



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
December 5, 2007**

TO: Mayor and City Council

FROM: Corey Simon, Senior Planner
Albert Lopez, Deputy Community Development Director

SUBJECT: Consideration of resolutions approving a) Mitigated Negative Declaration, with 2 substitute mitigation measures, and Mitigation Monitoring and Reporting Program; and b) General Plan Amendment to re-designate approximately 3 acres of a 5½ acres site, located at 635 Vine Hill Way from “Open Space” to “Residential.”

DATE: November 30, 2007

RECOMMENDATION:

Adopt attached draft resolutions, approving: a) Mitigated Negative Declaration, with 2 substitute mitigation measures, and Mitigation Monitoring and Reporting Program; and b) General Plan Amendment.

BACKGROUND:

On October 3, 2007, the City Council, on a 4-0 vote, indicated to staff their intent to approve a General Plan Amendment to re-designate approximately 3 acres of a 5½ acres site, located at 635 Vine Hill Way from “Open Space” to “Residential,” and directed staff to prepare the necessary resolutions, with findings, for Council action.

The Council’s consideration of the attached draft resolutions would normally be merely procedural; but at the applicant’s request, the City Council is also being asked to consider 2 “substitute” mitigation measures at this time. Pursuant to CEQA, an Initial Study and Draft Mitigated Negative Declaration were prepared and circulated for public comment prior to the Planning Commission’s hearing in July, 2007. Two of the proposed mitigation measures addressed the need for design refinements to preserve the relatively semi rural aesthetic of Vine Hill Way. The applicant is in agreement with the intent of the mitigation measures, in that the height and visual massing of the homes to be built on the proposed lots should be limited to preserve: a) the views currently enjoyed by Meadowvale residents, directly above the site and b) the rustic character of Vine Hill Way itself, where existing homes are visually diminutive, rather than being visually prominent. The text of the proposed “substitute” mitigation measures, and the process to approve such changes, are outlined below:

DISCUSSION

Issue #1 – Process for reviewing and approving Substitute Mitigation Measures:

CEQA regulations allow for “substitute mitigation measures” in cases where the newly proposed substitute measures are “equivalent or more effective” in achieving the desired mitigation, and when “the new measure will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.” Such substitute measure may be considered by the Council when the original measures are seen to be “infeasible and or otherwise undesirable.” The Council may substitute mitigation measures, after holding a public hearing on the matter, upon finding that:

- *The new and substitute mitigation measures are equivalent or more effective in mitigating the environmental impacts at issue than the previous or substituted mitigation measures.*
- *The substitute mitigation measures will not cause any potentially significant effects on the environment.*
- *The substitute mitigation measures are made conditions of the project or are otherwise incorporated into the project approval.*

In cases where the proposed changes in draft mitigation declaration and/or mitigations measures were to be seen as substantial (e.g. failing to mitigate a previously identified environmental impact), CEQA regulations would require a recirculation of the draft Mitigated Negative Declaration for additional public comment. As outlined below, the current proposals are technical refinements and clarifications, rather than “substantial changes” that would require re-distribution.

Issue #2 – Proposed text and basis for approving Substitute Mitigation Measures:

Subsequent to the Council indication of its desire to approve the applicant’s general plan request, the applicant approached staff to consider adjustment to the 2 proposed mitigation measure that address “Aesthetic” environmental factors.

The change requested to AES1 is strictly a technical clarification:

- Mitigation Measure AES-1 as circulated reads:

“The property line between proposed Lots 1 and 2 shall be moved *approximately 100’ eastward*, so that the side yards areas of the two lots ‘line up’ with Ashwood Drive, preserving more of the unbuilt appearance of the site from northbound Ashwood Drive.”

The specific reference to “approximately 100’” is not needed to provide the required degree of visual mitigation, as the desired realignment can be accomplished with a shift of approximately 80’ and therefore the proposed substitute mitigation measure, deleting the 100’ reference, is found to be equally effective in mitigating the otherwise significant effect on aesthetic

environmental factors. The illustration provided to the City Council on October 3, 2007 in fact showed the desired alignment. Staff concurs with applicant that the retention of the “100” reference is undesirable, and it has been deleted from the Draft Mitigation Monitoring and Reporting Program provided for Council’s consideration.

The change requested to AES2 is more of a substitution of the “tool” and “performance standard” to be used to restrain the height and visual prominence of the homes to be built on the site. It should be recalled that the Council is not considering either a subdivision or design review application this time. But CEQA requires that the environmental analysis consider all components of the project; so any mitigation measure regulating the character of the homes themselves will ultimately be implemented through conditions of approval as part of the tentative map process:

- Mitigation Measure AES-2 as circulated reads:

“The visual height the units ultimately to be built on the proposed lots (Design Review approval entitlements not requested at this time) shall be reduced by either lowering the average elevation of the homesite by off-haul grading and/or imposition of a more restrictive height limit (e.g. single story 18’ maximum) than the 2 story 25’ maximum typically allowed in the proposed R-10 Zoning District.”

One could find the above mitigation measure “undesirable”, in that it would require the applicant to make substantial modifications to the site and or restrictions to the lots’ development potential, with no performance standard to assure such changes would accomplish the desired mitigation for preserving views of existing residents of Meadowvale Court and minimizing the prominence of the new homes when viewed from Vine Hill Way

In order to provide an equivalent level of mitigation, but allow a high level of flexibility for the applicant, Planning Commission and ultimately the Design Review approval process to accomplish the desired restrained architecture, the following substitute language has been proposed:

- Substitute Mitigation Measure AES-2 as currently proposed reads:

“The visual height the units ultimately to be built on the proposed lots shall be reduced by: a) limiting the maximum height of roof peaks and ridges to the topographical elevation 305’ and b) Constructing homes that, when viewed from Vine Hill Way, highlight horizontal, rather than vertical design features. Techniques to be incorporated into the Vine Hill Way elevations shall include but are not limited to a “stepping back” of the second story from the plane of the first story, and the use of shed and hip, rather than gable roofs. In no case shall the Vine Hill Way elevation have an unarticulated, two-story vertical plane. As either a part of subdivision development and/or individual house construction, the average elevation of the homesite may be lowered by off-haul grading to further lower the profile of the front elevation. The above design standards are in addition to the 2 story 25’ maximum height limit of the proposed R-10 Zoning District. Final Design subject to Design Review Approval (Design Review approval entitlements not requested at this time).”

The “performance standards” approach as now proposed will assure the preservation of views enjoyed by Meadowvale Court residents and require home designs with Vine Hill Way elevations that minimize their visual presence with “stepped back” 2nd stories and strong horizontality; and therefore the proposed substitute mitigation measure is found to be equally effective as the mitigation measure originally circulated in mitigating the otherwise significant effect on aesthetic environmental factors

So in conclusion, the required findings for the 2 substitute measures can be meet:

- *The new and substitute mitigation measures are equivalent or more effective in mitigating the environmental impacts at issue than the previous or substituted mitigation measures, **in that the desired semi-rural aesthetic qualities, and views enjoyed by neighboring property owners, are preserved to an equal degree, and.***
- *The substitute mitigation measures will not cause any potentially significant effects on the environment, **in that they are merely provide additional regulation, and do not of themselves require any change to the environment; and.***
- *The substitute mitigation measures are made conditions of the project or are otherwise incorporated into the project approval, **in that the Draft Mitigation Monitoring and Reporting program requires that proposed “development standard” be carried through the subdivision approval process, and will ultimately become part of the CC&R’s of the subdivision..***

ATTACHMENTS

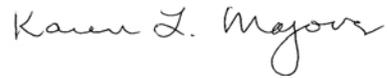
- Resolution (DRAFT), approving Mitigated Negative Declaration/Mitigation Monitoring reporting Program
- Resolution (DRAFT), approving General Plan Amendment

APPROVED BY:



City Manager

APPROVED BY:



Assistant City Manager Community
& Economic Development

RESOLUTION NO. -07

ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION AND MONITORING REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT REDESIGNATING APPROXIMATELY 3 ACRES FROM "OPEN SPACE" TO "RESIDENTIAL 0-6 UNITS/ACRE" AND FUTURE REZONE, MAJOR SUBDIVISION AND DESIGN REVIEW FOR 4 NEW SINGLE FAMILY HOMES TO BE BUILT ON 5½ ACRE SITE LOCATED AT 635 VINE HILL WAY

WHEREAS, on April 13, 2006 Gary Freitas filed an application for a General Plan Amendment, Rezone and Major Subdivision for four new single family homes on this 5½ acre parcel located at 635 Vine Hill Way ("the property"); and

WHEREAS, on February 13, 2007, the Planning Commission of the City of Martinez held a publicly noticed study session regarding the above development proposal; and

WHEREAS, on March 13, 2007, the applicant modified his application to a General Plan Amendment for the property to redesignate the property from "Open Space" to "Residential 0-6 units/acre." The applicant understands and acknowledges that before the property may be developed, an application for a rezoning of the property and for a tentative map will have to be submitted and approved by the City; and

WHEREAS, the City of Martinez has prepared a Mitigated Negative Declaration for the project , which consists of a General Plan Amendment, Rezone and Major Subdivision for four new single family homes; and

WHEREAS, the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program (Exhibit "A" attached) have been completed in compliance with the California Environmental Quality Act (CEQA) and the guidelines as promulgated by the State Secretary of Resources and notice has been provided to the public and to neighboring property owners in compliance with CEQA, the guidelines and the Martinez Municipal Code; and

WHEREAS, on July 24, 2007, the Planning Commission held and public hearing and considered all oral and written comments on the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program and issued its recommendations to the City Council; and

WHEREAS, on October 3, 2007, the City Council of the City of Martinez held a duly noticed public hearing on the project and considered oral and written comments on the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program and directed staff to prepare the necessary resolutions to adopt the Mitigation Monitoring and Reporting Program and the General Plan Amendment; and

WHEREAS, on December 5, 2007, the City Council of the City of Martinez held a duly noticed public hearing on the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program and the General Plan Amendment; and

WHEREAS, at the December 5, 2007 duly noticed public hearing, the City Council considered the substitution of two mitigation measures for two mitigation measures included within the circulated Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program; and

WHEREAS, Mitigation Measure AES-1 as circulated reads as follows:

"The property line between proposed Lots 1 and 2 shall be moved approximately 100' eastward, so that the side yards areas of the two lots 'line up' with Ashwood Drive, preserving more of the unbuilt appearance of the site from northbound Ashwood Drive"; and

WHEREAS, the substitute Mitigation Measure AES-1 as now proposed reads as follows:

"The property line between proposed Lots 1 and 2 shall be moved eastward, so that the side yards areas of the two lots 'line up' with Ashwood Drive, preserving more of the unbuilt appearance of the site from northbound Ashwood Drive"; and

WHEREAS, the substitute Mitigation Measure AES-1 is equivalent or more effective in mitigating the environmental impacts at issue than the circulated Mitigation Measure AES-1, in that the specific reference to "approximately 100'" is not needed to provide the required degree of visual mitigation, as the desired realignment can be accomplished with a shift of approximately 80' and therefore the proposed substitute mitigation measure, deleting the 100' reference, is found to be equally effective in mitigating the otherwise significant effect on aesthetic environmental factors; and

WHEREAS, the substitute Mitigation Measure AES-1 will not cause any potentially significant effects on the environment, in that both the original and substitute mitigation measures merely provide additional regulation, and do not of themselves require any change to the environment; and

WHEREAS, Mitigation Measure AES-2 as circulated reads as follows:

"The visual height the units ultimately to be built on the proposed lots (Design Review approval entitlements not requested at this time) shall be reduced by either lowering the average elevation of the homesite by off-haul grading and/or imposition of a more restrictive height limit (e.g. single story 18' maximum) than the 2 story 25' maximum typically allowed in the proposed R-10 Zoning District"; and

WHEREAS, the substitute Mitigation Measure AES-2 as now proposed reads as follows:

"The visual height the units ultimately to be built on the proposed lots shall be reduced by: a) limiting the maximum height of roof peaks and ridges to the topographical elevation 305' and b) Constructing homes that, when viewed from Vine Hill Way, highlight horizontal, rather than vertical design features. Techniques to be incorporated into the Vine Hill Way elevations shall include but are not limited to a "stepping back" of the second story from the plane of the first story, and the use of shed and hip, rather than gable roofs. In no case shall the Vine Hill Way elevation have an unarticulated, two-story vertical plane. As either a part of subdivision development and/or individual house construction, the average elevation of the homesite may be lowered by off-haul grading to further lower the profile of the front elevation. The above design standards are in addition to the 2 story 25' maximum height limit of the proposed R-10 Zoning District. Final Design subject to Design Review Approval (Design Review approval entitlements not requested at this time)"; and

WHEREAS, the substitute Mitigation Measure AES-2 is equivalent or more effective in mitigating the environmental impacts at issue than the circulated Mitigation Measure AES-2, for the following reasons:

1. The mitigation measure as originally circulated would require substantial modifications to the site and place restrictions to the lots' development potential, with no performance standard to assure such changes would accomplish the desired mitigation for preserving views of existing residents of

Meadowvale Court and minimizing the prominence of the new homes when viewed from Vine Hill Way; and

2. The substitute mitigation measures provides performance standards to assure the preservation of views enjoyed by Meadowvale Court residents and require home designs with Vine Hill Way elevations that minimize their visual presence with "stepped back" 2nd stories and strong horizontality; and therefore the proposed substitute mitigation measure will be equally effective as the mitigation measure originally circulated in minimizing the prominence of the new homes when viewed from Vine Hill Way and thus mitigating the otherwise significant effect on aesthetic environmental factors.

WHEREAS, the substitute Mitigation Measure AES-2 will not cause any potentially significant effects on the environment, in that both the original and substitute mitigation measures merely provide additional regulation, and do not of themselves require any change to the environment; and

WHEREAS, at the December 5, 2007 duly noticed public hearing, the City Council considered all oral and written comments on the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program, including comments regarding the substitute mitigation measures identified above.

NOW, THEREFORE, BE IT RESOLVED by the Martinez City Council that:

1. The Mitigated Negative Declaration for the project is hereby approved with the two substitute mitigation measures identified above.
2. The above recitals are found to be true and constitute part of the findings upon which this resolution is based.
3. For the reasons stated in the recitals, the City Council finds that these two substitute mitigation measures are equivalent or more effective in mitigating and environmental impacts at issue than the circulated mitigation measures.
4. For the reasons stated in the recitals, the City Council finds that the two substitute mitigation measures will not cause any potentially significant effects on the environment.
5. Because the two substitute mitigation measures are equal or more effective than the circulated mitigation measures and conform with Public Resources Code Section 21080(f) and sections 15073.5 and 15074.1 of the CEQA Guidelines, the City Council may approve the Mitigated Negative Declaration without recirculating the Mitigated Negative Declaration.
6. The two substitute mitigation measures shall be made conditions of the project or otherwise incorporated into the project approval.

7. The City Council further finds that on the basis of the whole record before it, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and the proposed mitigated negative declaration, with the two substitute mitigation measures, reflects the City's independent analysis and judgment. Furthermore, the Mitigated Negative Declaration, proposed mitigation measures (with the two substitute mitigation measures) and Mitigation and Monitoring Reporting Program for said project is found to be complete and in compliance with CEQA, the CEQA Guidelines, and City CEQA requirements.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of December 2007, by the following vote:

AYES:
NOES:
ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Exhibit A

CITY OF MARTINEZ

DRAFT MITIGATED NEGATIVE DECLARATION

Project Name: Freitas Development - Subdivision 9120, requiring General Plan Amendment and Rezoning of portion of Private "Pine Meadows" Open Space

Project Location: The project site is located at 633 Vine Hill Way, at the northeast corner of Vine Hill Way and Morello Avenue, within the City of Martinez, in Contra Costa County. (APN 162-420-009)

...
Description of project: The property owner proposes to subdivide a 5.57 acre parcel to allow the development of 4 new single family homes, in addition to the one existing single-family home, at 635 Vine Hill Way. The development also requires a General Plan Amendment and Rezoning of approximately 3 acres from "Open Space" to "Residential.". Proposed lots will range between ±16,000 to ±72,000 square feet. The 4 new residential lots would generally be located adjacent to the intersection of Ashwood Drive and Vine Hill Way. Project would require the rezoning of approximately 3 acres from OS (Open Space) to R-10 (One-Family Residential: 10,000 square feet minimum site area). The property is mostly grassland, which has been seasonally mowed since this lot was created in the mid 1970's as a part of the "Pine Meadows" subdivision. The northeast corner of the property has been improved with a single family residence and accessory structures, all of which are within the ½ acre portion of the site currently zoned "residential." The remaining 5 acres is currently zoned as "Open Space." At the time of the subdivision's approval, the parcel was envisioned as a "horse set up" lot, preserving the ungraded slopes adjacent to Vine Hill Way and Morello Avenue frontages as scenic mitigations within the then urbanizing Vine Hill Way corridor. The frontages themselves were planted with naturalizing tree species and improved with a rustic walking trail. The proposal would create a new "shared driveway" behind the trail, parallel to Vine Hill Way. Approval for the grading and design of the customs home for the 4 new lots is not being requested at this time.

The project will require the following entitlements:

- (a) General Plan Amendment to change the land use designations of approximately three acres from Open Space to Residential.
- (b) Rezoning from OS to R-10
- (c) Major Subdivision Map to allow for 5 single family lots

Findings: It is hereby determined that, based on the information contained in the attached Initial Study, the project would not have a significant adverse effect on the environment.

Mitigation measures necessary to avoid, or reduce to a less-than-significant level, the project's potentially significant effects on the environment are detailed on the following pages. These mitigation measures are here by incorporated and fully made part of this Draft Mitigated Negative Declaration. The project applicant has hereby agreed to incorporate and implement each of the identified mitigation measures as part of the project. The Mitigation Measures will be adopted as a part of a Mitigation Monitoring and Reporting Program.



Corey M. Simon, Senior Planner

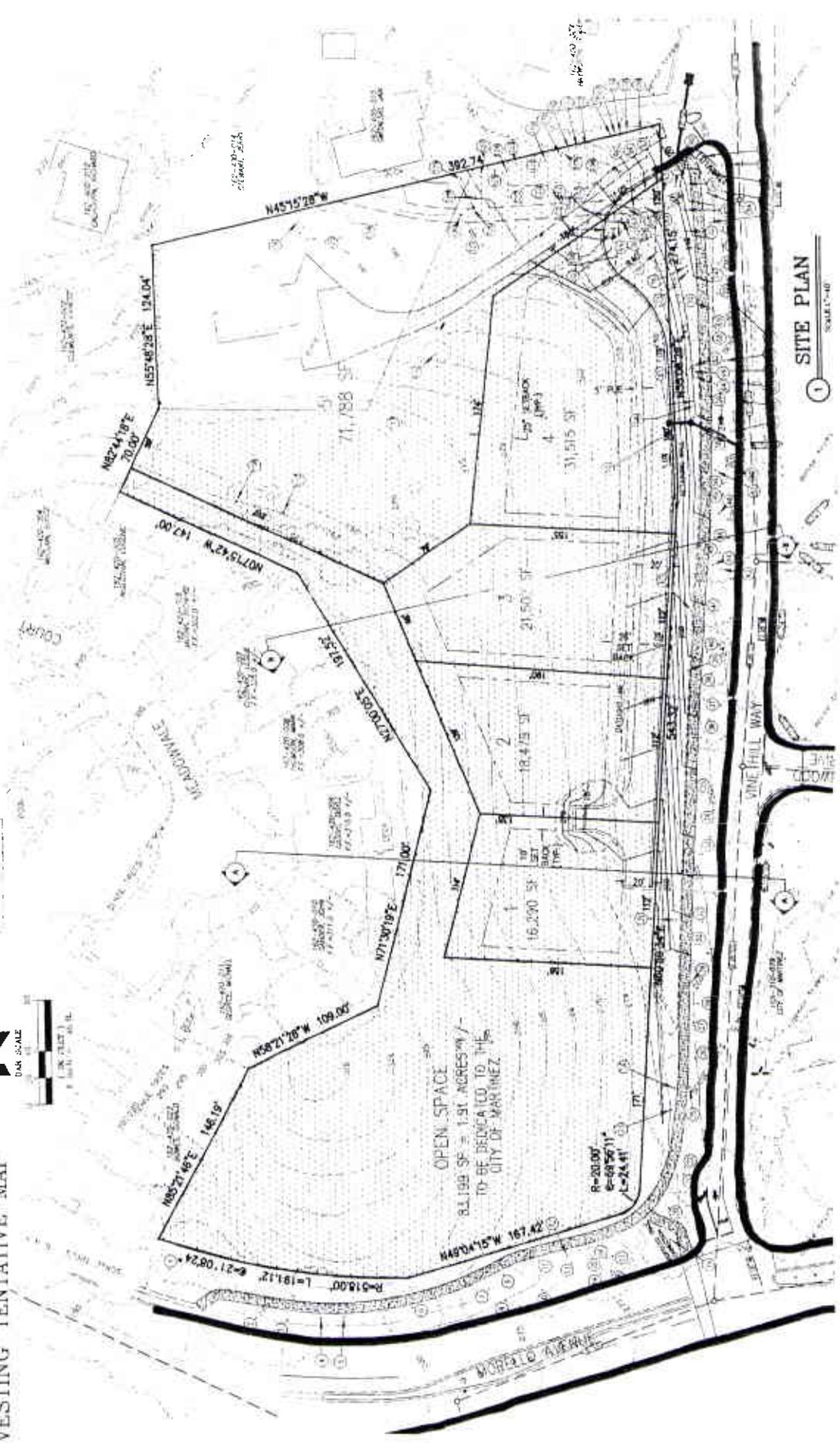
June 29, 2007

Date

VINE HILL WAY
 FREITAS PROPERTY
 VESTING TENTATIVE MAP



CURRENT PRIVATE OPEN SPACE ZONING



SITE PLAN
 SCALE 1"=40'

CITY OF MARTINEZ

Initial Study

1. **Project title:** Freitas Subdivision – 635 Vine Hill Way
2. **Lead agency name and address:** City of Martinez
3. **Contact person and phone number:** Corey M. Simon, Senior Planner, (925) 372-3515
4. **Project location:** 635 Vine Hill Way, (APN 162-420-003)
5. **Project sponsor's name and address:** Gary Freitas, c/o
Peabody Engineering; Ross Peabody
1700 Alhambra Blvd, #102
Sacramento, CA 95816

6. **General Plan:** (HIDDEN LAKES SPECIFIC AREA PLAN)

EXISTING
 - Private Open Space; 5 ac.
 - Residential; 0 - ½ units/acre; ½ acre
PROPOSED
 - Residential; 0 – 6 units/acre; 3½ acre
 - Public Open Space; 2 ac.
7. **Zoning:**

EXISTING
 - "OS" - Open Space; 5 ac.
 - "R-20" - Residential Single Family, 20,000 sq ft. min lots size; ½ ac.
PROPOSED
 - "R-10" - Residential Single Family, 10,000 sq ft. min lots size; 3½ ac.
 - "OS" - Open Space; 2 ac.

8. **Description of project:** The property owner proposes to subdivide and develop a 5.57 acre parcel into five residential lots, with a 2 acre "remainder" to become public open space. The property is located at the northeast corner of Vine Hill Way and Morello Avenue. The site is irregular in shape with an upward slope from Morello Avenue and Vine Hill Way. The property is mostly grassland, which has been seasonally mowed since this lot was created in the mid 1970's as a part of the "Pine Meadows" subdivision. The northeast corner of the property has been improved with a single family residence and accessory structures, all of which are within the ½ acre portion of the site currently zoned "residential." The remaining 5 acres is currently zoned as "Open Space." At the time of the subdivision's approval, the parcel was envisioned as a "horse set up" lot, preserving the ungraded slopes adjacent to Vine Hill Way and Morello Avenue frontages as scenic mitigations within the then urbanizing Vine Hill Way corridor. The frontages themselves were planted with naturalizing tree species and improved with a rustic walking trail.

The property is within the boundaries of the Hidden Lakes Specific Plan, which designates 5 acres of the site as "Private Open Space." The proposal requires a General Plan Amendment as well as a rezone to permit the development of four additional single family homes. In addition, the applicant is proposing a re-zoning of 3½ acres of the property from OS to R-10 (One-family Residential: 10,000 minimum lots). Proposed lots will range between ±16,000 to ±72,000 square feet. A variance to the density limitations of the Hillside Development Regulations is also requested, as with average slopes in the 10 to 30% range, a maximum of 4 units would typically be allowed in the proposed development area.

Minimal site grading and access improvements are proposed; the developer plans to grade a shared access driveway, taking access for all five parcels from the current access point for 635 Vine Hill Way and constructing a frontage drive parallel to Vine Hill Way. Grading for the 4 homesites, as well as architectural plans, are being deferred to future buyers.

The project requires the following entitlements:

- (a) General Plan Amendment to change the land use designations from Open Space to Residential.
- (b) Rezoning from OS to R-10
- (c) Variance to allow exception to the density limitations of the Hillside Development Regulations
- (d) Major Subdivision Map to allow for 5 single family lots and public open space parcel

9. **Surrounding land uses and setting:** The site is within a largely urbanized area of residential uses, with Vine Hill Way retaining a somewhat of a rural appearance due to open space strips (including the subject site) along its frontage. The area immediately to the north consists of "standard" 1970's production subdivision, and the west and east are larger homes and lots of varying styles and ages. The area to the immediate south (across Vibe Hill Way) is a landscaped area zoned Open Space, beyond which is a townhome development from the early 1970's.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).** No other public agency approval is required
11. **Other project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulation including, but not limited to the City of Martinez Improvement Standards, the California Building Code, the Contra Costa County Water Agency Code, the Contra Costa County Flood Control Water Conservation District Design Criteria and Standards, the State Health and Safety Code, and the State Public Resources Code.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a potentially significant impact or potentially significant unless mitigated impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Corey M. Simon, Senior Planner

June-29, 2007

Date

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input checked="" type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided in the Discussion section for all answers except "No Impact" answers that are adequately supported by the information sources cited in the question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact". Mitigation measures are described and how they reduce the effect to a less than significant level. Measures from earlier analyses may be cross-referenced.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration.
6. Where ever possible references to information sources for potential impacts (e.g., general plans, zoning ordinances) are incorporated into the checklist. Where appropriate, a reference to the page or pages where the statement is substantiated is included. A source list is attached, and other sources used, or individuals contacted, are cited in the discussion.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
L AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?		X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

Discussion:

a-d) The site subject 5.5 acre parcel, the majority of which is designated private open space, is the result of the environmental review/public review process that created the 1976 subdivision (“Pine Meadows”) of which it’s a part. At that time, the City wished to preserve the rural appearance of Vine Hill Way, then the only through road within the urbanizing area. The perspective toward what was then known as “Coward’s Knoll” (now cul-de-sac bulb of Meadowvale Court) was seen as the most significant, thus the western third of the site is proposed to remain as open space. Of secondary significance was the view onto the site from Vine Hill Towhomes, and the “windshield perspective” east of the knoll.

Visual simulations illustrate the impact of the proposed development, as illustrated in Attachment 1. While the existing trees along the unusually wide right-of-way between edge of pavement and subject property (trail and plantings also part of original 1976 subdivision) provide some mitigation, additional design refinements are needed to reduce the visual impacts of the new units. With the mitigations listed below, the units themselves would be visually diminutive, thus preserving the original intent of the open space designation.

- Mitigation Measure AES-1: The property line between proposed Lots 1 and 2 shall be moved approximately 100’ eastward, so that the side yards areas of the two lots “line up” with Ashwood Drive, preserving more of the unbuilt appearance of the site from northbound Ashwood Drive.
- Mitigation Measure AES-2: The visual height the units ultimately be built on the proposed lots (Design Review approval entitlements not requested at this time) shall be reduced by either lowering the average elevation of the homesite be off-haul grading and/or imposition of a more restrictive height limit (e.g. single story 18’ maximum) than the 2 story 25’ maximum typically allowed in the proposed R-10 Zoning District.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				X
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Discussion:

- a-c) The project area is in an urbanized setting while the specific land use category targets open space the site has already been developed with a single family home. The project area is an urbanized setting where there are no agricultural resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

- a) The project would not conflict with or obstruct implementation of an applicable air quality plan.
- b) The project will result in an increase to the existing neighborhood development density. The minimal increase in car trips and emissions resulting from the addition of any new units will not result in a violation of any existing or projected air quality standards.

The effects of construction activities would be increased dustfall and locally elevated levels of particulates downwind of construction activity. Construction dust has the potential to create an annoyance at nearby properties or at previously completed portions of the proposed project. In addition to annoyance effects, excess dustfall can increase maintenance and cleaning requirements and could adversely affect sensitive electronic devices. Emissions of particulate matter of visible emissions are regulated by the BAAQMD under Regulation 6 "Particulate Matter and Visible Emissions." Specifically, visible particulate emissions are prohibited where the particulates would be deposited on real property other than that of the person responsible for the emissions. Implementation of the following mitigation measure would reduce fugitive dust-related air quality impacts to a less-than-significant level:

- **Mitigation Measure AIR-1:** The "Basic Measures" and the "Enhanced Measures" listed in Table 1 shall be incorporated into the construction plans for the proposed project. The "Optional Measures" listed in Table 1 shall be incorporated in further emission reductions are deemed necessary by the City. The City shall review the project's construction plans prior to issuance of a building permit to ensure these measures have been incorporated

TABLE 1:

FEASIBLE CONTROL MEASURES FOR CONSTRUCTION EMISSIONS OF PM10

<p>Basic Control Measures. - The following controls should be implemented at all construction sites.</p> <ul style="list-style-type: none">• Water all active construction areas at least twice daily.• Cover all trucks hauling soil, sand, and other loose materials <i>or</i> require all trucks to maintain at least two feet of freeboard.• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.• Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
<p>Enhanced Control Measures. - The following measures should be implemented at construction sites greater than four acres in area.</p> <ul style="list-style-type: none">• All "Basic" control measures listed above.• Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).• Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)• Limit traffic speeds on unpaved roads to 15 mph.• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.• Replant vegetation in disturbed areas as quickly as possible.
<p>Optional Control Measures. - The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions.</p> <ul style="list-style-type: none">• Install wheel washers for all exiting trucks, or wash off the tires or tracks of all

c-e)Development of the site is considered infill and a continuation of the nearby residential use of the property. Residential developments and the uses normally associated with them do not tend to

create objectionable odors. The introduction of any potential units in this area would not result in a cumulative net increase for any criteria pollutant for which the region is non-attainment under federal or state air quality standards.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES — Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion:

- a) The area is developed with multiple and single family residences and does not provide habitats for special or endangered species.
- b) The site and its immediate vicinity do not contain any riparian habitats or sensitive natural communities as identified by any local or state agencies and policies.
- c) There are no wetlands on or near the project site.
- d) There are no natural watercourses or wildlife habitats in the area.
- e) The project will most likely have an impact on a stand of dense trees located along Vine Hill Way. A tree survey shall be required as a part of the project application indicating the number, size, species, and location of the dripline of all trees on the property.
- f) There are no local, regional, or state habitat conservation plans applicable to the site. A tree table has been included as part of the submittal, but no plans are yet drawn for tree removal. The intent is to preserve major trees along the hiking trail at Vine Hill Way, which is major tree stand in the area.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion:

- a-c) There are no known cultural resources on the property.
- d) There are no known human remains on the site, however, to protect against previously unknown conditions, the developer will be required to follow the appropriate procedures as outlined by the California Health and Safety Code Section 7050.5 in the event that any human remains are discovered. If human remains are encountered at any point during project construction, all work within 50 feet of the find shall be halted and the Contra Costa County Coroner shall be notified immediately. In addition, a qualified archaeologist shall be contacted to examine the situation. If the human remains are of Native American origin, the coroner shall notify the Native American Heritage Commission within 24 hours of the identification. Pursuant to section 5097.98 of the Public Resources Code, The Native American Heritage Commission shall identify a Native American most likely descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The construction contractor shall abide by these recommendations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS — Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
• Strong seismic ground shaking?				X
• Seismic-related ground failure, including liquefaction?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
• Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Discussion:

- a-c) There are no known faults on the site or its area. Seismically induced ground shaking with minor structural damage may occur within the economic life of the development.
- d) There is a moderate expansion potential of the on-site clayey soil, as is typical throughout the entire area. The property owner's geotechnical report, and subsequent City peer review, did not indicate any restriction to development of the nature that has already occurred on the surrounding properties. As a custom home development, foundations will be reviewed on a case-by-case basis.
- e) Sanitary sewer systems will be utilized at this site.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X

Discussion:

- a-d) The project will result in the continuation of existing residential use. The activities normally associated with residential use would not result in the creation, emission, or transport of hazardous materials.
- e-f) The project is not located within an airport land use plan or within the vicinity of a private airstrip.
- g) The proposed subdivision would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- h) The project site is contained within an established residential neighborhood with no significant open spaces or wildland areas nearby. Therefore, the risk of exposure to wildland fires is non-existent.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place a building within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion:

a,c-f)As a residential use, there will be discharge of wastewater, other than typical residential sewage. The Site is within the Central Contra Costa Sanitation District, who is responsible for wastewater treatment. There are no natural watercourses on the project site or its area.

Runoff water quality is regulated by the Federal National Pollution Discharge Eliminating System (NPDES) Nonpoint Source Program (established through the Clean Water Act). The NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. The Program is administered by the California Regional Water Quality Control Boards. The project site would be under the jurisdiction of the San Francisco Bay RWQCB.

The City of Martinez is a participant in the Contra Costa Clean Water Program. The Clean Water Program maintains compliance with the NPDES Storm Water Discharge Permit and promotes storm water pollution prevention within that context. Compliance with the NPDES Permit is mandated by State and Federal statutes and regulations.

New development and significant redevelopment projects that are subject to Provisions C.3 of the NPDES Permit are grouped into two categories based on project size. The proposed project would be considered a Group 1 project, a redevelopment project that would create or replace more than one acre of impervious surface (e.g. roof area, streets, sidewalks, parking lots). This project is subject to the provisions included below:

- Numeric Sizing Criteria For Pollutant Removal Treatment Systems
- Operation and Maintenance of Treatment Measures
- Limitation on Increase of Peak Stormwater Runoff Discharge Rates

The proposed project has been designed at a conceptual level. Final grading, drainage, or landscape plans have not yet been developed for the site. Construction activities and post construction land uses could result in degradation of water quality in nearby surface water bodies by reducing the quality of storm water runoff. Implementation of the following mitigation measures would ensure compliance with the above noted standards and guidelines to ensure potential impacts to water quality would be less than significant:

- Mitigation Measure HYD-1: The project applicant shall submit grading and drainage plans to the City Engineering Division for their review and approval. The grading plan and the drainage plan for the project shall be prepared by a licensed professional engineer. The plans shall include drainage components that are designed in compliance with City of Martinez standards. In addition, the applicant shall submit a complete Stormwater Control Plan for all phases of project, an Operations and Maintenance Plan, and apply for a C.3. Permit.
- Mitigation Measure HYD-2: The applicant shall file a Notice of Intent (NOI) to comply with the General Construction Activity permit. This permit requires that the project proponent prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on site and made available to RWQCB, or City staff upon request. The SWPPP shall be submitted to the City prior to approval of the grading plan. The City shall review and approve the final design for operational period BMP's. The SWPPP shall include:
 - Specific and detailed Best Management practices (BMP's) designed to mitigate construction related pollutants to a level of insignificance. At minimum, BMP's shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

- An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.
- The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with the State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable runoff” The developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.
- BMP’s designed to reduce erosion of exposed soil, may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins,. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMP’s selected shall focus on erosion control, which is, keeping sediments on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1st and irrigated as necessary to ensure that adequate root development has occurred prior to October 1st. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash down facilities shall be provided and designed to be accessible and functional during both dry and wet conditions.
- Mitigation Measure HYD-3: The applicant shall fully comply with the requirements and intent of the current County NPDES permit. The permit requires a comprehensive approach to stormwater management that implements: a) site design measures to minimize impervious area, reduce direct connections between impervious area and the storm drain system, and mimic natural systems; and employs; b) source control, and c) treatment control measures, which can reduce runoff and the entry of pollutants into stormwater and receiving waters. The project shall incorporate site design measures for reducing water quality impacts of the project in compliance with the NPDES Permit Provision C.3 requirements.
- Mitigation Measure HYD-4: Landscaping proposed as part of the project shall utilize Integrated Pest Management (IPM) practices to reduce the potential sources of pollution on the site. The applicant shall include procedures to reduce pesticide, fertilizer, and water use, and designate an IPM certified applicator in the Operations and Maintenance Plan submitted to the City prior to issuance of a Certificate of Occupancy.
- g-h) The site is not located within a 100-year flood hazard area (Flood Insurance Rate Map, Community Panels #0650440002 B, May 2, 2002).
- i) The project will not affect a levee or dam.
- j) The project is not in a coastal location which could be subject to seiche or tsunami. There are no significant natural watercourses in the area that could cause mudflow.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING — Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

- a) The project will result in the infill development on 4 new parcels within a developed residential neighborhood of similar density. The project would be integrated into the established residential community rather than divide it.
- b) The project site is part of a pre existing Open Space zoning district, which does not allow residential development. The project applicant has requested both a zone change and a General Plan Amendment . The existing zoning is OS (Open Space), and the General Plan Designation is Open Space. As discussed under “Aesthetics” above, the open space designation was driven more by visual, rather than land use, as the City wished to preserve the rural appearance of the Vine Hill Way corridor. At the time the subject subdivision was under consideration, custom home development was not considered as an optional means of preserving the rural aesthetic. The proposed reduction in open designated land is a less than significant impact in light of the limited visual impact of the proposed units location and configuration on the 5.5 acre parcel.
- c) There are no habitat conservation plans applicable to the property and its vicinity.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

- a, b) The project site does not contain known mineral resources nor is the site delineated in the City's General Plan as a locally-important mineral resource recovery site.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE — Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

a-d) The project will result in the continuation of the site's current residential use. The introduction of five new dwelling units to the area will not substantially increase existing ambient noise levels. Future noise sources that may occur when the site is redeveloped would come from car noise and human voices. These levels are not anticipated to exceed the City's exterior standard of 60 decibels. Construction noise will occur when the site is redeveloped. The City's Noise Ordinance mitigates the impact of noise through regulating construction work hours.

e-f) The project site is not located within an airport zone or near a private airstrip.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

- a) The number of units proposed for the site will not result in a significant increase to population. Based upon a household population of 3 persons/dwelling, the site can be expected to accommodate 12 additional persons with the addition of 4 new residences. This is not considered a substantial increase in the population of the neighborhood.
- b-c) No housing or substantial numbers of people will be displaced under this proposal.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES —				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
• Fire protection?				X
• Police protection?				X
• Schools?				X
• Parks?				X
• Other public facilities?			X	

Discussion:

- a) Increasing the residential density will not have an adverse impact on the fire district. Design details for any specific development project will require review by the district to ensure the plan meets district requirements.
- The intensity of development will probably not result in an increase in the number of police calls as a result of crowded conditions. The department to ascertain whether appropriate crime prevention measures have been incorporated into the overall plan will review development plans.

- The change in land use and the potential build out of the site is not expected to create an impact on other public services.
- The potential population would not create an impact on local parks/recreation facilities. City code requires the applicant to pay park dedication fees to offset impacts on existing park facilities. It should be noted however that due to financial limitations, it has not been the City's policy to accept, as public property, small "undeveloped" open spaces parcels, such as the 2 ac site proposed for public dedication. Such parcels are usually places within scenic easements, and are privately maintained. Given the proposal for a shared driveways and related landscaping within the Vine Hill Way right-of-way, establishment of a HOA for maintenance is anticipated.
- The change in land use and the potential build out of the site is not expected to create an impact on other public services.
- The applicant will be required to pay all applicable fees as mandated by State Law.
- The applicant will be required to pay all applicable city fees as mandated by the City.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION —				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

Discussion:

- The change in land use would not create a significant additional demand for parks or recreational facilities.
- There are no recreational facilities proposed in the subdivision plans. The proposed open space is solely for scenic purposes. City code requires the applicant pay any appropriate park dedication fees.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC — Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion:

- a) The change in land use will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- b) The projected vehicle volumes would not exceed projected levels of service either individually or cumulatively. It is anticipated that both Vine Hill Way and Morello Avenue will continue to function at an acceptable level of service.
- c) The proposed new land use does not affect air traffic patterns.
- d) The shared driveway access off of Vine Hill Way (already used by existing residence and approximately 5 residences at 560-580 Vine Hill Way) will need to be reconfigured to avoid potential points of conflict. Staff and applicant envision a more conventional “cul-de-sac” type bulb to adjoin Vine Hill Way itself, with three distinct “driveways” (one for 560-580 Vine Hill Way, a second for existing residence, and a third for the 4 new lots being proposed) to provide access to the homes themselves. Specific alignments and driveway plans will be reviewed by the City to determine conformity with subdivision codes and traffic safety standards.
- e) All units will have adequate emergency access from frontage road as proposed.
- f) Since the actual “frontage” of the individual lots will be on a shared private drive, as opposed to a public street, visitor parking could become an issue for future residence unless provisions were made on each lot. Subdivision requirements are envisioned to require a minimum of 2 off-driveway spaces (in individual private driveway and or parking bay), in addition to required garage parking.

- g) No conflicts with alternate transportation programs will result.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS —				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion:

WATER SERVICE: The Contra Costa Water District (CCWD) provides untreated water, or "raw" water, to the City of Martinez., with the City acting as its own water service provider. The CCWD takes its water from the Sacramento-San Joaquin Delta, which is the primary source of water for 430,000 residents in central and eastern Contra Costa County. The CCWD supplies treated water to all urbanized areas in central Contra Costa County that are not serviced by EBMUD.

SEWER SERVICE: The Central Contra Costa Sanitation District (CCCSD) provides wastewater collection and treatment services to portions of the City of Martinez.

ELECTRIC AND NATURAL GAS SERVICE: Pacific Gas and Electric Company provides electric service to the Hercules Pump Station and residents and businesses in the City of Martinez.

CABLE SERVICE: Comcast Company provides cable service to residents and businesses in the City of Martinez.

TELEPHONE SERVICE: SBC / AT&T provides telephone service and access to local and long distance carriers to the City of Martinez.

GARBAGE AND RECYCLING SERVICE: Pleasant Hill Bayshore Disposal (aka Allied Waste) serves the City of Martinez.

Discussion:

- a-b) The proposed change in land use designation, and proposed development, will not cause an increase in wastewater treatment requirements that would exceed current carrying capacity, nor will the project result in the need to construct new water or wastewater treatment facilities.
- c) Future development will be required to provide on-site storm drainage that would be conveyed into the existing system.
- d-e) The proposed project is located within the service areas of the wastewater provider (Central Contra Costa Sanitary District) and water supplier (Contra Costa Water District). As such, development of the site has been considered in the purveyors' projections to serve.
- f) The City of Martinez is currently served by Allied Waste, which handles solid waste and recycling services for the City. All household refuse is first taken to the Allied Waste transfer station (unincorporated area of Martinez.), and that which is not recycled is taken to the Keller Canyon Landfill in Pittsburg, which has sufficient capacity for the County's waste stream.
- g) There is no impact because this question does not pertain to the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE —				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (±Cumulatively considerable± means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion

- a-c) The change in the land use designation and resultant residential development will not substantially degrade the environment, create cumulative impacts that cannot be mitigated or cause substantial adverse effects on human beings.

SUPPLEMENTAL INFORMATION

Attachments:

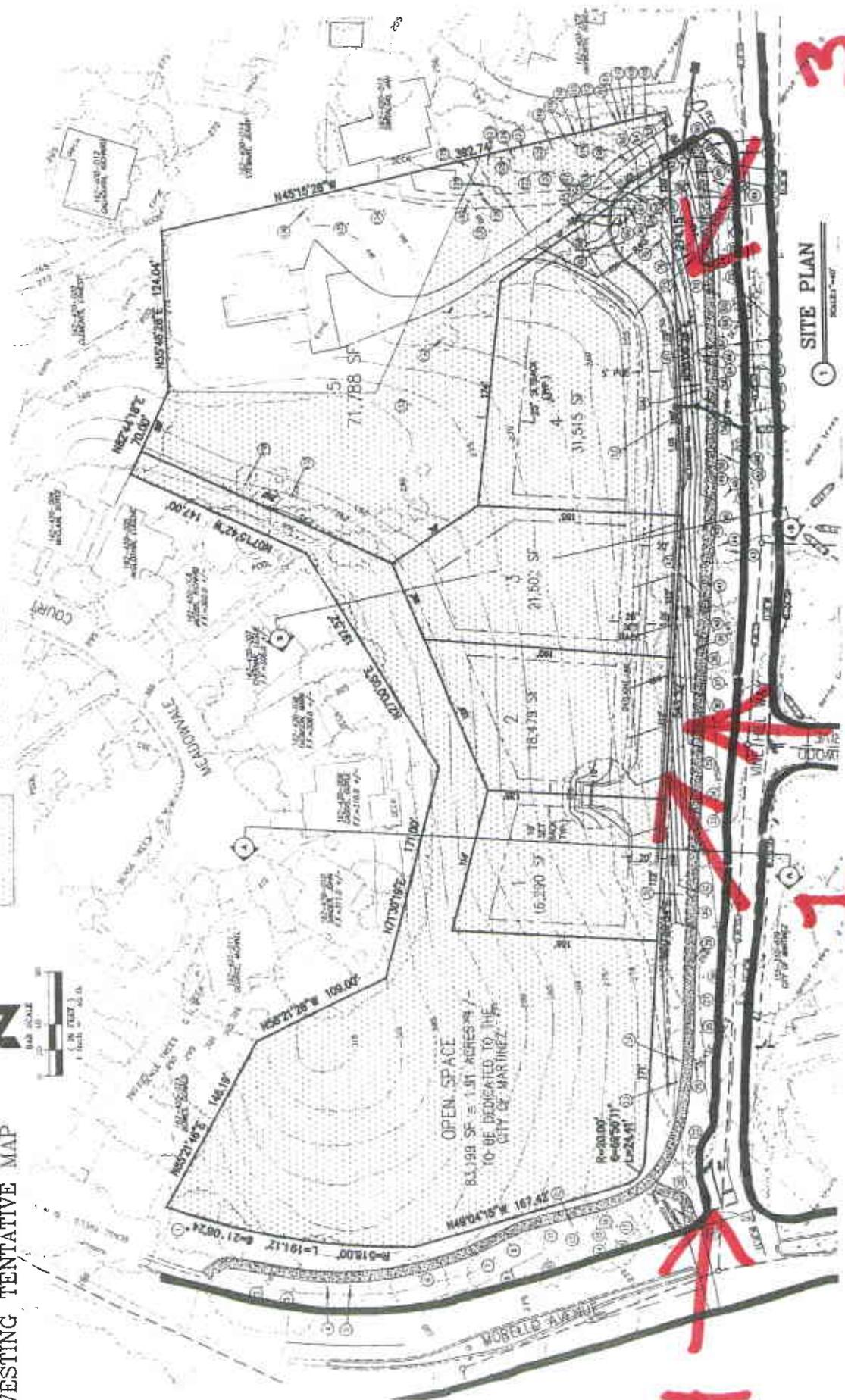
1. Site Plan
2. Photo simulations of proposed residential development

VISUAL ANALYSIS - EXISTING AND PROPOSED CONDITIONS
 FREITAS PROJECT Initial Study, 2007.06.29

VINE HILL WAY
 FREITAS PROPERTY
 VESTING TENTATIVE MAP



CURRENT PRIVATE OPEN SPACE ZONING



1 SITE PLAN
 SCALE: 1/4" = 10'

3

2

1/12

4

OPEN SPACE
 81,198 SF = 1.91 ACRES +/-
 TO BE DEDICATED TO THE
 CITY OF MARTINEZ

71,788 SF

31,515 SF

21,500 SF

18,478 SF

16,290 SF

145°15'28"W

145°45'28"E 124.04'

145°45'28"E 70.00'

145°45'28"E 147.00'

145°45'28"E 147.00'

145°45'28"E 171.00'

145°45'28"E 108.00'

145°21'16"E 144.19'

145°21'16"E 167.42'

145°21'16"E 167.42'

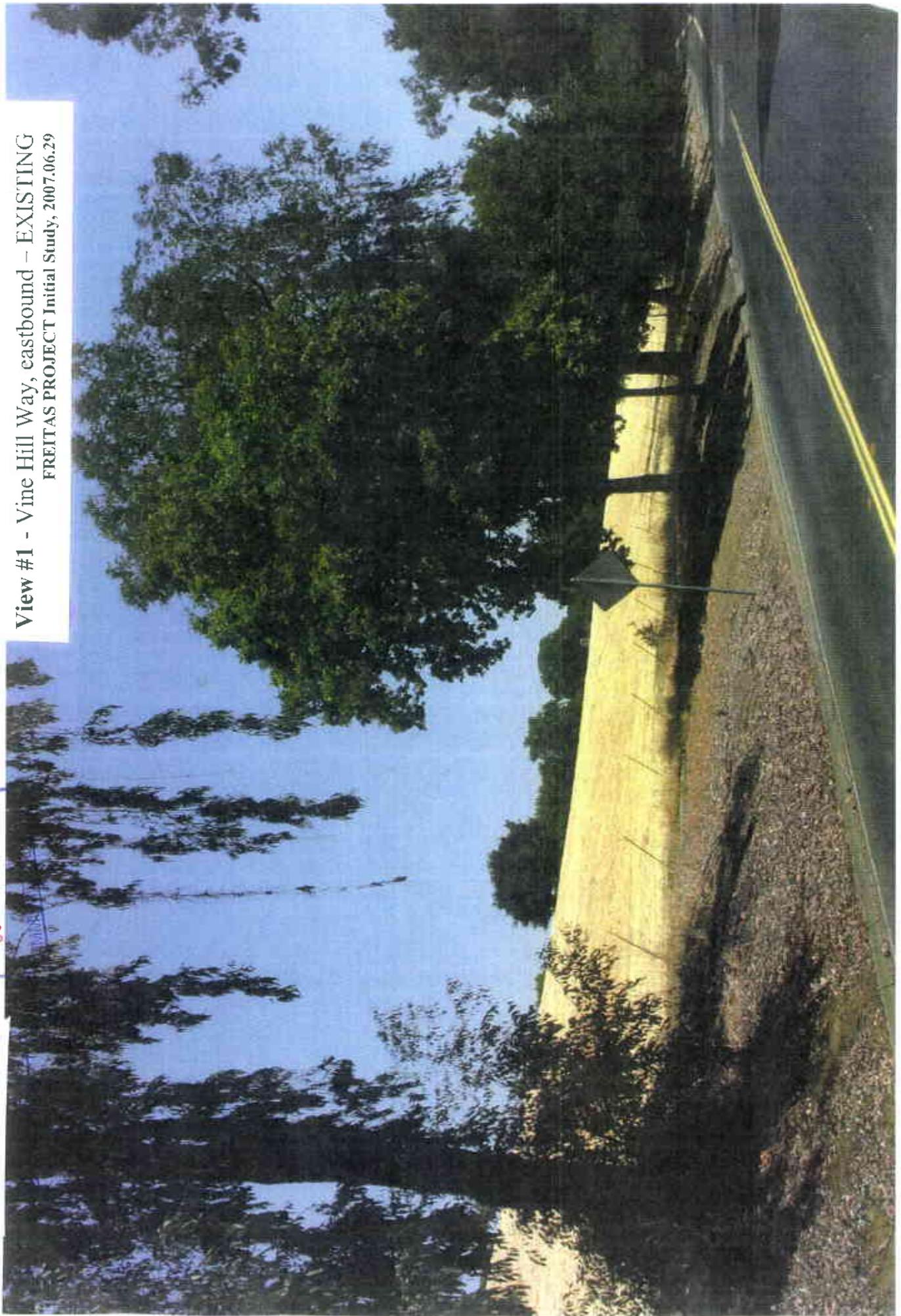
145°21'16"E 167.42'

145°21'16"E 167.42'

RECEIVED

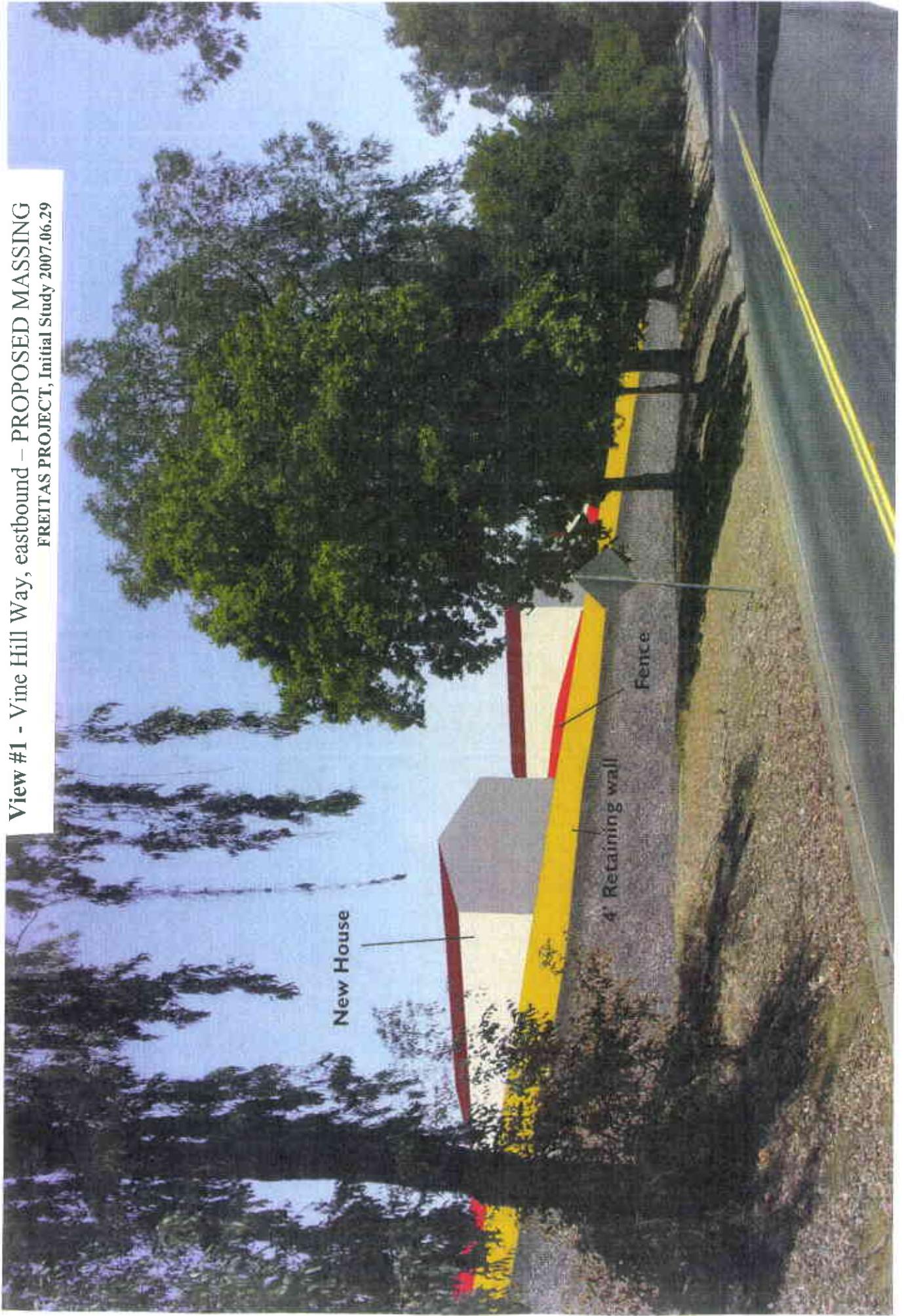
JUN 19 2007

View #1 - Vine Hill Way, eastbound - EXISTING
FREITAS PROJECT Initial Study, 2007.06.29



2/13

View #1 - Vine Hill Way, eastbound - PROPOSED MASSING
FREITAS PROJECT, Initial Study 2007.06.29

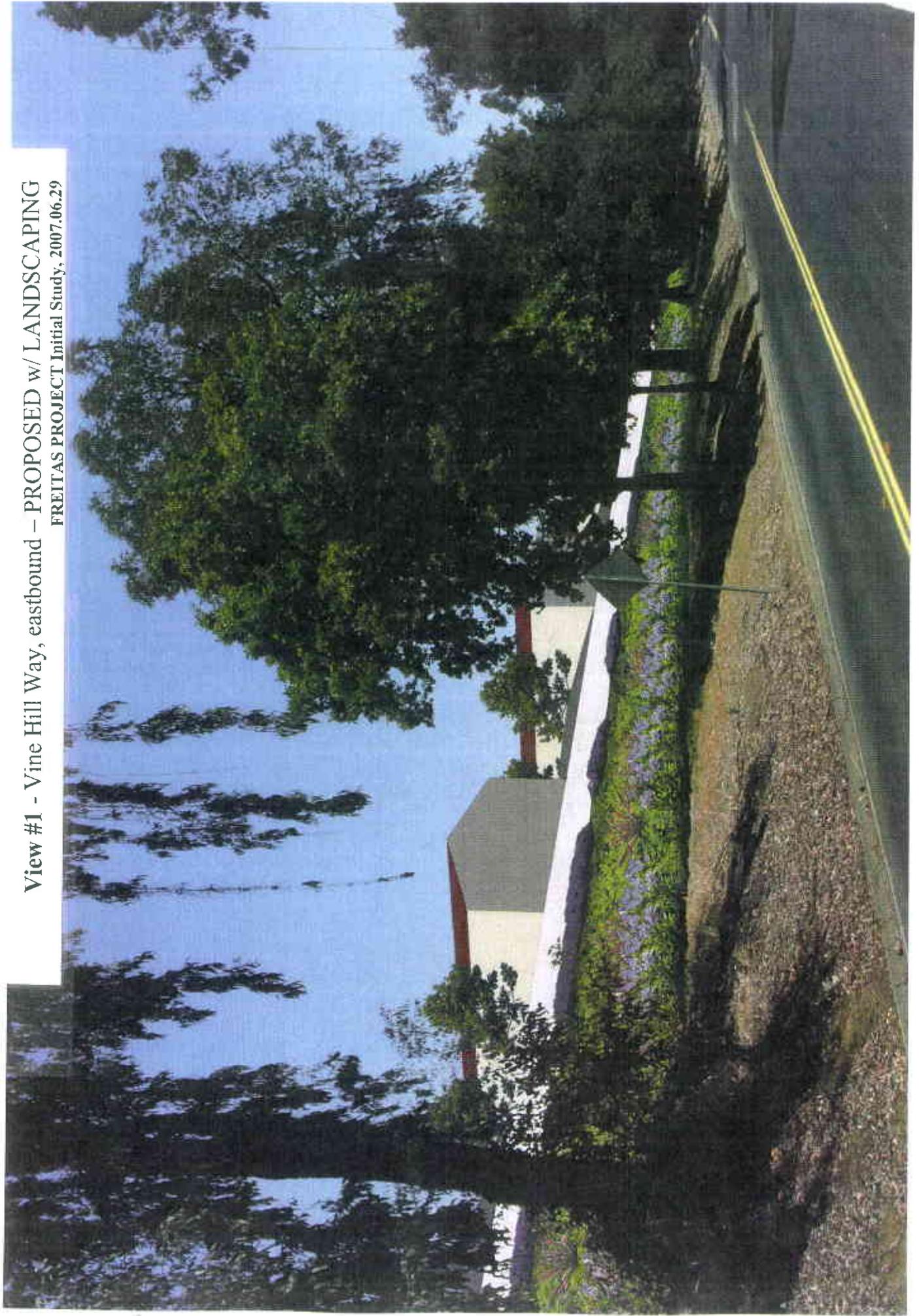


New House

4' Retaining wall

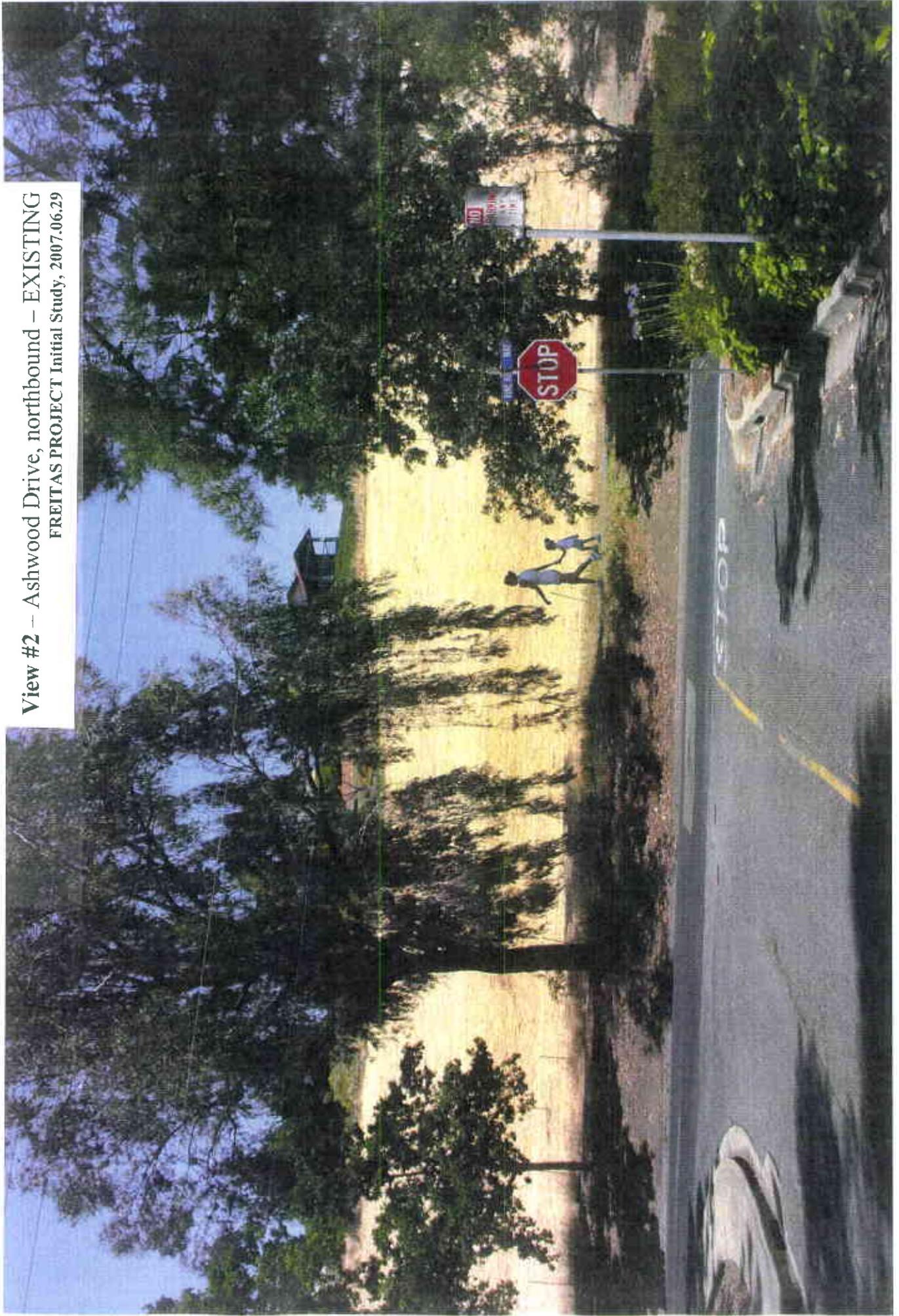
Fence

View #1 - Vine Hill Way, eastbound - PROPOSED w/ LANDSCAPING
FREITAS PROJECT Initial Study, 2007.06.29



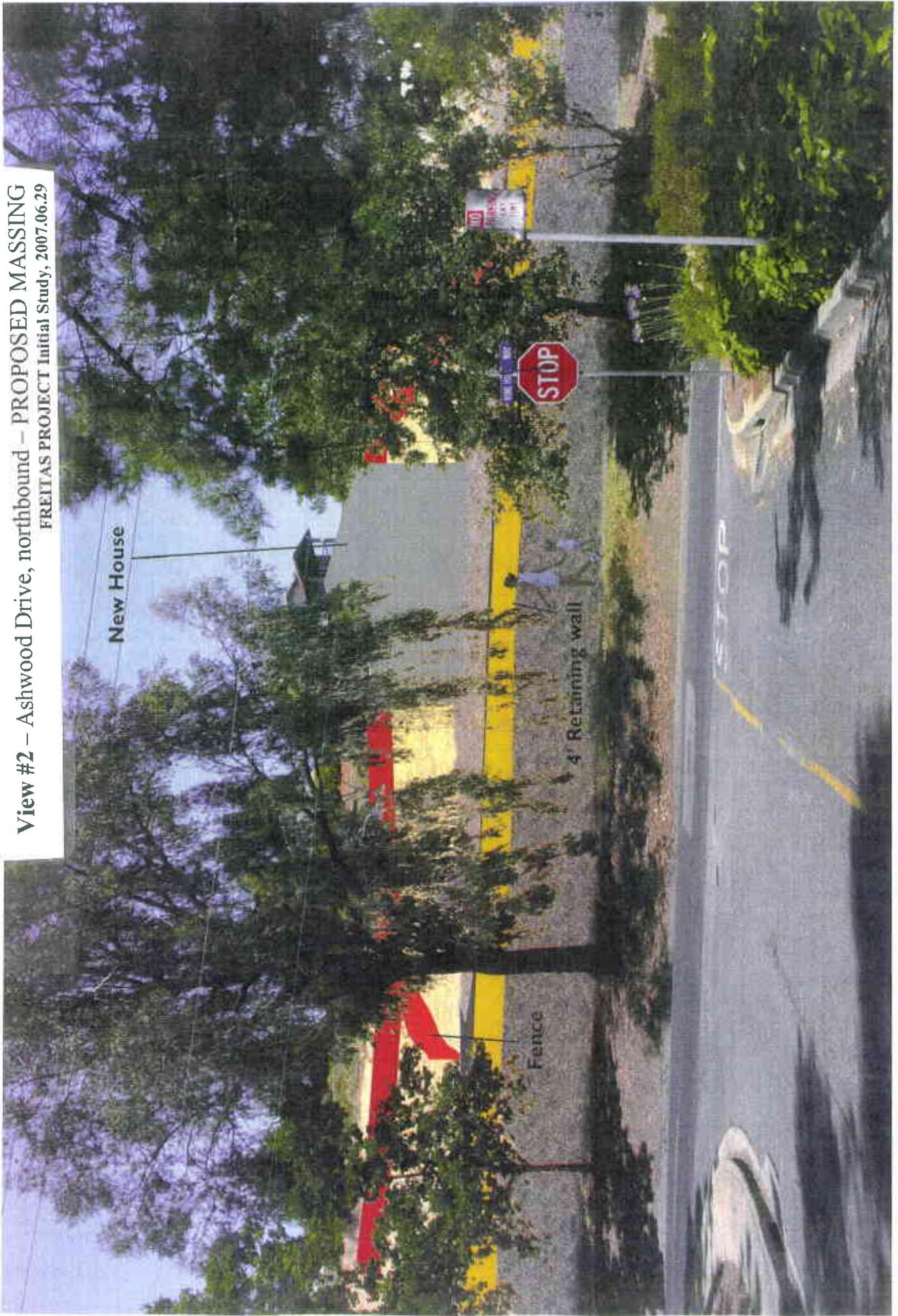
4/13

View #2 -- Ashwood Drive, northbound -- EXISTING
FREITAS PROJECT Initial Study, 2007.06.29



5/13

View #2 – Ashwood Drive, northbound – PROPOSED MASSING
FREITAS PROJECT Initial Study, 2007.06.29



6/13

RECEIVED

JUN 25 2007

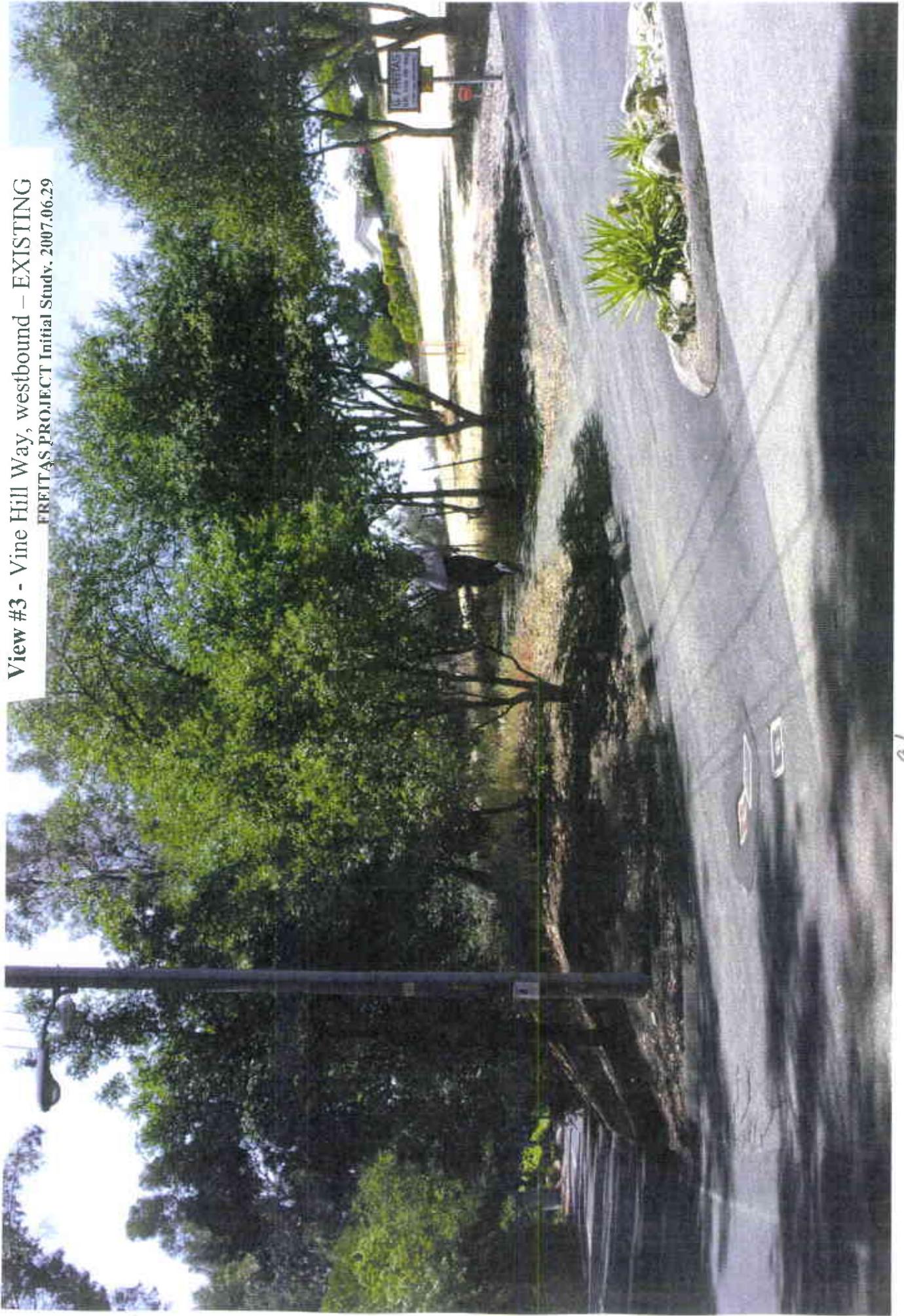
COMMUNITY DEVELOPMENT

View #2 – Ashwood Drive, northbound – PROPOSED w/ LANDSCAPING
FREITAS PROJECT Initial Study, 2007.06.29



7/13

View #3 - Vine Hill Way, westbound - EXISTING
FREITAS PROJECT Initial Study, 2007.06.29



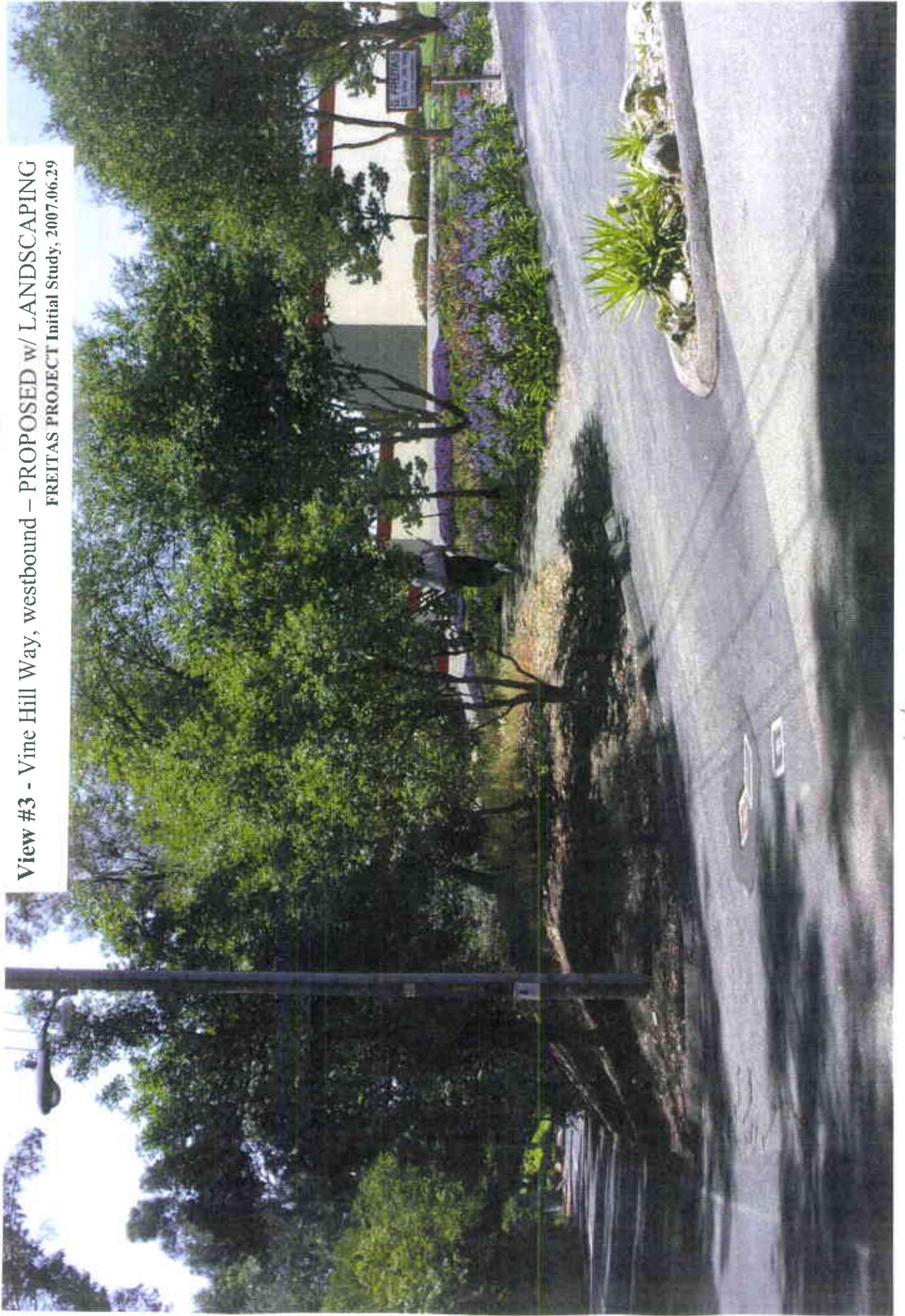
8/13

View #3 - Vine Hill Way, westbound – PROPOSED MASSING
FREITAS PROJECT, Initial Study 2007.06.29



9/13

View #3 - Vine Hill Way, westbound - PROPOSED w/ LANDSCAPING
FREITAS PROJECT Initial Study, 2007.06.29



10/13

View #4 Corner of Vine Hill Way @ Morello - EXISTING
FREITAS PROJECT Initial Study, 2007.06.29



11/13

View #4 Corner of Vine Hill Way @ Morello – PROPOSED MASSING
FREITAS PROJECT Initial Study, 2007.06.29



12/13

View #4 Corner of Vine Hill Way @ Morello – PROPOSED w/ LANDSCAPING
FREITAS PROJECT Initial Study, 2007.06.29



13/15



MITIGATION MONITORING AND REPORTING PROGRAM
For Freitas Property; GPA and Rezone from Open Space to Residential;
GPA 06-03, REZ 06-03, Major Subdivision 9120.

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<p>Aesthetics. The Initial Study concluded that, without mitigation, the project construction activities could have a potentially significant impact on neighborhood aesthetics, in that the semi-rural character of Vine Hill Way (the preservation of which was the reason the subject property was designated as private open space when the subdivision of which it's a part was approved in 1976) would be negated by the visually dominant new homes. To reduce this potentially significant effect to a point where no significant effects would occur, the MND sets forth the following mitigation measure, as required design refinements, which would make the units visually diminutive, thus preserving the original intent of the open space designation</p>	<p style="text-align: center;">Aesthetics</p> <p>Mitigation Measure AES-1: The property line between proposed Lots 1 and 2 be moved eastward, so that the side yards areas of the two lots "line up" with Ashwood Drive, preserving more of the unbuild appearance of the site from northbound Ashwood Drive.</p> <p>Mitigation Measure AES-2: The visual height the units ultimately to be built on the proposed lots shall be reduced by: a) limiting the maximum height of roof peaks and ridges to the topographical elevation 305' and b) Constructing homes that, when viewed from Vine Hill Way, highlight horizontal, rather than vertical design features. Techniques to be incorporated into the Vine Hill Way elevations shall include but are not limited to a "stepping back" of the second story from the plane of the first story, and the use of shed and hip, rather than gable roofs. In no case shall the Vine Hill Way elevation have an unarticulated, two-story vertical plane. As either a part of subdivision development and/or individual house construction, the average elevation of the homesite may be lowered by off-haul grading to further lower the profile of the front elevation. The above design standards are in addition to the 2 story 25' maximum height limit of the proposed R-10 Zoning District.. Final Design subject to Design Review Approval (Design Review approval entitlements not requested at this time).</p>	<p>City of Martinez, Planning Division, Commission tentative map review</p> <p>City of Martinez, Planning Division, Commission tentative map review and Design Review of individual units.</p>	<p>Tentative Map adjusted by applicant, or as a condition of approval placed on the map by Planning Commission. Required alignment ultimately to be shown on recorded final map.</p> <p>Mitigation measure creates "performance standard" for horizontally oriented home designs, and imposes a maximums roof elevations, which is to be incorporated into CC&R's of subdivision as a condition of tentative map approval. Design Review (which may include but not limited to Design Review Committee review and recommendation to public hearing decision maker; e.g. Zoning Administrator or Planning Commission) to include review of proposed homes for conformance with "performance standards."</p>	<p>Time of tentative map/final map review and approval, then life of project</p> <p>Time of tentative map/final map review and approval, then time of Design Review application and review process for individual homes, then life of project</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<p><u>Air Quality.</u> The Initial Study concluded that, without mitigation, the project construction activities could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation. To reduce this potentially significant effect to a point where clearly no significant effects would occur, the MND sets forth the following mitigation measure, which was agreed to by the applicant before the MND was released for public review:</p>	<p style="text-align: center;">Air Quality</p> <p>Mitigation Measure AIR-1. This mitigation measure requires compliance with standard control measures for construction emissions of PM10, and requires City review of the construction plans to ensure the measures are implemented.</p>	<p>City of Martinez, building inspection services,</p>	<p>Include the identified dust control measures in contract specifications and documents.</p>	<p>Implement dust control measures during the entire construction period.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Hydrology and Water Quality				
<p><u>Hydrology and Water Quality.</u> The Initial Study concluded that, without mitigation, the project could potentially violate a water quality standard or waste discharge requirement, or could potentially substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site. To reduce these potentially significant effects to a point where clearly no significant effects would occur, the MND sets forth the following four mitigation measures, which were agreed to by the applicant before the MND was released for public review:</p>	<p><u>Mitigation Measure HYD-1.</u> This mitigation measure requires the project applicant to submit grading and drainage plans to the City Engineering Division for their review and approval. In addition, the applicant must submit a complete Stormwater Control Plan for all phases of the project, an Operations and Maintenance Plan, and apply for a C.3 Permit.</p>	<p>City of Martinez, Planning Department, Engineering Services</p>	<p>Include the identified water quality protection measures in contract specifications and documents; submit documentation verifying compliance with the identified mitigation measures to the Senior Planner prior to project completion.</p>	<p>Implement water quality mitigation measures during project construction; maintain landscaping and drainage facilities after project completion.</p>
	<p><u>Mitigation Measure HYD-2.</u> This mitigation measure mandates that the applicant file a Notice of Intent (NOI) to comply with the General Construction Activity permit and prepare a Stormwater Pollution Prevention Plan.</p>	<p>Project applicant, City of Martinez, Planning Department, Engineering Services</p>	<p>Review of NOI and review and approval of the submitted Stormwater Pollution Prevention Plan</p>	<p>Prior to issuance of grading or building permits.</p>
	<p><u>Mitigation Measure HYD-3.</u> This mitigation measure requires compliance with the County's NPDES stormwater permit.</p>	<p>Project applicant, City of Martinez, Building Department, Planning Department, Engineering Services</p>	<p>Review project with compliance to Stormwater Control Plan, utilizing Contra Costa Clean Water program design guidelines for redevelopment. Require HOA to submit regular reports on effectiveness and maintenance of drainage and treatment facilities.</p>	<p>For life of the project.</p>
	<p><u>Mitigation Measure HYD-4.</u> This mitigation measure requires landscaping proposed as part of the project to utilize Integrated Pest Management practices to reduce the potential sources of pollution on the site.</p>	<p>Project applicant, landscape contractor, City of Martinez, Building Department, Planning Department</p>	<p>Review Integrated Pest Management plan and during regular inspections of project during construction. Require HOA to include pollution reduction practices in their contracting and homeowner education.</p>	<p>For life of the project.</p>

RESOLUTION NO. -07

**AMENDING THE GENERAL PLAN (HIDDEN LAKES SPECIFIC AREA PLAN)
DESIGNATION FROM "OPEN SPACE" TO "RESIDENTIAL 0-6 UNITS/ACRE"
FOR AN APPROXIMATE 3 ACRE PORTION OF A 5½ ACRE SITE LOCATED AT
635 VINE HILL WAY, SUBMITTED BY GARY FREITAS, GPA #06-03**

WHEREAS, on April 13, 2006 Gary Freitas filed an application for an amendment to the General Plan (Hidden Lakes Specific Area Plan) Designation from "Open Space" to "Residential 0-6 units/acre" for an approximate 3 acre portion of a 5½ acre site located at 635 Vine Hill Way; and

WHEREAS, on July 24, 2007, the Planning Commission of the City of Martinez held a duly noticed public hearing on the General Plan Amendment request, and made a recommendation for denial to the City Council. A copy of the Planning Commission resolution recommending denial is attached as Exhibit B hereto; and

WHEREAS, the Planning Commission considered the Initial Study and Mitigated Negative Declaration prepared for this project prior to making their recommendation for denial to the City Council; and

WHEREAS, on October 3, 2007, the City Council of the City of Martinez held a duly noticed public hearing on the adoption of the draft mitigated negative declaration and proposed General Plan Amendment; and

WHEREAS, The City Council indicated with a vote of 4-0 that it would approve a general plan amendment for the subject property subject to certain terms and conditions and directed staff to prepare the necessary resolutions to approve the Mitigated Negative Declaration, Mitigation and Monitoring and Reporting Program and the general plan amendment; and

WHEREAS, on December 5, 2007, the City Council adopted Resolution No. _____ -07 approving a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, finding, on the basis of an Initial Study prepared as required under the California Environmental Quality Act (CEQA), that said General Plan Amendment would not have significant environmental effects; and

WHEREAS, the approval of a General Plan Amendment does not grant any other land use entitlement on the property, and any future residential development must seek and receive a rezoning, subdivision approval, design review and any other land use permits normally associated with residential development; and

WHEREAS, the City Council's October 3, 2007 indication of support for the General Plan Amendment was predicated on the illustrative plan provided by the applicant, and that the following items will be included as conditions of approval for any future development

approvals such as rezoning, subdivision, design review or other land use permits normally associated with residential development:

1. Approximately 2 acres of the 5 ½ acre site, which includes the "Coward's Knoll" area at the corner of Vine Hill Way and Morello Avenue, and an approximate 50' wide buffer adjacent to lots on Meadowvale Court, shall remain as "Open Space"; and
2. This 2 acre area shall be preserved as open space by either the creation of separate "open space" parcel, or with the recordation of scenic easements, dedicating development rights to City; and
3. The 2 acre open space area shall be maintained, in perpetuity, by the future owners, who will bear the responsibility and costs for maintenance either collectively, as part of a Home Owners Association, or individually as per a private maintenance agreement, or alternative equivalent to be approved by the City as part of the subdivision review and approval process; and
4. The existing asphalt path within the Vine Hill Way and Morello Avenue right-of-way shall be replaced and upgraded by the developer; and
5. Areas within the right-of-way that are to be re-graded as part of subdivision improvements, shall be landscaped by the developer, and such landscaping shall be maintained, in perpetuity, by the future owners, who will bear the responsibility and costs for maintenance either collectively, as part of a Home Owners Association, or individually as per a private maintenance agreement, or alternative equivalent to be approved by the City as part of the subdivision review and approval process; and
6. The property line between proposed Lots 1 and 2 shall be moved eastward as outlined in Mitigation Measure AES1, so that the side yards areas of the two lots 'line up' with Ashwood Drive, preserving more of the unbuilt appearance of the site from northbound Ashwood Drive; and
7. The height and design of new homes shall be restricted as outlined in Mitigation Measure AES2, which shall be incorporated into the CC&R's of the subdivision, and states:

"The visual height the units ultimately to be built on the proposed lots shall be reduced by: a) limiting the maximum height of roof peaks and ridges to the topographical elevation 305' and b) Constructing homes that, when viewed from Vine Hill Way, highlight horizontal, rather than vertical design features. Techniques to be incorporated into the Vine Hill Way elevations shall include but are

not limited to a "stepping back" of the second story from the plane of the first story, and the use of shed and hip, rather than gable roofs. In no case shall the Vine Hill Way elevation have an unarticulated, two-story vertical plane. As either a part of subdivision development and/or individual house construction, the average elevation of the homesite may be lowered by off-haul grading to further lower the profile of the front elevation. The above design standards are in addition to the 2 story 25' maximum height limit of the proposed R-10 Zoning District. Final Design subject to Design Review Approval (Design Review approval entitlements not requested at this time)"; and

WHEREAS, on December 5, 2007, the City Council of the City of Martinez held a duly noticed public hearing on the General Plan Amendment request.

NOW, THEREFORE, BE IT RESOLVED by the Martinez City Council that:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. General Plan Amendment #06-03 is consistent with Hidden Lakes Martinez Specific Area Plan policy that "*essential open space masses and vital elements of the terrain should be protected while still allowing development densities reasonably consistent with the patterns established on adjoining properties*" in that the proposal is for 4 new residential lots that are in keeping with the relatively large size, and custom nature, of existing residences along Vine Hill Way, while critical open space features, such as "Coward's Knoll" are preserved.
3. That notice pursuant to Government Code section 65357 be provided to public entities and members of the public in the manner therein required.
4. The Land Use Map of the Hidden Lakes Martinez Specific Area Plan is amended as shown on the attached map in Exhibit A.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of December 2007, by the following vote:

AYES:

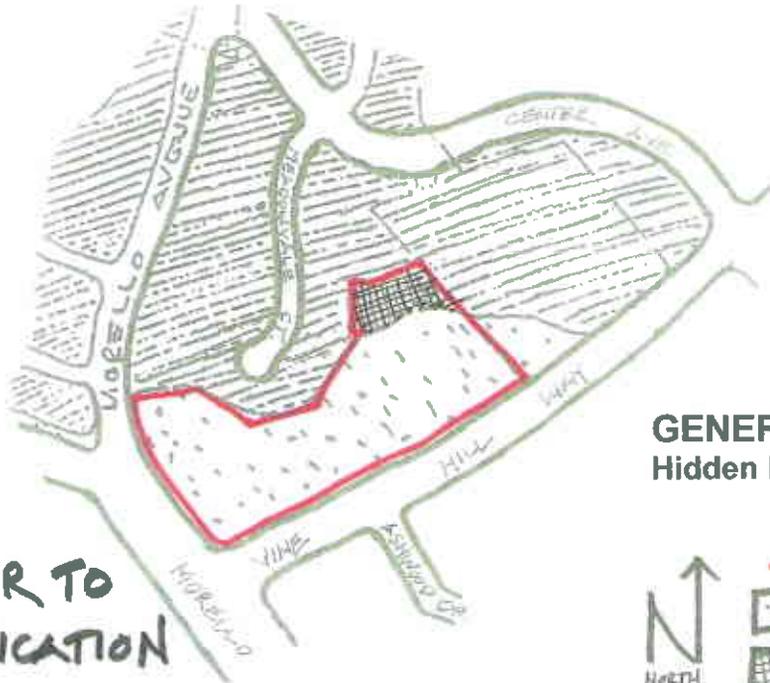
NOES :

ABSENT :

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

GPA 06-03

CITY COUNCIL RESOLUTION – EXHIBIT A



GENERAL PLAN AMENDMENT Hidden Lakes Specific Area Plan



AS APPROVED

GPA 06-03

CITY COUNCIL RESOLUTION – EXHIBIT B

RESOLUTION NO. PC 07-13

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING DENIAL OF A PROPERTY OWNER'S REQUESTED
GENERAL PLAN AMENDMENT, TO RE-DESIGNATE APPROXIMATELY 3
ACRES OF A 5½ ACRE PARCEL, FROM "OPEN SPACE" TO "RESIDENTIAL,"
LOCATED AT 635 VINE HILL WAY
GPA #06-03**

WHEREAS, the City received a request for a General Plan Amendment from "Open Space" to "Residential"; Rezoning from OS (Open Space) to R-10 (Single Family Residential, minimum 10,000 square feet per dwelling unit) and 5-lot Major Subdivision approval for the creation of 4 new residential lots in addition to the existing residence; and

WHEREAS, the Planning Commission held a duly noticed study session on February 13, 2007, and listened to testimony from the applicant and public; and

WHEREAS, at the February 13, 2007 meeting, the Planning Commission was unable to reach a consensus as how to direct the applicant, noting its preference for the City Council to first provide direction regarding the broad General Plan amendment portion of the applicant's requests; and

WHEREAS, absent the City's ability to place the General Plan question before the City Council prior to the Commission's review as required by Government Code Sections 65353 and 65354, the applicant, on March 13, 2007, requested that the City proceed with the General Plan Amendment portion of the application prior to Rezoning and Tentative Map applications, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) the City completed an Initial Study to address the project's potential impacts on the environment, which included visual simulations of the proposed development; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 24, 2007, and listened to testimony from the applicant and public; and

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

1. That the above recitals are found to be true.
2. That the City Council deny the requested General Plan Amendment #06-03, to replace the current designation of "Open Space" with "Residential", as deletion of the Open Space designation is not in the public interest, in that:
 - a. Integral to the granting the entitlements to allow development of the Pine Meadows Subdivision, of which the subject property is part, the City Council of the City of Martinez, on August 18, 1976, amended the General Plan /Hidden

Lakes Study Area Plan, designating the subject area as "Private Permanent Open Space"; in order to preserve the areas' rustic character by retaining unbuilt and/or wooded areas, including but not limited to the western and southern faces of the "Coward Knoll" along Vine Hill Way.

- b. The subject Open Space area is part of larger context within the Vine Hill Way corridor between Morello and Center Avenues, in which Vine Hill Way frontage of the nearby Vine Hill (Tr 4259) and Linton Terrace (Tr 4702) developments were set aside for the same scenic purposes.
 - c. The scenic assets that the City acted to preserve as open space in mid 1970's are still of value to the community, and the Planning Commission supports their continued preservation as scenic assets. Commissioners Korbmacher, Bert and Allen find that no development should be considered, while Commissioners Kluber and Hughes find that some form of development may be possible, but the that the design as currently proposed by the applicant does not appear to adequately preserve the desired rustic scenic quality.
3. That Planning Commission reviewed the initial study prepared for this project and considered the Adoption of the Draft Mitigated Negative Declaration, which the City Council could adopt should the Council choose to approve the Project

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 11th day of September, 2007:

AYES: Allen, Burt, Hughes, Kluber & Korbmacher
NOES: Busby & Glover
ABSENT: Avila Farias
ABSTAINED:

BY: 
Mark Hughes
Planning Commission Chair


Corey M. Simon
Senior Planner



Law Offices of
THOMAS N. LIPPE, APC

329 Bryant Street
Suite 3D
San Francisco, California 94107

Telephone: 415-777-5600
Facsimile: 415-777-9809
Email: Lippelaw@sonic.net

November 28, 2007

Mayor and City Council
City of Martinez – City Hall
525 Henrietta Street
Martinez, CA 94553

Re: Freitas Development at 635 Vine Hill Way – Subdivision 9120, proposing General Plan Amendment and later Rezoning of portion of Private Permanent "Pine Meadows" Open Space

Dear Mayor Schroder and City Council,

This office represents Keep Our Open Space, an association of citizens who live in the area of this project, as well as Mark and Lorna Thomson, who reside at 918 Meadowvale Court in the City of Martinez, on property directly adjacent to the open space sought to be developed by this project. I am writing to submit additional public comment on this project for the Council's consideration at its public hearing on December 5, 2007.

As you know, property owner Gary Freitas has applied to amend the City's General Plan to change the land use designation of approximately three acres at 635 Vine Hill Way (Assessor's Parcel No. 162-420-009) from "Open Space" to "Residential." This project would require rezoning the property from "OS" to "R-10", and would require approval of a Major Subdivision Map to allow for five single family lots.

Approval of this General Plan Amendment will violate the California Environmental Quality Act, at Public Resources Code §§ 21000 *et seq.*, in a number of respects.

1. Deleting the Open Space Mitigation Measure Required by the 1976 Subdivision Approval Would Violate CEQA.

Deleting the Open Space mitigation measure required by the 1976 Pine Meadows subdivision approval would violate the California Environmental Quality Act ("CEQA"), which governs whether, when, and how agencies may eliminate mitigation measures previously adopted under CEQA. See *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342. In the *Napa Citizens* case, the court announced several rules that agencies must observe when deciding whether to delete a previously adopted mitigation measure.

First, as a general rule governing the court's consideration of a challenge to an agency decision to delete a previously adopted mitigation measure, the court stated that "the deference provided to governing bodies with respect to land use planning decisions must be tempered by the presumption that the governing body adopted the mitigation measure in the first place only after due investigation and consideration." *Id.* at 359.

Second, the court identified two specific requirements that must be followed if an agency is to legally delete a previously adopted mitigation measure, stating that "a governing body must state a *legitimate reason* for deleting an earlier adopted mitigation measure, and must support that statement of reason with substantial evidence." *Id.* (emphasis added).

Third, in fleshing out what it meant by the term "legitimate reason," the court stated: "The modified EIR also must address the decision to delete a mitigation measure. In other words, the measure cannot be deleted without a showing that it is *infeasible*." *Id.* (emphasis added).

Fourth, the court concluded its decision on this issue by stating, "If no legitimate reason for the deletion has been stated, or if the evidence does not support the governing body's finding, the land use plan, as modified by the deletion or deletions, is invalid and cannot be enforced." *Id.*

Here, the City clearly adopted a prior mitigation measure pursuant to CEQA – preserving the property in question as "permanent private open space" – to reduce significant impacts related to the 1976 Pine Meadows Subdivision. On July 6, 1976, the City of Martinez Planning Commission certified the Environmental Impact Report ("EIR") for Tract 4744, Pine Meadows. Tract 4744 includes the subject property located at 635 Vine Hill Way (Assessor's Parcel No. 162-420-00, hereinafter referred to as the "Freitas Property"). The EIR identified a potentially significant visual impact near Vine Hill Way and found that a change to the project to provide a "minimum 250-300 foot wide scenic and open space easement" was a mitigation measure that would reduce this impact. (See EIR for Tract 4744 Pine Meadows and Tract 4774 Muir Heights, dated April 1976 (hereinafter "1976 EIR"), pp. 5, 9, and 36, attached hereto as Exhibit 1.)

The City thus conditioned approval of the subdivision on preservation of several lots as "permanent private open space" with scenic easements granted to the City. These lots included Lots 26 and 27 shown on the tentative map,¹ which constitute the portion of the Freitas Property that is the subject of the current General Plan Amendment proposal. (See letter from City of Martinez Planning Commission Secretary Barry E. Whittaker to property owner James Busby, dated July 9, 1976, pp. 1 and 3, attached hereto as Exhibit 3; and the tentative subdivision map appearing as

¹These lots were ultimately combined with Lot 25 and collectively designated "Lot 22" on the final subdivision map. (See Final Subdivision Map for Tract 4744, Sheet 2 of 14, attached hereto as Exhibit 2.) Lot 22 is now commonly known as 635 Vine Hill Way.

Figure 7 to the 1976 EIR, attached hereto as Exhibit 4.)

The City thereafter adopted Resolution 108-76, which amended the General Plan to change the zoning on that portion of the Freitas Property from "planned public open space" to "Private open space." (See Resolution No. 108-76, dated August 18, 1976, and map of "Proposed General Plan Amendments," attached hereto as Exhibit 5.) This private open space was intended to be "incorporated into a 'horse set-up' lot, restricted by a 'scenic easement' prohibiting the erection of structures, obscure fencing, or grading." (See Planning Commission Staff Report dated July 6, 1976, attached hereto as Exhibit 6.)

While the Negative Declaration prepared for the current General Plan Amendment proposal, as well as the staff reports for the Planning Commission and the City Council, discuss the deletion of this mitigation measure, nowhere do they state a "reason" for deleting it other than to allow the owner to develop the land. This is not a "legitimate" reason to delete this mitigation measure. As stated in *Napa Citizens*, the question is whether continued implementation of this mitigation measure is "infeasible." There is no suggestion by the City that maintaining this open space is infeasible or that doing so is no longer effective in reducing the previously identified visual impact.

2. The Mitigation Measures Necessary To Reduce the Visual/Open Space/Aesthetic, Hydrology, and Water Quality Impacts to Less Than Significant Violate CEQA.

It is generally unlawful under CEQA to defer until after project approval the development of mitigation measures needed to substantially reduce potentially significant impacts. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307. The *Sundstrom* court held that an agency may not rely on mitigation measures of unknown efficacy to conclude that a project's potentially significant impacts will be reduced to a "less-than-significant" level. *Id.*; see also *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1606 ("[T]he City cannot rely upon post approval mitigation measures adopted during the subsequent design review process. Such measures will not validate a negative declaration."); *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884 ("There cannot be meaningful scrutiny of a mitigated negative declaration when the mitigation measures are not set forth at the time of project approval.").

There are limited exceptions to this general rule in circumstances (1) where developing the mitigation measures for the kinds of impacts at issue is infeasible, or (2) where developing the measures is feasible but practical considerations prohibit the formulation of those measures before approval and achievable performance standards are specified. *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029.

Here, the Negative Declaration for the current General Plan Amendment proposal identifies Mitigation Measure "AES-2" for potentially significant visual/open space/aesthetic impacts as follows:

The visual height the units ultimately be built on the proposed lots (Design Review approval entitlements not requested at this time) be reduced by either lowering the average elevation of the homesite be [sic] off-haul grading and/or imposition of a more restrictive height limit (e.g. single story 18' maximum) than the 2 story 25' maximum typically allowed in the proposed R-10 Zoning District.

(See Draft Negative Declaration for Freitas Development, signed June 29, 2007, p 5, attached hereto as Exhibit 7.) The staff report for the October 3, 2007 City Council meeting (at page 5) restates the same mitigation measure. This mitigation measure is not fully developed or specific, yet there is no reason to think it is not feasible to be specific.

The Negative Declaration also identifies hydrology and water quality impacts as "less than significant with mitigation incorporation." (See Exhibit 7, pp. 11-12.) Thus, without the mitigation measures identified in the Negative Declaration, these impacts would be potentially significant, requiring that the City prepare an EIR before approving the project. The Negative Declaration relies, for its measures to mitigate hydrology and water quality impacts, on several mitigation measures that will not be fully developed until after project approval. (*Id.* at pp. 13-14.)

Mitigation Measures "Hyd-1" and "Hyd-3" require the project's future application for, obtaining of, and compliance with the City's National Pollution Discharge Eliminating System ("NPDES") permit (known as the "C-3 Permit"), issued by the Regional Water Quality Control Board pursuant to the federal Clean Water Act and the state Porter-Cologne Water Quality Act. (*Id.*) But there is no particular reason that applying for and obtaining the permit before project approval is "infeasible." The only reason it is not being done now is the applicant's desire to split the General Plan Amendment approval from the rezoning, subdivision map, and site plan approvals. The desire to split the approval process appears to be more a matter of convenience than "feasibility."

Likewise, Mitigation Measure "Hyd-2" requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan ("SWPPP") to reduce potential impacts to surface water quality through the construction period of the project, to be submitted to the City prior to approval of the grading plan. (*Id.*) The City is required to approve the final design for operational period best management practices ("BMPs"). Again, there is no particular reason that preparing, submitting, and approving the SWPPP prior to project approval is "infeasible."

Similarly, Mitigation Measure "Hyd-4" requires landscaping proposed as part of the project to utilize Integrated Pest Management ("IPM") practices to reduce the potential sources of pollution on the site, and requires that the applicant designate an IPM certified applicator in the Operations and Maintenance Plan submitted to the City prior to issuance of a Certificate of Occupancy. (*Id.* at p. 14.) There is no reason that designating an IPM certified applicator and incorporating IPM practices before project approval is "infeasible."

Therefore, approval of this project based on these undeveloped mitigation measures without preparing and certifying an EIR would violate CEQA.

3. Segmentation of the Project Approvals Violates CEQA.

CEQA generally prohibits the segmentation of a "project" for purposes of environmental review. What constitutes the "project" for purposes of CEQA is not determined by individual permits or approvals; rather, it is the activity having an effect on the environment, in this case the proposed rezoning and development of approximately three acres of land currently protected as open space.²

Here, the City has segmented the approval process by allowing the applicant to first apply for the General Plan Amendment, then separately apply for the subdivision and rezoning at a later date, and then again separately apply for the site plan approvals. For example, the whole of this project includes Mitigation Measures "AES-2" and "Hyd-1" through "Hyd-4," discussed above. But the impact of adopting these measures cannot be evaluated now, nor can their efficacy in reducing aesthetic, hydrology, and water quality impacts to a less than significant level, because they are general requirements (or in the case of AES-2, just suggestions and examples) with the details to be provided after General Plan Amendment approval in the course of subsequent permit proceedings.

As a result, the Negative Declaration does not assess the environmental impact of the entire project, leaving more detailed review of the site plans to a later date. This segmentation of environmental review violates CEQA.

For the forgoing reasons, Keep Our Open Space and Mark and Lorna Thomson request that the City Council deny this application for a General Plan Amendment.

²The CEQA Guidelines define "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." 14 California Code of Regulations ("CCR") § 15378(a). "The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." 14 CCR § 15378(c). Guidelines § 15378, subd. (d) further states, "Where the Lead Agency could describe the project as ... a development proposal which will be subject to several governmental approvals under subdivision (a)(2) or (a)(3), the lead agency shall describe the project as the development proposal for the purpose of environmental analysis." 14 CCR § 15378(d).

City of Martinez Mayor and City Council
November 28, 2007
Page 6

Thank you for your attention to this matter.

Very truly yours,



Thomas N. Lippe

Enclosures

City of Martinez

525 HENRIETTA STREET • MARTINEZ
CALIFORNIA 94653 • (415) 228-4400

FILED

JUL 22 1976

J. R. OLSSON, County Clerk
CONTRA COSTA COUNTY

By J. PUGH Deputy

ENVIRONMENTAL IMPACT REPORT

TRACT 4744 PINE MEADOWS
and
TRACT 4774 MUIR HEIGHTS

Prepared by: Barry E. Whittaker
Planning Director
City of Martinez

April 1976

EXHIBIT

1



8. Kaiser Foundation Hospital--occupancy and use of the existing (formerly Martinez Health Center) facilities
9. U.A. Craftsmen-Plumbers Union Hall and training center under construction
10. Farmers Market at Center and Glacier: 31,000 sq.ft.
retail space approved

For the purposes of this EIR, the "neighborhood" in which these projects are occurring is bounded by Alhambra Avenue at Vine Hill Way; the V.A. Hospital at Muir Road; State Route 4 at Morello Avenue and the Glacier Drive/Milano Way overcrossing, and at the City limits on Center Avenue. All traffic in, out, or through this "neighborhood" must use the above-noted streets. In addition, this "neighborhood" is defined for some purposes as including a few lots in the Muir Oaks subdivision which overlook portions of the subject sites, or which must overlook one of the subject sites in routine trips to and from home. (See Fig. 1 for "neighborhood" boundaries, location of subject sites and other project sites discussed herein.)

B. SUMMARY SIGNIFICANT IMPACTS: MITIGATION

Potential Substantially Adverse Environmental Impacts: Three general areas of significant adverse environmental impacts have been identified as potentially arising from implementation of the subject projects. One of these areas, traffic impacts on Center Avenue in Pacheco arising from the subject projects together with other projects already approved, has been identified as a potential substantially adverse environmental impact, necessitating the preparation of this EIR. Other areas of potentially significant adverse impact include traffic impacts generally school load generation, and visual impacts of the subject projects.

1. Traffic Impacts: Adverse impacts are projected for major access routes to the subject sites and related development projects, and within the neighborhood.

a. Center Avenue at the City limits (entering Pacheco): A substantially adverse environmental impact of the projects discussed herein is the estimated increase in traffic volume at this location. From the City limits easterly to Aspen Drive in Pacheco, Center Avenue can best be described as a narrow, rough, bumpy, marginally improved street. An elementary (Pacheco Elementary, Mt. Diablo Unified School District) is located on this portion of Center Avenue. The absence of any graded or otherwise improved walkways alongside Center Avenue means that the school children must walk alongside the road, perilously close to passing traffic. Existing homes are generally quite close to the paved street. The rough texture of the pavement and bumpy nature of the road means that an unusually high noise level is generated from traffic along this street. The opening of the Route 4 freeway (and more particularly, the closing of the Glacier Drive connection to Route 4) was the principal cause of an increase in the traffic volume on Center Avenue immediately east of the City limits from 7,058 vehicles per day in January, 1975 to 8,102 vehicles per day in February, 1976. This traffic level was achieved with a total of 1,664 occupied living units in the subject "neighborhood", exclusive of the few lots in Muir Oaks. A County



as beneficial to the school districts, which have been experiencing financial difficulties from declining enrollment (and hence, declining State aid, but more or less fixed facility and overhead expenses).

3. Visual Impact: Adverse visual impacts are expected to occur in two locations--along Vine Hill Way (and from some of the Vine Hill Townhouses which overlook a portion of the site) adjoining the projects and from several lots within Muir Oaks overlooking the subject projects.

a. Vine Hill Way: Since originally submitted, the project plans have been extensively modified to reduce the visual impact along Vine Hill Way. As now proposed, no lots front Vine Hill Way; hence, none but minor improvements are proposed for Vine Hill Way. From Morello Avenue westerly severn lots back onto Vine Hill Way. However, these lots are planned to be developed at near natural grade. In addition, the rear 50 feet adjoining Vine Hill Way, is planned to be dedicated as a scenic easement, and planted with trees, to act as a buffer between Vine Hill Way and the fenced-in padded lots. From Morello Avenue easterly a minimum of 250 - 300 foot wide scenic and open space easement is planned adjoining Vine Hill Way, between the street grade and the lots at the top of the knoll.

Most obtrusive from Vine Hill Way will be the new houses at the top of the "Coward Knoll". Although cutting of this knoll has been reduced to about 10 feet on the latest plans, the houses on top of this knoll will be quite visible from Vine Hill Way. The greatest impact would be at the crest of the hill on Vine Hill Way. A second area of impact is on several of the knoll top units in the Vine Hill townhouse project, who have an excellent view of the present knoll, and to whome the knoll top houses will be most visible. (See Fig. 2.)

Mitigation: In addition to the mitigation already incorporated into the plans (in the nature of moving lots away from Vine Hill Way, reducing cuts and saving an oak tree), a requirement that lots on the knoll-top be restricted to a single-story construction above street grade would minimize their impact on the scene.

b. Muir Oaks: Six lots on Mildren Road (4919 to 5014 Mildren Road) immediately adjoin and overlook the 140-lot tract. Their view is of the central county area, from Buchanan Airfield northerly, with natural terrain, open hillsides and knoll in the immediate foreground. The foreground view would be replaced instead by houses on graded pads. The extension of Snow Drive in particular would result in new houses on padded R-10 lots (10,000 square feet minimum area) adjacent and very visible to 4919, 4927, and 4941 Mildren Road. The other impacted lots would have either R-40 minimum lots adjacent or somewhat longer range views of the R-10 lots.

Mitigation: Extensive mitigation in the nature of reducing the number of lots in this area, increasing their minimum and average size, and reducing the grading has already been incorporated into the plan. The addition of a requirement that the knoll-top lots be restricted to one-story construction (above the street) would further



schools for pedestrian and bicycle traffic.

6. VISUAL IMPACTS: The development of the subject projects is expected to result in adverse visual impacts in several locations.

A. VINE HILL WAY: Adverse visual impacts are expected to occur along the portion of Vine Hill Way abutting the project (Tract 4744). Currently the scene along this portion of Vine Hill Way is largely rural with open hillsides adjoining the road, and fairly long vistas available. Some views of developed residential tracts are seen from a variety of places, but the predominant "flavor" of the view is rural.

The subject project would introduce a number of new residential tract dwellings into this scene. The impacts from these units has been greatly reduced by plan modification since the original Tentative Map was submitted. Presently houses back onto Vine Hill Way, buffered by a planned 50-foot scenic (and landscaped) setback from Morello Avenue southwesterly. Houses will occupy the minor knoll ("Coward Knoll") adjoining Vine Hill Way, but grading has been reduced, and the setback to the padded lots increased to 250-300 feet from Vine Hill Way. The intervening acreage is a part of one large "acreage" lot on which the owner would presumably graze horses.

Earlier plans called for substantial grading on the knoll top (55 feet of cut versus the 10-15 feet now planned), and houses fronting and backing close onto Vine Hill Way. Nevertheless, new residences will replace existing hillside as the skyline throughout this area.

MITIGATION: Restriction of knoll top-lots to one-story (above street level) houses would mitigate some of the adverse impacts. Requirements for rear and side yard tree screening would further mitigate the impacts.

B. MUIR OAKS: Six lots on Mildred Road (4919 to 5014 Mildred Road) immediately adjoin and overlook the 140-lot tract. Their view is of the central county area, from Buchanan Air Field northerly, with natural terrain, open hillsides and knolls in the immediate foreground the views would be replaced instead by houses on graded pads. The extension of Snow Drive in particular would result in new houses on padded R-10 lots (10,000 square feet minimum area) adjacent and very visible to 4919, 4927, and 4941 Mildred Road. The other impacted lots would have either R-40 minimum lots adjacent or somewhat longer range views of the R-10 lots.

MITIGATION: Extensive mitigation in the nature of reducing the number of lots in this area, increasing their minimum and average size, and reducing the grading has already been incorporated into the plan. The addition of a requirement that the knoll-top lots be restricted to one-story construction (above the street) would further mitigate the impact. Additionally, the lots backing onto the California Riding and Hiking Trail could be developed at 10-15 feet below the natural grade, with private yard fences installed at the toe of the cut bank (hence, visually below the view of the Muir Oaks homes). These mitigation devices would combine to minimize the intrusion of the new homes into the views from the existing Muir Oaks homes.

C. PLEASANT VIEW: A number of the houses in the Pleasant View tracts have nice views overlooking the site of Tract 4744. These houses were constructed



*Scan Easement
omitted from
final subdivision
plan*

SUBDIVISION 4744 PINE MEADOWS

BASIS OF BEARINGS

MONUMENT LINE OF CENTER AVENUE
BETWEEN SNOW DRIVE AND ROLLING HILL WAY,
5N R5 N39°00'53" W R5 SHOWN ON
CT 3579 (116 M 51).

A PORTION OF THE RANCHO LAS JUNTRAS
CITY OF MARTINEZ
FERGUSON & WOLLMAN, CONSULTING ENGINEERS
200 GREGORY LANE, PLEASANT HILL CALIFORNIA
SEPT. 1976

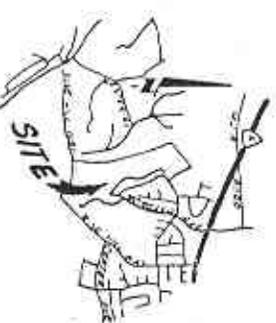
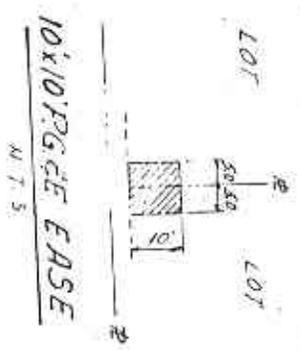
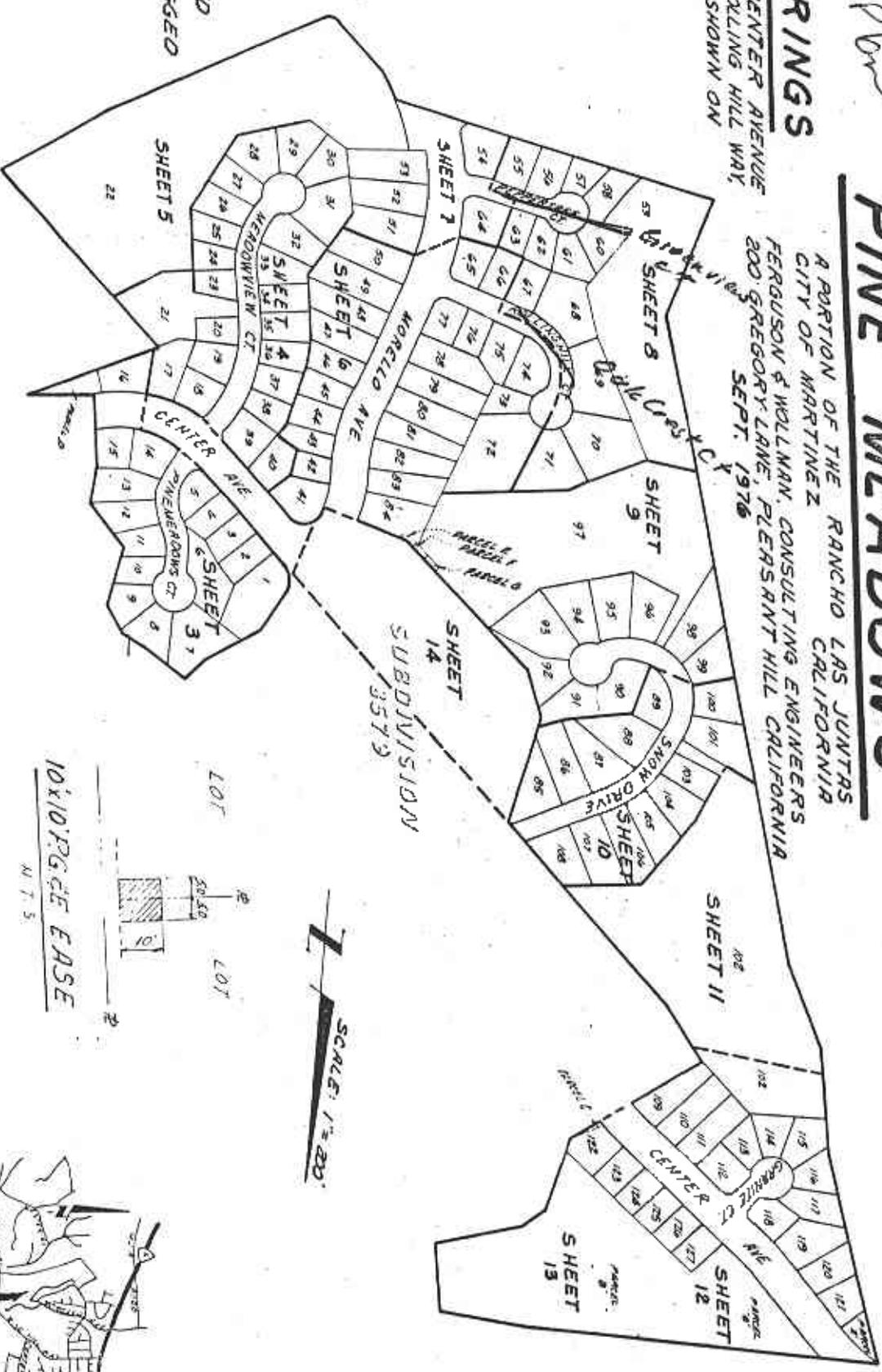


EXHIBIT 2

204 M 10

LEGEND

- FND. STANDARD MON.
- SET. STANDARD MON.
- FND. IRON PIPE AS NOTED
- SET 3/4" IRON PIPE TAGGED
- RCE 9267

KEY MAP

SHEET 2 OF 14 SHEETS

City of Martinez

Planning Dept.

525 HENRIETTA STREET • MARTINEZ
CALIFORNIA 94553 • (415) 228-4400

July 9, 1976

Mr. James Busby
P.O. 430
Martinez, CA 94553

Dear Mr. Busby:

At its meeting of July 6, 1976 the Planning Commission certified an EIR and Addendum for Pine Meadows subdivision, voted to recommend to the City Council that the property be rezoned to R-6.0, R-10, R-40 and Open Space, and approved a tentative map for the subdivision.

Conditions of Approval for the tentative map are as follows:

1. Approval is conditioned upon the necessary General Plan amendment and rezonings being adopted by the City Council.
2. LOTS: Revisions shall be made to the lotting as follows:
 - a. Lots #26 and 27 shall be eliminated and combined with Lot #25.
 - b. Lot #59 shall be eliminated and combined with Lot #26.
 - c. Lots #77 and 78 shall be eliminated and combined, along with a rear portion of Lot #67, with Lot #66, making Lot #66 a minimum size of two acres.
 - d. Lot #135 shall be eliminated and combined with Lot #134.

The net result is 132 residential lots plus Lot #134 (+135) planned for park dedication.

3. STREETS: Revisions shall be made to street plans as follows:
 - a. Center Avenue shall be extended as an 84 foot right-of-way and half-width street (curb and gutter on one side, plus street paving for a 32 ft. half street) from the subdivision boundary to Vine Hill Way, skirting the golf course. (Relocation of the 9th tee appears to be necessary but readily accomplishable) The need for screening along Center Avenue should be studied and screening included in the required work if determined as necessary by the City Engineer. In the event this section of Center Avenue is complete prior to County improvements in

EXHIBIT 3



- Pacheco have been completed, this section shall be barricaded and kept closed at both ends until the Pacheco section is opened. (Removal and repairs of temporary barricades shall be by City forces.)
- b. Center Avenue alignment (horizontal and vertical) shall be studied from the project boundaries to the Route 4 interchange at Pine Street to insure that the portion within this tract is properly designed to work with future improvements in this direction. Study plans shall be included with improvement drawings submitted to the City Engineer for checking. Center Avenue within the subdivision shall be a 64 foot street within an 84 foot right-of-way. Sidewalks shall be at the property line with 5.5 foot planter strips between the curb and sidewalk.
- c. Morello Avenue at Vine Hill Way: The existing eucalyptus trees are to remain in a center median, with existing Vine Hill Way improvements forming the east bound traffic lanes and new construction of Morello Avenue forming the west bound traffic lanes; two intersections with Vine Hill Way, including left-turn refuge and right-turn tapers shall be designed and constructed with the subject subdivision. (An existing water line along Morello Avenue alignment may be required to be relocated at the determination of the City Engineer; any relocation shall be at the expense of the subdivider.) Morello Avenue alignment may be required to be relocated at the determination of the City Engineer; any relocation shall be at the expense of the subdivider.) Morello Avenue within the subdivision, except at Vine Hill Way and at any necessary transition section thereto shall be a 64 foot street in an 84 foot right-of-way, with sidewalks at the right-of-way line and a 5.5 foot planter between the curb and sidewalk.
- d. Vine Hill Way: The developer shall install a structural overlay on the existing pavement, plus perform minor widening (to 24 foot maximum width pavement) as can be accommodated without significant grading.
- e. Minor streets may be 32' wide in a 50' right-of-way.
- f. Stop signs shall be installed by the developer as follows: Morello at Center (4); all connections to Morello (including Snow Drive) and Center Avenues (6); Vine Hill Way at Morello (2); and Center Avenue at Vine Hill Way (1).
- g. Street names shall be reviewed later; some changes are required.
4. Grading: Grading revisions shall be required as follows:
- a. Change pad types as follows:



- (1) from $\frac{1}{2}$ story side split to full story side splits:
Lots 21, 22, 28, 38, 39, 97, 98
 - (2) from flat to $\frac{1}{2}$ story side splits: Lots 37, 130
 - (3) from flat to full story split: Lot 45
 - b. Daylight Lot #1 pad into Morello Avenue right-of-way
 - c. Contour grading required along Lots 57-59 and Morello Avenue:
#66-67; 76-79; 88-94; 95-98; 113-119, and 135-139.
 - d. Lots #108-111 should be lowered as much as feasible below the grade of the California Riding and Hiking Trail adjoining these lots (up to 15 feet below trail grade).
5. Scenic Easements: Scenic easements prohibiting grading, tree removal, construction of obscure fencing and structures of any type except barns and/or sheds associated with and incidental to the keeping of animals on the site shall be dedicated to the City of Martinez over all of Lots #26, 27, 59, 77 and 78, and all of Lots #25, 66, 67, 102-106, 107 and 112 except reasonable area for residences and associated buildings and yards therefor (all lots as shown on the proposed Tentative Map).
6. Park Dedication: Lots #134-135 (not less than 1.65 acres) shall be dedicated to the City of Martinez as neighborhood park land. As a result of this requirement there shall be no land purchase based park dedication fee (\$125 per dwelling unit) on this subdivision.

The developer shall construct curb and gutter and one half street section of Center Avenue adjoining the lots to be dedicated. The costs of curb and gutter and paving half the street across the dedicated lots shall be credited against park development based park dedication fees (normally \$300 per dwelling unit). In addition, the costs of providing required utility service (water, sewer, power, gas, telephone, etc.) to the dedicated lots shall be credited against the required fees. Resultant fee requirement is estimated as follows:

a. Land purchase base:	None
b. Development base:	\$300/du x 132 du = \$39,600
c. Less estimated improvements:	14,000
Estimated Net Fee:	\$25,600

In addition, and without further credit, the developer shall dedicate the underlying fee title for the land now covered by an Open Space and



Mr. James Busby

July 9, 1976

Page 4

Park Use Easement to the City of Martinez; the land is generally bounded by Lots #134-139 Tract 4744 and the Pleasant View Units 3 and 4 tracts.

7. TRAILS: The developer shall dedicate as road right-of-way the land on the northerly side of Vine Hill Way and Morello Avenue (from lot 58 southerly) between the present right-of-way line and a line at least 50 feet northerly of the final edge of pavements of these two streets. The developer shall grade a 12-foot trail near the middle of this area and plant a row of trees at 25-40 feet on centers on each side of the trail. Trail construction and tree placement shall conform generally to construction standards as used by the East Bay Regional Park District.

The developer shall construct a specially marked (exposed aggregate concrete, Bomanite, or equivalent) and signed (Ped and Equestrian X-ing) crosswalk where this trail crosses Morello Avenue in the vicinity of Lots #59 and 60.

(This trail will provide a link from the California Riding and Hiking Trail on Lot #66 to an existing trail in the Vine Hill Townhouse project (and hence to Hidden Lakes, etc.)

Developer shall dedicate 40 ft. of roadway right-of-way along Vine Hill Way between Morello and A.P. 162-400-02. There shall be 10 ft. roadway right-of-way dedicated along Vine Hill Way between the Center Avenue connection to Vine Hill Way and the northerly property line of A.P. 162-400-03. (This provides space for a pathway along Vine Hill Way from Morello to Center.) Developer shall grade and pave to park standards 4' A.C. walkway in all of the above trail or pathway locations.

The developer shall dedicate a trail over oil pipeline easement(s) in the vicinity of Lots #133-134, and unusable portions of Lot #133, and construct a 12-foot trail, two rows of trees, and a cross-walk in the same manner as the above, from the California Riding and Hiking Trail on Lot #133 to the dedicated lot #134.

A 20-foot wide non-exclusive easement shall be dedicated to provide access to the California Riding and Hiking Trail over the driveway to Lot 112 and between Lots 111 and 113.

8. TREES

- a. Existing Oak trees shall be preserved on Lots #8-9, 36, 81-82 and 112. Grading plans shall be revised to not provide for any grading within the driplines.



- b. Street trees, Center Avenue and Morello Avenue: Not less than three street trees shall be placed on all lots fronting either of these streets; two of these trees shall be placed in the planter areas required under Condition #3.b and 3.c. Corner lots shall have not less than six street trees, with two in the front planter, and three in the street-side side yard; lots on the corner of Morello and Center shall have three trees in the street-side side yard planter area.
 - c. Street trees, other streets: Not less than two street trees per lot, five on corner lots.
 - d. Rear yard trees: Not less than two trees per lot shall be required in the rear yards of Lots #6-15; 30-40; 60-66; 79-83; 100-106; 108-111; 126-128; 131-133; and 135-139.
 - e. Side yard trees: Not less than two trees shall be planted in the exposed side yard, adjoining the house, on Lots #17 and 58.
 - f. Trail: Trees shall be planted on both sides of the trail required on Lots #26, 59, 60-66 and 133, as specified under Condition #7.
 - g. All trees required above, plus lawn installation in all front yards and street-side side yard areas shall be shown on a plan to be approved by the Planning Department and guaranteed in the subdivision performance bond.
9. Sewer Access: Sewer access via pipeline stubs and easements shall be provided in the location and quantity requested by the Mt. View Sanitary District along the common boundary with the Muir Oaks Tract.
10. Water Pressures: All lots over elevation 300, except Lot #112 will experience somewhat lower water pressures (about 30 psi minimum) than normal (about 40 psi minimum), but this should prove adequate for normal domestic needs. The developer shall so inform the Real Estate Commissioner of this fact and the appropriate lot numbers, for inclusion in the Public Report on the subdivision. Lot #112 will require a private pumping system or, alternatively, would require a connection to the Muir Oaks Hydropneumatic system.
11. Architectural:
- a. The following lots shall be limited to one story (above street grade) construction; lots #29-36, 79-83, 99-106, 108-111 and 113.
 - b. All street-side side yards on corner lots, plus exposed sides on Lots #17, 18, 58 and 136 shall receive architectural treatment consistent with front elevations.



Mr. James Busby

July 9, 1976

Page 6

- c. Rear elevations on Lots #6-15, 30-36, 60-66, 79-83, 100-106 and 108-111 shall receive architectural treatment consistent with front elevations.
12. Fencing: The developer shall install fencing as follows:
- a. Cattle-strength wire fencing around the boundary of Lot #25 (comprised of shown lots #25-27 and 59); Lot #66 (comprised of shown lots #66, 77, 78 and the rear portion of #67); Lot 107 and 112.
- b. Street-side side yard fencing from the rear corner of the house straight back to the property line on all corner lots (total 13).
13. Construction Plans: Grading and improvement plans shall be submitted to the Planning Department for approval prior to approval by the City Engineer.
14. Design Review: House plans shall be submitted for review and approval of the Planning Commission prior to the issuance of any building permits.
15. Clearing: The thistle, or wild artichoke infestation on Lot #26 and adjoining areas shall be removed by the developer during clearing operations.
16. Abandon Access: The Planning Commission recommends to the City Council that the 10-foot wide pedestrian access easement between Center Avenue and the Open Space and Park Use Easement, lying over a portion of Lot #139 be abandoned after dedication of Center Avenue and Lots #134-135 to the City.

Very truly yours,



Barry E. Whittaker, Secretary
Martinez Planning Commission

mf

cc: City Eng.
Bldg. Insp.



RESOLUTION NO. 108-76

H-4
(P2+4)

AMENDS GENERAL PLAN TO TRACTS 4744 and 4774

WHEREAS, the City Council of the City of Martinez has received a recommendation from the Planning Commission to amend the General Plan to Tracts 4744 and 4774 in the vicinity of the Veteran's Administration Hospital area; and

WHEREAS, the effect of the General Plan amendment is to increase the total number of lots in the two subdivisions by 22⁺, reduce permanent open space by approximately two acres, change some permanent public open space to permanent private space and grade and build on three knolls adjoining Muir Oaks; and

WHEREAS, the EIR and addendum were certified to by the Martinez Planning Commission prior to its recommendation to the City Council; and

WHEREAS, the City Council held a public hearing this date and considered the recommendations.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Martinez that the General Plan be and the same is hereby amended, pertaining to Tracts 4744 and 4774, bounded by Vine Hill Way, Muir Oaks, V.A. Hospital, Orleans Plaza, Kaiser Hospital, Pleasant View No. 3 and Pine Meadows Golf Course, and changes Tract 4774 from "Parkway Holding Zone" to Residential, 0-6 du/acre and permanent open space; and Tract 4744 providing for minor changes in boundaries between Residential, 0-6 du/acre, and permanent open space, and changes their permanent open space from "planned public open space" to "Private open space".

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a regular meeting of said Council held on the 18th day of August, 1976, by the following vote:

AYES: Councilmen - GIANNO, KRAUSE, LANCE, THELEN, SPARACINO

NOES: Councilmen - NONE

ABSTAIN: Councilmen - NONE

ABSENT: Councilmen - NONE

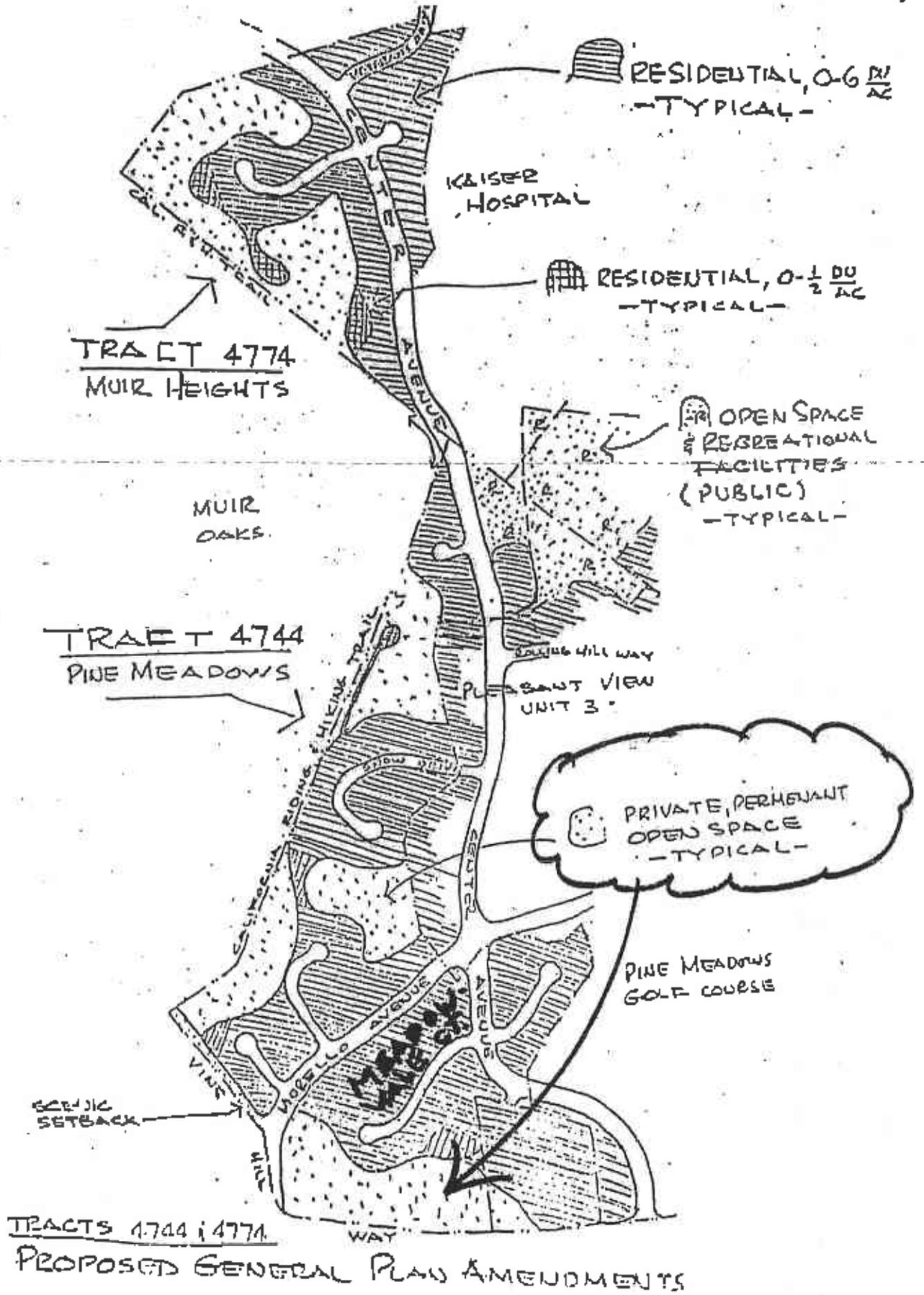
EXHIBIT 5

Lucia A. Steiner, Deputy
City Clerk of Martinez

EXHIBIT H-4

1976 GDA TO PRIVATE O.S.

H-4
(P144)



TRACTS 4744 & 4774
PROPOSED GENERAL PLAN AMENDMENTS

Staff
commendation:

That the Planning Commission, by resolution, adopt the recommended amendment to the General Plan and recommend to the City Council that it do the same.

M-4
(p. 3-4)

Discussion:

The effects of amending the General Plan as recommended are summarized as follows:

1. Density increases:

- a. Tract 4744: The plan recommended for approval will yield about 132 lots consistent with the General Plan amendment, as opposed to about 116 lots if developed to conformance to present General Plan policy:
EFFECT: Increase of 16 lots +.
- b. Tract 4774: The plan recommended for approval will yield about 60 lots consistent with the General Plan amendment, as opposed to about 54 lots if developed in conformance to present General Plan policy extended onto this site:
EFFECT: Increase of 6 lots +.

2. Permanent Open Space:

- a. Reduction of Area, Tract 4744: There would be a reduction of permanent open space of about 2 acres over that required by present General Plan policy, due to the construction of eight houses and lots on the Coward Knoll adjoining Vine Hill Way, rather than this area remaining as permanent open space. Impact of change is visual.
- b. Change of designation from planned permanent public open space to planned permanent private open space: Present General Plan policy calls for an 8-10 acre public open space area along Vine Hill Way including the top of Coward's knoll; revised policy would call for approximately 6 acres of private open space alongside Vine Hill Way, incorporated into a "horse set-up" lot, restricted by a "scenic easement" prohibiting the erection of structures, obscure fencing, or grading.

(The original Hidden Lakes area General Plan policies called for preservation of the entire Coward site, including the Pine Meadows Golf Course and all adjoining undeveloped property, as permanent public open space. An amendment in 1973 revised this by City Council directive, to allow for development of all of the undeveloped 23 acre area (except the Golf Course) except for the small "permanent public open space" area noted above. In retrospect, no reason remained for the "public" designation, as no reasonable public use of this area can be foreseen.)

(Underlining
from
original)



CITY OF MARTINEZ

DRAFT MITIGATED NEGATIVE DECLARATION

Project Name: Freitas Development - Subdivision 9120, requiring General Plan Amendment and Rezoning of portion of Private "Pine Meadows" Open Space

Project Location: The project site is located at 633 Vine Hill Way, at the northeast corner of Vine Hill Way and Morello Avenue, within the City of Martinez, in Contra Costa County. (APN 162-420-009)

Description of project: The property owner proposes to subdivide a 5.57 acre parcel to allow the development of 4 new single family homes, in addition to the one existing single-family home, at 635 Vine Hill Way. The development also requires a General Plan Amendment and Rezoning of approximately 3 acres from "Open Space" to "Residential". Proposed lots will range between ±16,000 to ±72,000 square feet. The 4 new residential lots would generally be located adjacent to the intersection of Ashwood Drive and Vine Hill Way. Project would require the rezoning of approximately 3 acres from OS (Open Space) to R-10 (One-Family Residential: 10,000 square feet minimum site area). The property is mostly grassland, which has been seasonally mowed since this lot was created in the mid 1970's as a part of the "Pine Meadows" subdivision. The northeast corner of the property has been improved with a single family residence and accessory structures, all of which are within the ½ acre portion of the site currently zoned "residential." The remaining 5 acres is currently zoned as "Open Space." At the time of the subdivision's approval, the parcel was envisioned as a "horse set up" lot, preserving the ungraded slopes adjacent to Vine Hill Way and Morello Avenue frontages as scenic mitigations within the then urbanizing Vine Hill Way corridor. The frontages themselves were planted with naturalizing tree species and improved with a rustic walking trail. The proposal would create a new "shared driveway" behind the trail, parallel to Vine Hill Way. Approval for the grading and design of the custom home for the 4 new lots is not being requested at this time.

The project will require the following entitlements:

- (a) General Plan Amendment to change the land use designations of approximately three acres from Open Space to Residential.
- (b) Rezoning from OS to R-10
- (c) Major Subdivision Map to allow for 5 single family lots

Findings: It is hereby determined that, based on the information contained in the attached Initial Study, the project would not have a significant adverse effect on the environment.

Mitigation measures necessary to avoid, or reduce to a less-than-significant level, the project's potentially significant effects on the environment are detailed on the following pages. These mitigation measures are hereby incorporated and fully made part of this Draft Mitigated Negative Declaration. The project applicant has hereby agreed to incorporate and implement each of the identified mitigation measures as part of the project. The Mitigation Measures will be adopted as a part of a Mitigation Monitoring and Reporting Program.

Corey M. Simon, Senior Planner

EXHIBIT 7

June 29, 2007

Date

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?		X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

Discussion:

a-d) The site subject 5.5 acre parcel, the majority of which is designated private open space, is the result of the environmental review/public review process that created the 1976 subdivision ("Pine Meadows") of which it's a part. At that time, the City wished to preserve the rural appearance of Vine Hill Way, then the only through road within the urbanizing area. The perspective toward what was then known as "Coward's Knoll" (now cul-de-sac bulb of Meadowvale Court) was seen as the most significant, thus the western third of the site is proposed to remain as open space. Of secondary significance was the view onto the site from Vine Hill Townhomes, and the "windshield perspective" east of the knoll.

Visual simulations illustrate the impact of the proposed development, as illustrated in Attachment 1. While the existing trees along the unusually wide right-of-way between edge of pavement and subject property (trail and plantings also part of original 1976 subdivision) provide some mitigation, additional design refinements are needed to reduce the visual impacts of the new units. With the mitigations listed below, the units themselves would be visually diminutive, thus preserving the original intent of the open space designation.

- **Mitigation Measure AES-1:** The property line between proposed Lots 1 and 2 be moved approximately 100' eastward, so that the side yards areas of the two lots "line up" with Ashwood Drive, preserving more of the unbuilt appearance of the site from northbound Ashwood Drive.
- **Mitigation Measure AES-2:** The visual height the units ultimately be built on the proposed lots (Design Review approval entitlements not requested at this time) be reduced by either lowering the average elevation of the homesite be off-haul grading and/or imposition of a more restrictive height limit (e.g. single story 18' maximum) than the 2 story 25' maximum typically allowed in the proposed R-10 Zoning District.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X

Discussion:

- a-d) The project will result in the continuation of existing residential use. The activities normally associated with residential use would not result in the creation, emission, or transport of hazardous materials.
- e-f) The project is not located within an airport land use plan or within the vicinity of a private airstrip.
- g) The proposed subdivision would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- h) The project site is contained within an established residential neighborhood with no significant open spaces or wildland areas nearby. Therefore, the risk of exposure to wildland fires is non-existent.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place a building within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion:

a,c-f) As a residential use, there will be discharge of wastewater, other than typical residential sewage. The Site is within the Central Contra Costa Sanitation District, who is responsible for wastewater treatment. There are no natural watercourses on the project site or its area.

Runoff water quality is regulated by the Federal National Pollution Discharge Eliminating System (NPDES) Nonpoint Source Program (established through the Clean Water Act). The NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. The Program is administered by the California Regional Water Quality Control Boards. The project site would be under the jurisdiction of the San Francisco Bay RWQCB.

The City of Martinez is a participant in the Contra Costa Clean Water Program. The Clean Water Program maintains compliance with the NPDES Storm Water Discharge Permit and promotes storm water pollution prevention within that context. Compliance with the NPDES Permit is mandated by State and Federal statutes and regulations.

New development and significant redevelopment projects that are subject to Provisions C.3 of the NPDES Permit are grouped into two categories based on project size. The proposed project would be considered a Group 1 project, a redevelopment project that would create or replace more than one acre of impervious surface (e.g. roof area, streets, sidewalks, parking lots). This project is subject to the provisions included below:

- Numeric Sizing Criteria For Pollutant Removal Treatment Systems
- Operation and Maintenance of Treatment Measures
- Limitation on Increase of Peak Stormwater Runoff Discharge Rates

The proposed project has been designed at a conceptual level. Final grading, drainage, or landscape plans have not yet been developed for the site. Construction activities and post construction land uses could result in degradation of water quality in nearby surface water bodies by reducing the quality of storm water runoff. Implementation of the following mitigation measures would ensure compliance with the above noted standards and guidelines to ensure potential impacts to water quality would be less than significant.

- Mitigation Measure HYD-1: The project applicant shall submit grading and drainage plans to the City Engineering Division for their review and approval. The grading plan and the drainage plan for the project shall be prepared by a licensed professional engineer. The plans shall include drainage components that are designed in compliance with City of Martinez standards. In addition, the applicant shall submit a complete Stormwater Control Plan for all phases of project, an Operations and Maintenance Plan, and apply for a C.3. Permit.
- Mitigation Measure HYD-2: The applicant shall file a Notice of Intent (NOI) to comply with the General Construction Activity permit. This permit requires that the project proponent prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on site and made available to RWQCB, or City staff upon request. The SWPPP shall be submitted to the City prior to approval of the grading plan. The City shall review and approve the final design for operational period BMP's. The SWPPP shall include:
 - Specific and detailed Best Management practices (BMP's) designed to mitigate construction related pollutants to a level of insignificance. At minimum, BMP's shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

- An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.
 - The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with the State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable runoff" The developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.
 - BMP's designed to reduce erosion of exposed soil, may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMP's selected shall focus on erosion control, which is, keeping sediments on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1st and irrigated as necessary to ensure that adequate root development has occurred prior to October 1st. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash down facilities shall be provided and designed to be accessible and functional during both dry and wet conditions.
 - Mitigation Measure HYD-3: The applicant shall fully comply with the requirements and intent of the current County NPDES permit. The permit requires a comprehensive approach to stormwater management that implements: a) site design measures to minimize impervious area, reduce direct connections between impervious area and the storm drain system, and mimic natural systems; and employs; b) source control, and c) treatment control measures, which can reduce runoff and the entry of pollutants into stormwater and receiving waters. The project shall incorporate site design measures for reducing water quality impacts of the project in compliance with the NPDES Permit Provision C.3 requirements.
 - Mitigation Measure HYD-4: Landscaping proposed as part of the project shall utilize Integrated Pest Management (IPM) practices to reduce the potential sources of pollution on the site. The applicant shall include procedures to reduce pesticide, fertilizer, and water use, and designate an IPM certified applicator in the Operations and Maintenance Plan submitted to the City prior to issuance of a Certificate of Occupancy.
- g-h) The site is not located within a 100-year flood hazard area (Flood Insurance Rate Map, Community Panels #0650440002 B, May 2, 2002).
- i) The project will not affect a levee or dam.
- j) The project is not in a coastal location which could be subject to seiche or tsunami. There are no significant natural watercourses in the area that could cause mudflow.

The Record

Community Forum

GUEST COLUMN

Beavers — yes, open space — no?

By Mark Thomson

GUEST COLUMN

As surprising as it seems, our City Council is poised to convert open space to housing. In a town where so many have affirmed their need for a close tie to the natural environment in Martinez, there is a move afoot to put housing on our precious open space.

There is a beautiful set of open space parcels south of Highway 4 that were preserved when all the subdivisions were put in.

One of the most visible spaces is now slated to be bulldozed, recontoured, held in place with retaining walls and then to have houses plopped on what is now zoned as permanent open space.

Check it out yourself. Does it benefit our town to build on the open space on Vine Hill Way between Morello Avenue and Center Street?

There are a couple of issues to be considered here. First — if we care enough about our environment to make room in our community for our beavers, why would we want to be putting up houses on protected land?

Open space isn't cute and cuddly looking like a beaver, but each piece of open space that's developed makes our town feel more like a place that's less welcome to come home to.

Secondly — as our City Council continues down the path to finding a way to accommodate our beavers, what's to say that down the road things won't change and the beavers aren't welcome anymore.

After all, our mayor said, "Zoning isn't permanent." Later on we could be hearing, "Beavers aren't permanent."

We've worked hard over the years to make Martinez the wonderful town it is to live in. The Franklin Hills have been set aside to keep our vistas preserved. The restoration of Alhambra Creek has been a great ongoing effort.

We're going to find a way to keep the beavers on the creek and in harmony with our city. Let's not start backsliding with our open space.

As Joni Mitchell sang, "Don't it always seem to go, ...

That you don't know what you've got, Till it's gone,

They paved paradise, And they put up a parking lot."

**Mark Thomson
Martinez**

Thomson is a Martinez resident and member of the Keep Our Open Space Committee.