

TO: Mayor and City Council

FROM: Alan Shear, Acting City Manager

PREPARED BY: Dina Tasini, Planning Manager

SUBJECT: Public hearing to consider approving a) a Resolution to approve a Mitigated Negative Declaration and Mitigation Monitoring Program and adopt findings pursuant to the California Environmental Quality Act; and b) a Resolution to approve a General Plan Amendment to i) amend the Hidden Lakes Specific Plan Area to delete Section 32.32 and ii) amend Land Use Map 1 to change the land use designation from OS/R Open Space and Recreation, Permanent to R-0-6 units for a 25.9 acre parcel located at 451 Vine Hill Way - The Meadows/Pine Meadows

DATE: December 3, 2014

RECOMMENDATION:

Approve the following actions, in the order listed below, for a proposed General Plan Text Amendment and an amendment to Land Use Map -1 for the property located at 451 Vine Hill Way:

- a) Adopt a resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- b) Adopt a resolution amending the General Plan (text amendment) to delete Section 32.32 and amend the land use map 1 designation from Open Space and Recreation, Permanent to Residential 0-6 units per gross acre for the project site.

BACKGROUND:

ENVIRONMENTAL REVIEW:

An initial study evaluating the project’s environmental impact was prepared and circulated on March 14, 2014. Revisions to the initial study were needed and the initial study was recirculated on March 21, 2014 for a 30 day period ending on April 21, 2014 (Attachment A). The City received thirty two (32) comment letters on the Initial Study and Proposed Mitigated Negative Declaration (MND).

The California Environmental Quality Act does not require a lead agency to provide written responses to comments on the mitigated negative declaration. Nevertheless, the City, acting as

the Lead Agency chose to prepare responses to the comments (Attachment B). Responses to comments received during the comment period did not involve any new significant impacts or significant new information, so no further environmental review is necessary.

PROJECT DISCUSSION

The applicant has submitted an application for a General Plan Amendment, Rezone/Planned Unit Development, and a Vesting Tentative Map (Figure 3) that would permit the development of 99 single family residential units on approximately 25.9 acres at the intersection of Center Avenue and Vine Hill Way. The applicant has also submitted a preliminary landscape plan, preliminary grading and drainage plan, preliminary utility plan, preliminary stormwater control plan, and a preliminary tree removal and demolition plan. The 25.9-acre project site (APN 162-020-019) is located within the City of Martinez and currently has an OS/R (Open Space & Recreation, Permanent) General Plan Land Use Designation.

The proposed project has been brought before the City Council in two parts; the first being the current review and discussion regarding the General Plan Text Amendment and an amendment to the Land Use Map-1; and the second subsequent discussion regarding the Rezoning, Planned Development, Tentative Map and Design Review will take place at a subsequent meeting . The site plan and preliminary design review of the tentative map is scheduled for December 10, 2014 and notices have been mailed to all residents within a ¼ mile radius (identical mailing radius as the General Plan Amendment).

The information below provides some context for the proposed discussion and recommendations regarding the General Plan Text Amendment, General Plan Amendment and the associated Initial Study/Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program.

DISCUSSION:

In order to better understand the development patterns within the Hidden Lakes Specific Area Plan boundary a short history along with maps can be found below:

History of the Annexation

1970-71 – “COWARD-VALEGRA ANNEXATION” (54.4 ac.)



- Both the Coward and Valera properties are annexed into the City from Contra Costa County as agricultural lands; the *Valera property* had one house on it, the northeast portion of *Coward property* contained the 25 ac +/- *Pine Meadow Golf Course*, but was otherwise vacant pasture land.
- The City placed both parcels into the “H” – HOLDING Zoning District, which at the time, allowed the City to annex land without committing to any changes in permitted land uses, so only those uses that were permitted under the County’s previous zoning regulations were initially permitted by the City (i.e. the golf course and residential units, with minimum 5 acre lots as permitted under agricultural zoning).

1972-74

**APPLICATION for "GRANITE OAKS" SUBDIVISION (21 ac.),
DENIED BY CITY COUNCIL – HIDDEN LAKES AREA PLAN
APPROVED**



- An application was filed application to entitle the southwesterly 21 ac. of the *Coward property* (shown in yellow) as the "Granite Oaks" subdivision, rezoning the site from "H" (Holding) to "R-1-7500" (equivalent to today's "R-7.5" single-family zoning district).
- After a recommendation of denial from the Planning Commission, the City Council upheld the denial, which found the project in conflict with the *Hidden Lake Specific Area (General Plan) Study* that was underway at the time. Many members of the Planning Commission and City Council believed that all or part the *Coward property* should be acquired by the City to be preserved as public open space.
- Options for public acquisition for all or part of the *Coward property* were explored, but there did not appear to be fiscal support needed for public purchase(s).
- In 1973, the final *Hidden Lake Specific Area Plan* (part of the State mandated General Plan) was adopted. The Area Plan included the following;
 - Residential development (at a lower density than had been proposed for "Granite Oaks") was to be permitted at the southeasterly 20 +/-ac. of the *Coward property*.

- The Golf Course and remainder of the *Coward property* was given the *Permanent Open Space/Recreation* General Plan Map designation, with the corresponding “M- OS/RF” (Mixed Use – Open Space/Recreation Facility) and a zoning designation of R-1-7,500 which is equivalent to the current R-7.5 single-family zoning district.
- At the time of the approval of the *Hidden Lake Specific Area Plan* both the property originally proposed for the Granite Oaks Subdivision and the Golf Course property were owned by the same person/entity and a subdivision was not approved at that time.

1975-76

APPLICATION for "PINE MEADOWS" SUBDIVISION (59 ac.),
APPROVED BY CITY COUNCIL



- In/around 1975, application was again submitted to subdivide a portion of the Coward property consisting of the property previously proposed for the Granite Oaks Subdivision. This application was submitted as the Pine Meadows Subdivision. The Pine Meadows Subdivision/ development plan went through several revisions, with the council giving final approval to the revised plan in 1976. The entitlements for the Pine Meadows Subdivision project also included zoning and general plan amendments to conform to the approved development plan for the subdivision.
- The Pine Meadows subdivision included 21 acres of property previously considered for the Granite Oaks subdivision and purchased from Coward. The remaining *Coward property* (excepting the Coward residence and two other residential lots at the southwest corner of Vine Hill Way and Center Avenue) became a separate 26 ac parcel, retaining the *Permanent Open Space/Recreation* General Plan Map designation, with the corresponding "M- OS/RF" (Mixed Use – Open Space/Recreation Facility) Zoning from the 1973 *Hidden Lake Specific Area Plan*.

Since 1976, the Golf Course property has retained the Open Space and Recreation, permanent land use designation and of Mixed Use Open Space/Recreational Facilities. The term permanent was placed on this property over 30 years ago. Generally a term used for public agencies acquiring property and securing the open space designation in perpetuity this may be the only example of the private property interest was never ceded

General Plan Land Use Designation from Open Space to Residential

a. General Plan Land Use Designation. The Martinez General Plan currently designates the site as Open Space and Recreation, Permanent. The project is located within the Hidden Lakes Specific Plan Area. When adopted in the early 1970's, the Hidden Lakes Specific Area Plan consisted of 565 acres of undeveloped pasture lands surrounded by residential subdivisions. The intent of the Specific Area Plan was to preserve the string of small lakes at the center of the Plan Area as well as the natural knolls and ridges at its border adjacent to the City of Pleasant Hill. The project site, at the northern portion of the Area Plan has been a private golf course since the 1960's, the facility is not considered park land or preserve, the project site is not a significant knoll or ridge. The use of the property of the golf course for the past 50 years with its manicured greenways, building and parking areas enforces the concept that this property is not open space and the proposal to designate the site residential will not impact the natural knolls and ridges. The proposed designation of residential and development of the property with single family homes is consistent with surrounding uses.

b. Text Amendment. The Hidden Lakes Specific Plan must be amended to delete text pertaining to the golf course to insure consistency within the General Plan. The proposed General Plan Text Amendment is to delete the following language:

Hidden Lakes Specific Area Plan

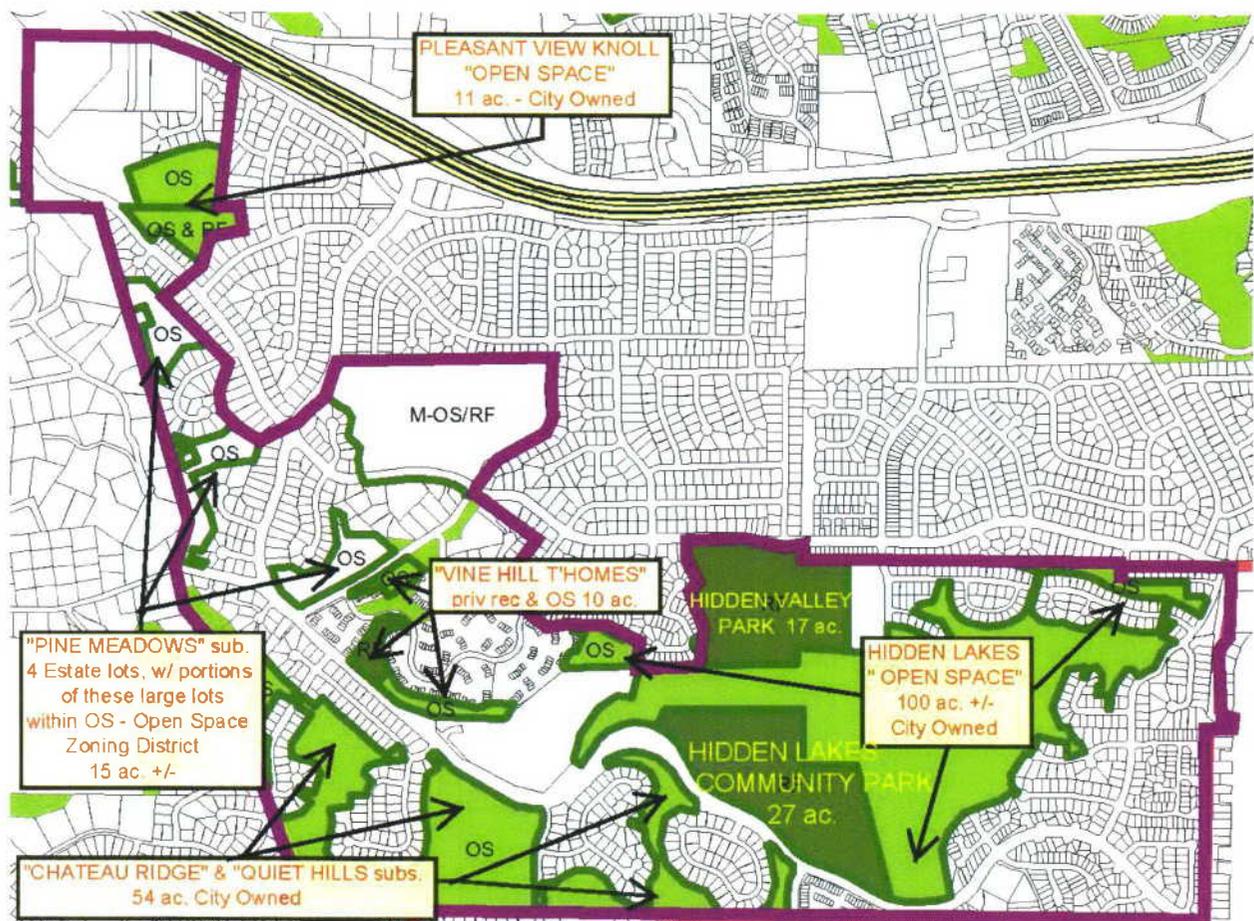
~~32.32 The existing golf course is an appropriate use within the Plan area.~~

c. Discussion of the Proposed Land Use Change. Both in comments to the draft Initial Study and during, two the Planning Commission hearings the public and the Commission expressed concern regarding the loss of open space that is proposed due to the proposed conversion of the golf course to residential uses. Staff was asked to analyze the existing open space areas within the Hidden lakes Specific Area Plan and the adjacent residential uses. Staff found the majority of the single family residential developments in the area are developed at a density and scale similar to the proposed Project, and generally have no open space within the residential developments. Most of the surrounding development relied on the knolls, hills, pathways and public parks with the Hidden Lakes Specific Area Plan. The Hidden Lakes Specific Area Plan is comprised of 565 Acres of which 190 acres is designated open space. Residential development in the Plan Area is permitted at 7,500 square feet per unit. The Area Plan assumed the overall permitted density based on the SAP would be 3,277 units there are approximately 1229 units within the Plan Area; and 190 acres of Open Space would also be included. The Area Plan essentially provided a trade off of development at a density that was slightly greater than otherwise would have likely been permitted in some portion of the Plan Area, in exchange for the preservation of open space areas in other areas of the Plan Area. This development concept is memorialized throughout the Area Plan by its goals and policies to preserve natural knolls and ridges while meeting the needs of housing In calculating the open space and development areas

contemplated by the plan, staff determined that the Area Plan assumed a balance of housing and open space such as provided in Policy 32.411 which states “ Essential open space masses and vital elements of terrain should be protected while still allowing development densities reasonably consistent with the patterns established on adjoin properties”.

Parks/Open Space

Staff analyzed the existing land use patterns within the Hidden Lakes Specific Area Plan to provide information regarding the location and size of existing open space. The areas analyzed included passive open space, active City parks and private recreation areas such as the Vine Hill Townhome development. The map below depicts the existing open space areas:



The City maintains approximately 226.52 acres of parks throughout the City. Since the 1980's the City has established a ratio of number of acres of parks per population to be 5 acres of park space per 1,000 residents. Pursuant to the Quimby Act (California Government Code section 66477 (a)(2)), 5 acres per 1,000 residents is at the highest end of the range for which a City can impose park dedication requirements or in lieu fees. Martinez residents currently enjoy 6.22 acres of park space per every 1,000 residents.

In addition, Martinez residents have access to over 410 additional acres of publicly accessible Open Space areas, such as the *Hidden Lake Open Space* properties. These natural areas are

maintained by the City, East Bay Regional Parks District, and/or Muir Heritage Land Trust and provide local and regional trails that support hiking, biking, and horseback riding.

PLANNING COMMISSION ACTION

On October 28, 2014 the Planning Commission held a public hearing, took testimony and requested that staff provide additional information related to parks and open space, tree removals and provide a brief discussion regarding any negotiations the City of Martinez had with respect to purchase of the property for public use. The meeting was continued to November 12, 2014, and the Planning Commission was provided with additional information regarding open space and tree removals. The Planning Commission took public testimony, closed the public hearing and recommended approval of the Mitigated Negative Declaration, General Plan Amendment, and Rezoning/Planned Development.

FINDINGS AND ACTION ON CEQA

The initial study determined that the project and its associated actions could not result in potentially significant impacts. However, mitigation measures were identified that will reduce all potentially significant impacts to a less than significant level. Based on the findings in the initial study a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program was prepared in compliance with the California Environmental Quality Act.

FINDING AND ACTION ON THE GENERAL PLAN AMENDMENTS

Pursuant to Government Code Section 65358 a legislative body may amend all or part of an adopted general plan. Furthermore, no mandatory element of the general shall be amended more frequently than four times per calendar year and each amendment may include more than one change. In addition, Government Code Section 65352.5 requires consultation with water supply agencies to insure that proper water supply occurs in order to accommodate projects. The project applicant has undergone review by the water agency and it was determined that the proposed development can be accommodated.

FISCAL IMPACT

No fiscal impact. The general plan amendment application is entirely based on cost recovery from the applicant and does not impact the General Fund. Upon development of the project area there will be a fiscal impact with respect to police, fire, water and roads.

Attachments

- A. Initial Study and Mitigated Negative Declaration
 - Appendix B – Air Quality
 - Appendix C – Biological Resources Evaluation
 - Appendix D – Prelim Arborist Evaluation/tree Survey Base w/photo
 - Appendix E – Cultural Report
 - Appendix F – Preliminary Geotechnical Evaluation
 - Appendix G – Supplemental Grading Recommendation
 - Appendix H – Phase I ESA
 - Appendix I – Phase II Soils Investigation
 - Appendix J – Noise Report
 - Appendix K – Traffic Report/Vine Hill TIA Technical Appendix
- B. Final Response to Comments on MND
- C. Mitigation Monitoring and Reporting Program
- D. Planning Commission Staff Report, dated October 28, 2014
- E. Planning Commission Staff Report, dated November 12, 2014

Exhibits

1. Resolution No. 14 (Draft)- Adoption of a Negative Declaration and Mitigation Monitoring Reporting Program
2. Resolution No. 14(Draft)- General Plan Amendment
 - a. Exhibit A- Land Use Map
 - b. General Plan Consistency Findings
 - c. Hidden Lakes Specific Area Plan Findings