 hauling trailers parked in driveways and on street parking. This works out to 3.7 vehicles per dwelling. This proposed project has no parking spaces allotted for pickup trucks as they won't fit in the sub-standard size parking stalls. Even though the required parking is only 1.5 per unit the real impact can be seen by this survey. As the proposed property has not actual street parking except in front of existing homes that have space for their personal vehicles and guests.

The project will provide a total of 34 parking spaces, which is more than the required 30 spaces for this density bonus project. The Density Bonus law, as well as San Francisco Bay Area's Final Regional Housing Needs Allocation (RHNA) Plan for 2023-2031, apply to this project. Said new mandates are intended to override local sentiment. The legislation is to:

- Increase the housing supply and the mix of housing types
- Promote an improved intraregional relationship between jobs and housing
- Affirmatively further low income and fair housing
- Overcome segregation
- Foster inclusive communities free from barriers that restrict access to opportunity

- Overcoming restrictions based on protected characteristics
- Emphasize growth near job centers, transit and high-resource areas
- Reducing greenhouse gas emissions by being close to public transit

Code compliant parking, plus an additional four parking spaces, along with the inclusion of bicycle storage units and bike racks, should serve to decrease the number of vehicles in the project while encouraging the use of bicycles and public transit to reduce greenhouse gas emissions.

Access to the property is approximately 140 feet off Pacheco Boulevard on Windhover Way via a private access driveway. There are two duplexes located on either side of the access driveway, which have driveways on Windhover Way. The residential neighborhoods, both on and off Windhover Way, are located further up the road. The first residential home on Windhover Way has a driveway that is approximately 278 feet beyond the north side of the entrance to the Windhover Terrace driveway access. The first home on Cormorant Court, the home Mr. Hise resides in, has a driveway that is 316 feet from the north side of the Windhover Terrace driveway access. Unless invited, the apartment dwellers will not have any reason to continue up Windhover Way into the residential neighborhoods.

Although several neighbors mentioned that Windhover Way narrows as it approaches Pacheco Boulevard, the road in fact does not become less wide, it merely bends. Windhover Way is a Collector Street, which means it is meant to serve a population of residences. County Ordinance 92-4.012 - Collector street reads, "Collector street" is any street within a subdivision or adjacent thereto which, because of its location with reference to other streets or other sources of traffic, carries or will carry traffic from minor streets to the major system of arterial streets; and includes the principal entrance streets for residential developments and streets for circulation of traffic within such developments and serves, or will serve, twenty-four or more dwelling units. During the PC meeting on August 9, 2023, Public Works verified that Windhover Way is a collector street.

Currently the road intersection at Windhover Way serves 36 residences. If the apartment complex is built, that number will increase to 60. The collector street just down Pacheco Boulevard, at the next corner to the east from Windhover Way, Camino Del Sol, is approximately 30 feet wide and services 145 residences. That neighborhood consists of two apartment buildings, six duplexes and 139 single family residences.

West Coast is requesting parking ratios pursuant to Government Code 69515(p). Government Code 65915(p): Upon the request of the developer, no city, county, or city and county shall require a vehicular ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) that exceeds the following ratios:

- (A) Zero to one bedroom: 1 off-street parking space
- (B) Two to three bedrooms: 1.5 off-street parking space

Therefore, based on the number of bedrooms proposed, 30 parking spaces would be required for the project.

Contained within the project are twenty-four 9' x 17' dimension parking spaces and six 9' x 18' dimension parking spaces. Pursuant to Government Code 65915(e), reductions in development standards for parking stall sizes are allowed.

County Ordinance, Chapter 82-16 – Off-Street Parking requires an 8'-6" space width and 18' space depth for each space for parking spaces of ninety degrees. The project includes multiple spaces that meet the dimension requirements. In addition to cars, there are many pick-up trucks which would be able to park in those stalls.

County staff concluded that the project will not present a "specific, adverse impact," as stated in Government code Section 65589.5(d)(2). Therefore, in order for the county to deny the project based on parking exceptions, law mandates that it conduct a parking study, at its expense, to substantiate findings relating to a denial based on reduced parking standards.

Government Code 65915, (p)(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

8. The DCD is allowing a 4.5' setback for parking on the North end of the project when it would normally be 25'. There will be an approximate 10' high parking cover built in that area. Noise from the parked vehicles will be funneled into the back yards of the adjacent homes.

One of the challenges in designing a code compliant infill project is that many of the code definitions are based on a "standard" parcel fronting a street.

- The portion of this property that fronts Windhover Way is only 48' wide but is 72' deep
- The setback from the curb to the structure is over 120'
- The front setback consists of 17.5-feet of landscaping before the parking areas
- A 6-foot CMU wall accompanied by a two-foot planting buffer runs along the western edge of the site closest to Windhover Way
- To the north there will be a 6-foot CMU wall on the property line and a 4 ½ foot planting buffer installed before it flows into the parking area
- On the east end a 4 ½ foot planting area is designed as a buffer beyond a 6' chain link, slatted fence.

To satisfy conditions of the application, West Coast hired Illingworth & Rodkin, Inc. to produce a noise assessment analysis. As a result, a new six-foot tall masonry wall will be installed along the edge of all parking areas. The proposed parking area of concern is located 4.5' from the side yard. The masonry wall will act as a sound buffer to reduce sources of noise generated from the parking areas that may otherwise reach the surrounding parcels.

The study used a series of short-term noise measurements and long-term measurements on Wednesday, April 27, 2022. The study found that existing noise levels measured in these areas ranged from 55 to 59 dBA and that with the introduction of the project, the unmitigated noise level would reach 56 to 60 dBA by 2040. The study concludes that "future exterior noise levels would not exceed 60 dBA and is within the normally acceptable noise and land use compatibility range identified for residential land uses." Therefore, noise from vehicles which are parked on the premises will be negligible and be generally consistent with typical noise levels found in multiple-family residential developments.

9. The property value of homes next to this project will decline, fewer buyers will want to purchase a home that looks up to a 34-foot building.

Initially, the Windhover Terrace apartment building had a combined height of 38.5 feet, after adding a third story. In an effort to accommodate neighbors' concerns West Coast worked with its architect to reduce the profile of the structure by lowering plate lines and deleting parapet walls.

When viewed from property's entrance off of Windhover Way the structure is approximately 31.5 feet above the currently visible grade, which is one and half feet over the code requirement.

The original natural grade, which existed prior to fill being placed by the previous owner, the building is calculated as 36 foot high. (staff height of 38.5' was measured prior to the redesign of the building)

The building has been placed in such a way as to maximize the distance separation between the three R-6 residences that back up to the north property line.

While the previously approved 3-story condominium project proposed a 15-foot set back from the shared north property line, our building has an 82-foot set back from that same property line. An 82-foot set back dramatically diminishes the visual impact the project has to those three neighbors.

The neighbors have emphasized that staff reported the building as being 38 ½ feet in height, which they believe will be looming over them. However, the net effect is substantially different. As the neighbors' drive by the only open vista from Windhover Why they see a lot that looks almost level or within a couple of feet of being level with the street curb. This vista has remained the same for approximately five years. It is that vista, or the ground level, that the 31.5-foot building will be built. It should also be noted that the building is set back from the street curb over 120 feet which also mitigates the height impact for those driving by.

The M-29 code is written as a transition zone to buffer commercial from residential zoned properties. And in this case that is exactly what is being accomplished. There is language in the code that restricts M-29 building height within 50 feet of R zoned properties. It was written that way because the closer a structure gets to another structure the visual impacts increase.

While the project is 31.5 feet above the finish pad height it is 85 feet set back from the north property line and at least another 25 feet from the nearest R-6 residence. That separation diminishes the real-world visual impact the project has on its R-6 neighbors.

Further it must be noted that the code assumes a level “playing” field for all structures. However, the three R6 residences closest to the proposed building are situated on pads that have been raised above the natural grade of the Windhover Terrace north property line. In addition, the engineered plans require a 1 foot cut to meet finish pad height which will increase the “level playing field” split between the properties.

It should also be noted the topography rises as you move west to east along the project’s north property line, the net effect is that the western most neighbor’s pad, on Cormorant Court, is 2-1/2 feet above the projects finish pad height, the middle neighbor is approximately 3-1/2 feet above the project’s finish pad height and the eastern most neighbor’s pad height is approximately 5-1/2 feet above the finish pad height of the Windover apartment site.

The net effect when viewed from a “level playing field” is that the proposed building is actually below the 30’ height per code (when viewed from the neighbor’s pads the building is 2 ½ feet to 5/12 feet below the 30’ height code).

In the neighbors’ appeal letter, they stated the project may have technically adhered to the law, but it didn’t adhere to the intent of the law. If the “intent” is to limit residential verses multi residential zoning by limiting the height impacts to 30’ than given the “real world” conditions, we have met that threshold.

The project site is currently a dirt/grassy vacant lot with no landscaping or other features to enhance its appearance. The new 24-unit apartment building, which includes landscaping for the site, will improve the site’s appearance. In addition, this vacant, infill property, will provide new living spaces for residences in the Martinez area. This addition will enhance the neighboring property values as the lot will no longer be overgrown with unkept vegetation, where many unsightly cars are usually parked. The apartment complex will be a modern, “green” designed building which will bring new life to the Pacheco Boulevard corridor.

The County designated this site as Multiple-Family Residential-High Density in the Land Use Element of the County General Plan in anticipation that this site would be used for multiple housing units as this element allows for high densities of multiple family units per acre. The project is compatible with this Land Use Element as it proposes a multi-family apartment building that coincides with the County’s General Plan. Housing Element Goals, found on Table 6-1 state:

Goal 1 – maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County,

Goal 3 - increase the supply of housing with a priority on the development of affordable housing, including affordable to extremely-low-income households.

The proposed complex would be consistent with the aforementioned goals contained in the Housing Element. The project provides affordable housing while turning a vacant site into a new, energy efficient, housing complex that is designed with a currently popular contemporary motif.

Table 6-24 of the Housing element lists housing needs by income for Cities in Contra Costa County. The city of Martinez is in need of 124 very low income and 72 low-income units. The proposed project will help the County achieve those goals.

The County finds no evidence that the multiple-family residential development would negatively affect nearby single-family home values. In summary, the project is converting a vacant, infill lot into a land use that would add to the housing inventory in the County, allowing it to come closer to reaching its goals.

10. We realize under State Density Bonus Law #65915 the County may feel forced to approve an undesirable project or risk litigation. Please note that this parcel is not included in the CCC Housing Element so no "net loss rule" is violated if it is developed at the lowest level of M-29 density. In fact, it would still be far denser than surrounding properties. As per 65915(e)(1) #1 the County does not need to waive or reduce development standards (def. 65589.5(d)(2)) if there is a specific adverse impact. Please help our neighborhood stand against these adverse impacts. We understand the need for housing in California but undermining existing neighborhoods is a false moral high ground. (Kevin Mulcahy)

A Memorandum on the “net loss rule” for Planning Directors was prepared by the governor’s office in 2019 states that:

“The purpose of the No Net Loss Law, Government Code Section 65863, is to ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction's regional housing need allocation, especially for lower- and moderate- income households.

The Net Loss Rule, as well as Government Code 65915 and Contra Costa County Code, Title 8 – Zoning, Division 822 - Affordable Housing, Chapter 822-2 Residential Density Bonus, are indicative of the housing crisis that California is facing throughout the state. Although there is some leeway for government agencies to use discretion in cases where there are proven to be certain health or safety risks to a community, it is incumbent upon the government authority denying a project to prove that adverse conditions will exist.

The proposed project does not come under the umbrella of the No Net Loss Rule; however, it is subject to its zoning and Chapter 822-4, of the County’s Inclusionary Housing Ordinance. Pursuant to Section 822-4.402(a), in a proposed residential development of 22 rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units. West

Coast provided an Inclusionary Housing Plan which proposes allowing three inclusionary units within the housing development. Two units will be available to lower-income households (80% Area Median Income (AMI)), and one unit will be available to a very low-income household (50% AMI). A fractional unit of 0.3 will be satisfied with the payment of a partial in-lieu fee. West Coast included in its inclusionary housing plan a density bonus request because it is eligible for a 24.5% density bonus with the inclusion of three lower-income units within the complex. The density bonus request proposes a density bonus of two units, along with concessions and various reductions in development standards in order for the project to be able to fit with the constrained, infill lot and still be financially feasible for the developer.

In accordance with Government Code 65915, West Coast has proposed a housing development which complies with Government Code 65915(b)(1)(A), which entitles it to one concession/incentive by providing 13 percent of the total units of a housing development for lower-income households within the development. The one concession requested is to reduce open space requirement pursuant to Government Code 65915(d).

West Coast has also requested reduced parking ratios based on Government Code 65915(p) for a reduced parking requirement. The request also includes reductions in development standards pursuant to Government Code 65915(e) for reduced parking stall sizes, reduced parking setbacks and reduced covered parking. When staffs reviewed the requests for the reductions of development standards they determined that none of the waivers or reductions of development standards would have a specific, adverse impact as defined in paragraph (2) of subdivision (d) of Section 65589.5, an adverse impact is a “significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

In order to alleviate the concerns about health and safety mentioned in the neighbors’ appeal West Coast was involved in, or caused to be completed, several reports, studies, and expert analyses, including a traffic impact analysis, a mitigated negative declaration to address possible environmental impacts, parking and traffic flow analyses, and a noise study.

To address specific traffic congestion concerns, West Coast had its consultant, W-Trans, prepare a Transportation Impact Analysis. The 18-page analysis documents existing conditions and evaluates the project’s potential transportation impacts. The project would generate an average of 162 trips per day, including 10 trips during the a.m. peak hour and 12 during the p.m. peak hour. The study also included a traffic signal warrant analysis to determine if there was any need for a traffic signal at the intersection of Pacheco Blvd and Windhover Way. The study found that the intersection is “expected to continue operating at the same Level of Service upon the addition of project-generated traffic” and recommended that the addition of a signal is not warranted.

The study also reviewed Vehicle Miles Traveled (VMT). According to the Contra Costa County Travel Demand Model estimates, the Countywide home-based average VMT per resident is 19.4 miles. Concurring with guidance provided in the TIA, a project located anywhere in the County which generates a VMT that is 15% or more below this value, or 16.5 miles per resident, should be expected to have very little VMT impact and would not require further VMT analysis. The TIA Table 4 states that the project VMT rate would be 16.0. The CDC’s Transportation

Planning Department reviewed the TIA report and determined that it was adequate for the project.

The County Zoning Administrator, on February 22, 2023, added a new COA requiring a detailed Traffic Analysis within six months after the Certificate of Occupancy permit has been issued. The analysis will allow the County to determine if traffic signal timing change will be needed to increase the frequency and time of vehicle gaps on Pacheco Boulevard.

Prior to making its application, West Coast hired Illingworth & Rodkin, Inc. to produce a noise assessment analysis. The study used a series of short-term noise measurements and long-term measurements on Wednesday, April 27, 2022. The study found that existing noise levels measured in these areas ranged from 55 to 59 dBA and that with the introduction of the project, the unmitigated noise level would reach 56 to 60 dBA by 2040. The study concludes that “future exterior noise levels would not exceed 60 dBA and is within the normally acceptable noise and land use compatibility range identified for residential land uses.” Therefore, noise from vehicles which are parked on the premises will be negligible and be generally consistent with typical noise levels found in multiple-family residential developments.

West Coast authorized an initial study and mitigated negative declaration to address concerns about potential pollution caused by the nearby refineries, mentioned in the neighbors’ appeal. Since the Zoning Administrator’s decision, staff determined that it was appropriate to conduct additional environmental review of the project under the California Environmental Quality Act. The County prepared an Initial Study for the project (SCH No. 2023070169) which evaluated the environmental impacts of the proposed project. During the preparation of the Initial Study, the County identified environmental factors that would have been potentially affected by this project and that with the incorporation of mitigation measures, the project would not result in any significant impacts to the environment. The Mitigated Negative Declaration indicated that no significant environmental impacts will be created by the proposed project. Therefore, the project was reviewed under the CEQA guidelines and was determined to have a less than significant environmental impact.

As stated in this Staff Report, the project was reviewed by multiple outside agencies, contains numerous reports and studies in relation to traffic, noise, geology and trees and is consistent with the zoning ordinance and general plan land use designation for this site. Moreover, an Initial Study/Mitigated Negative Declaration was prepared for the project which evaluated the project under the California Environmental Quality Act and was found to have no significant impacts with the incorporation of the mitigation measures. Therefore, Staff concluded that the project will not present a “specific, adverse impact,” as stated in Government code Section 65589.5(d)(2).

11. In the staff analysis pages 14-15, "Traffic and Circulation" the referenced Transportation Impact Analysis (TIA) is not included in the staff report. There is a referral to having traffic demand management program. During weekday mornings traffic exiting Windhover Way onto Pacheco is a safety concern. There has been at least one accident there in the past. Adding 24 units will only make this hazard worse. The total flow of traffic on Pacheco may not be affected much by the new units but getting in and out this residential area will lead to safety concerns.

Presently when exiting Windhover Way onto Pacheco Blvd during morning or evening commute you must: Wait for traffic light at Camino Del Sol to stop traffic, however traffic from Camino Del Sol and Pine View apartments prevents you from entering the flow of traffic resulting in a very long delay.

When turning east onto Pacheco Blvd there is a center turn lane you can jump into, however traffic on Pacheco moves into that same turning lane resulting near misses nearly every day. It is only a matter of time before a tragedy happens at this intersection. Before this project is approved the applicant should an actual traffic flow study, which would most likely require a traffic light on Windhover Way.

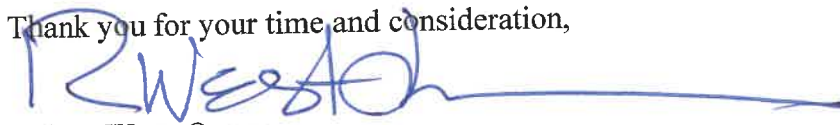
West Coast hired W-Trans, a well-known and respected firm, to prepare a Transportation Impact Analysis (TIA) report. The study documented existing conditions while evaluating the proposed project's potential transportation impacts and effect on traffic in the area. It was determined that the project is expected to generate an average of 162 trips per day, including 10 trips during the a.m. peak hour and 12 during the p.m. peak hour.

The new trips represent the increase in traffic associated with the proposed project. The study also included a traffic signal warrant analysis to determine potential need for a traffic signal at the intersection of Pacheco Blvd and Windhover Way. The report concluded that the intersection is "expected to continue operating at the same Level of Service upon the addition of project-generated traffic" and recommended that "no further action is recommended.". The study also included a Vehicle Miles Traveled (VMT) analysis.

According to the Contra Costa County Travel Demand Model estimates, the Countywide home-based average VMT per resident is 19.4 miles. With information from the TIA, a project located anywhere in the County which generates a VMT that is 15% or more below this value, or 16.5 miles per resident, should be expected to have very little VMT impact and would not require further VMT analysis. The TIA Table 4 states that the project VMT rate would be 16.0. Therefore, the project is expected to have a VMT per capita less than 15% below the countywide VMT per resident and no further VMT analysis is required. The County's Transportation Planning section of the Department of CDC evaluated the TIA report and determined that it was appropriate for the site.

To alleviate future concerns regarding traffic issues, the County Zoning Administrator added a new condition of approval, #46, which requires that a detailed Traffic Analysis be conducted within 6 months after the Certificate of Occupancy permit has been issued. This will allow County staff to determine if traffic signal timing change will be needed to increase the frequency and time of vehicle gaps on Pacheco Boulevard. Staff therefore concluded that the project will not create significant traffic impacts in the area of the project.

Thank you for your time and consideration,



Robert West, Owner

