



STAFF REPORT

TO: PLANNING COMMISSION

PREPARED BY: William L. Dillard, Code Enforcement Inspector

GENERAL INFORMATION

OWNER/
APPLICANT Mr. James VonWaldegg

LOCATION: 4847 Northridge Road (double lot, between existing residence at 4839 Northridge Road and 4891 Kendall Ct.) Two parcels comprise a total of 2.21 acres.

PROPOSAL: Appeal hearing for Administrative Citation #118, re: M.M.C. Section 22.12.080 – Number of horses allowed per acre of land.

ZONING: RR-40 (Rural Residential - Single Family: 40,000 square foot minimum lot area)

RECOMMENDATION

Uphold Staff's finding of non-compliance with Section 22.12.080 regulating the number of livestock allowed be limited to four at any time in compliance with Zoning Ordinance for RR-40 at this location. In addition uphold the issuance of Administrative Citation #118 in the amount of \$200.00 for failure to comply by allowing six horses on the above referenced property from December 3, 2008 through February 9, 2009.

SITE DESCRIPTION

The double parcel (2.21 acres) is located in the rural residential neighborhood of "Muir Oaks", Zoned RR-40 and is at the intersection of Northridge Road, Mildred Road and Kendall Ct.

REGULATIONS FOR KEEPING LIVESTOCK IN RR DISTRICT

Beginning in the early 1970's with the pending City's annexation of the Muir Oaks and Vine Hill Way neighborhoods, the City adjusted its zoning rules to be more accommodating to those who wish to keep horses, cows and other large animals (i.e. livestock animals) in these rural settings. In 1972, the City established the "Rural Residential" Zoning District, in which one could keep livestock animals on minimum 40,000 sq. ft. lots, while a minimum of 80,000 sq. ft. is required elsewhere in the City. The "Rural Residential" District regulations generally allow 2 livestock animals on each lot of 40,000 sq. ft. or more. For each additional 20,000 sq ft., one additional animal is permitted. The Rural Residential (RR) District animal regulations are set forth by Martinez Municipal Code (MMC) Section 22.12.080(H) (which is attached).

Definition of "grandfather clause" for keeping of livestock

In 1987, the regulations regarding the keeping of animals was further modified to clarify that those in the Rural Residential Zoning District who possessed more livestock animals, than allowed by the Municipal Code provision referenced above, at the time the area was annexed into the City, could continue to keep up to 5 livestock animals (including horses) on such properties. The language adopted in 1987 states:

*The keeping of livestock or other animals shall not be considered a **nonconforming use** except that in RR (Rural Residential) Districts that the keeping of up to five split hooved animals [i.e. any form of livestock] shall be considered a **nonconforming use**.*

A **nonconforming use** is defined in MMC Section 22.38.010(A) (which is attached) as *a use of land which was lawfully established and maintained prior to the adoption of the current zoning regulations, but which does not conform to those use regulations. This section permits the continuation of the nonconforming use until the nonconforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of 1 year. After the nonconforming use has been discontinued, the nonconforming use may not be reestablished.* The legal authority for the continuation of legally established nonconforming uses is commonly referred to as "grandfather clause" or "grandfathering."

In 1993, the City further clarified the intent of the 1972 and 1987 regulations by amending Section 22.38.120 to refer to both "horses" and "split hooved animals" as "livestock" or "large animals".

So regardless of the property's size, if one had up to 5 large animals on a property at the time of annexation, one could continuously keep up to 5 livestock animals on that specific piece of property. Properties that were: a) never previously used for the keeping of livestock, b) had always complied with the limits of RR district, or c) at one time may have had up to 5 animals but have been in compliance for a continuous 1 year period, are not entitled to legal nonconforming use status.

To summarize, if the property in question is not entitled to legal nonconforming use status, it would be bound to the RR District animal regulation in Section 22.12.080(H),

which permits “two horses (or other livestock animals) per 40,000 square feet of property and one horse or other livestock animal for each additional 20,000 square feet of property.

CASE HISTORY

This case has been ongoing since the original complaint was received December 06, 2006. Complainant advised there were six horses being kept on the 4847 Northridge Rd. property. M.M.C. Section 22.12.080 allows two horses per acre in this RR-40 Zone. The two parcels of property (4847 & 4865) at this location comprise 2.21 acres, thus allowing a maximum of four horses. (copy of M.M.C. Section 22.12.080 attached).

A Courtesy Warning Notice was mailed to property owner (Mr. James Vonwaldegg) advising of the complaint of more than four horses on his property. Mr. Vonwaldegg responded, advising the horses belonged to a tenant (Jill Renee Corley) and he would advise her she could only keep four horses on his property. During the next six months numerous reports were received from neighbors that Renee Corley was bringing additional horses to the property on weekends and at night and then would remove them prior to Code Enforcement inspections.

On June 26, 2007 there were a total of seven horses observed by Code Enforcement on the property and a notice (letter attached) was sent to the property owner. Failure to comply resulted in Administrative Citation #112 (copy attached). Mr. Vonwaldegg contacted Dave Scola (Building Official) and advised all but four horses had been removed. The citation was cancelled.

On December 03, 2008 I received a complaint of more than four horses on the Vonwaldegg property. I checked the Vonwaldegg property and observed six horses at the location. A notice (copy attached) was posted on the property that there were more than the allowed four horses. On Friday December 05, 2008, City staff (Planning Dept., Building Dept., Code Enforcement) met with Mr. Vonwaldegg (property owner), Ms Corley (tenant), nearby property owner Laura Delfino, and staff reporter from the Martinez News-Gazette regarding the number of horses being kept on the Vonwaldegg property. The result of this meeting was a “Notice of Zoning Code Violation” letter dated December 18, 2008 (copy attached), advising Mr. Vonwaldegg the maximum number of large animals allowed on his property remained at four. I received statements from property owners (Sheri Brenner, 4891 Kendall Ct.; Jan & Tom Miller, 4823 Northridge Rd.) confirming there were periods of more than twelve consecutive months that there were fewer than five horses on the Vonwaldegg property. As explained above, under these facts the property would not be entitled to legal nonconforming use status for the keeping of more than 4 horses. In addition, for any property in the RR District, no more than 5 horses could be permitted as a legal nonconforming use

On February 02, 2009, I again observed six horses at the site (photos attached). I contacted Mr. Vonwaldegg and advised him that I had observed more than the allowed four horses on his property. Mr. Vonwaldegg said he “could not handle the stress his tenant (Renee Corley) was causing him by having more than the allowed four horses on his property”, and he “would just have to ask her to remove all her horses”. On

February 02, 2009, a notice (copy attached) was posted at the property requesting compliance by Friday February 06, 2009, and stating that an Administrative Citation would be issued for failure to comply by that date. On Monday February 09, 2009 I checked the Vonwaldegg property and observed there were still six horses at the location. Administrative Citation #118 was issued to Mr. Vonwaldegg for non-compliance (copy attached).

On February 19, 2009, Mr. Vonwaldegg filed a letter requesting a hearing to contest Administrative Citation #118. (copy attached). On March 5, 2009, a letter was mailed to Mr. Vonwaldegg advising him a deposit of the amount of the Administrative Citation was required to schedule the appeal hearing. On March 24, 2009, a fee of \$200.00 was paid by check from Ms. Corley. On April 1, 2009, a letter was mailed to Ms. Corley advising her check was returned "non-sufficient funds". On April 3, 2009, Ms. Corley paid the fee in cash. An Administrative Citation Appeal Hearing was originally scheduled for April 14, 2009, which has been reset to May 12, 2009.

ATTACHMENTS

Site Context Map and Aerial Photo
M.M.C. Section 22.12.080 (H)
Notification letter 06-29-07
Administrative Citation #112
Notice Posted on 12-03-08
Notice of Zoning Code Violation 12-18-08
Notice Posted on 02-02-09
Administrative Citation #118
Request for hearing letter 02-19-09
Letter of required deposit for hearing
Non-Sufficient Funds Letter
Notice of Public Hearing
Notice of Meeting Cancellation
Photographs of location

F:\Shared\Building\Bill's Files\martinez admin cite hearing Von Waldegg staff report ja revised 4-20-09.doc



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1" = 129'

CityGIS

APN: 1620600054
Address: NORTHRIDGE RD , MARTINEZ CA, 94553
Owner Name: VONWALDEGG,JAMES TR TRUST
Owner Address: 4847 NORTHRIDGE RD , MARTINEZ CA, 94553
Owner Phone:
Building SF:
Acres (Assessor): 1.05
Acres (Calculated): 1.05
Lot Front:
Lot Depth:
Legal Description: MUIR OAKS POR LOT 20
Land SF (Assessor): 45738
Land SF (Calculated): 45738
Land Use: VACANT LAND: VACANT LAND (NEC)
Year Built:
Assessed Value: \$11,166
TBM Page: G7-571
Sales Deed Cat:
source: TAX_UPDATE (02/09/2001 00:00)

APN: 1620600112
Address: 4847 NORTHRIDGE RD , MARTINEZ CA, 94553
Owner Name: VONWALDEGG,JAMES TR TRUST
Owner Address: 4847 NORTHRIDGE RD , MARTINEZ CA, 94553
Owner Phone:
Building SF: 1884
Acres (Assessor): 1.16
Acres (Calculated): 1.16
Lot Front:
Lot Depth:
Legal Description: MUIR OAKS POR LOT 20
Land SF (Assessor): 50530
Land SF (Calculated): 50530
Land Use: RESIDENTIAL: SFR
Year Built: 1959
Assessed Value: \$74,276
TBM Page: G7-571
Sales Deed Cat:
source: TAX_UPDATE (02/09/2001 00:00)

ZONING

those envisioned in this section and Sections 22.12.030 through 22.12.060, a public hearing shall be held, following the same procedures for notification as specified in Section 22.12.040B herein, at which the need for improvements, their potential impact on the entire Rural Residential District in question, and the appropriateness of continuing the Rural Residential Zoning District in question are to be discussed. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,103.1(e).)

22.12.080 Permitted Uses.

The following uses shall be permitted:

- A. One family dwellings in which not more than two paying guests may be lodged and/or furnished meals;
- B. In the R-1.5, R-2.5 and R-3.5 district, multifamily dwellings, as follows:

TABLE A

Zoning District	Maximum Building Size (i.e., maximum number of dwelling units permitted in 1 building)
R-3.5	2 dwelling units per building
R-2.5	8 dwelling units per building
R-1.5	Size limits as appropriate shall be established by the Board of Adjustments in design review;

- C. Accessory structures located on the same site as a permitted use including private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, hobby shops and, when the basic structure is a one family dwelling, a guest house or accessory living quarters without a kitchen;
- D. Home occupations;
- E. Raising of fruit and nut trees, vegetables and horticultural specialties;

ZONING

- F. Except for the R-1.5, R-2.5 and R-3.5 districts, the raising of poultry, rabbits, chinchillas, hamsters and other small animals on a site not less than 20,000 square feet in area, provided that not more than twenty (20) of any one or combination of such poultry or small animals shall be permitted on any one acre or smaller site, and provided that no structure housing poultry or small animals shall be closer than 25 feet to a dwelling unit on the site or 50 feet to the property line;
- G. Except in the R-1.5, R-2.5, R-3.5 and all RR districts, private stables for the keeping of not more than three horses on a site of not less than 80,000 sq. ft. in area, provided that one additional horse may be kept for each additional 40,000 sq. ft. of the site, and provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling;
- H. In the RR districts, private stables for the keeping of not more than two horses on a site of not less than 40,000 sq. ft. in area, provided that one additional horse may be kept for each additional 20,000 sq. ft. of the site, and provided that any stable meets the conditions of subsection G above;
- I. In the R-1.5 district only, lodging houses and apartment hotels;
- J. State authorized, certified or licensed family care, foster home or group home serving six or fewer mentally disordered or otherwise handicapped persons;
- K. Secondary Housing Units shall be allowed on all residential lots containing single family homes subject to the following conditions:
1. Secondary units must be in compliance with applicable building, fire and other health and safety codes.
 2. The secondary unit will be in compliance with existing zoning requirements, including setbacks and lot coverage.
 3. There will be written consent from adjoining property owners agreed to a proposed secondary housing unit.



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

June 29, 2007

James Vonwaldegg
4847 Northridge Rd.
Martinez, Ca. 94553

Subject: Excessive number of horses boarded at location.

Dear Mr. Vonwaldegg,

This is a Notice that you are in violation of Martinez Municipal Code Section: 22.12.080. This regulation restricts the number of horses per acre of land. The two parcels of property at this location comprise 2.21 acres, thus allowing a maximum of four horses at this location.

The above section sets the maximum number of horses allowed on your property. The regulations for legally nonconforming uses (Chapter 38) do not apply. You should be aware that Section: 22.38.120 – The keeping of livestock as a nonconforming use of property, is a provision that limits the number of horses to five per acre as long as it is continual use that there has not been a period in excess of 12 consecutive months during which less than five horses have been kept on that property. Our investigation has found that there were periods of greater than 12 months that there were no more than three horses on the entire property.

As of June 26, 2007 there were a total of seven horses boarded on your properties, which constitutes a violation of the City of Martinez's Municipal Code. This violation may be corrected by keeping no more than four horses on your property.

COMPLIANCE IS REQUESTED WITHIN 15 (FIFTEEN) DAYS OF THIS NOTICE
Failure to comply can result in an Administrative Citation of \$100. per notice of non-compliance.

Sincerely,

A handwritten signature in blue ink that reads "William L. Dillard".

William L. Dillard
Code Enforcement Inspector
City of Martinez, 925-372-3598

cc: Cory Simon, Planning Dept.



ADMINISTRATIVE CITATION
 City of Martinez
 Neighborhood Improvement Services

Citation # 112
Case No. 2027919

Date of Citation 08-13-07	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week MONDAY
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Violation Location/Address
 4847 Northridge Rd., Matinez, Ca. 94553

Citation Issued To (Owner or Business)
 James Vonwaldegg (Owner of Property)

Address if different than violation

City	State	Zip
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Driver's License No.

You are being issued an Administrative Citation for this violation in lieu of Criminal Prosecution. Additional violations may result in Criminal Prosecution and/or additional Administrative fines.

This violation(s) was originally brought to your attention on June 29, 2007 **, and you have not corrected or resolved the violation(s).**

<input type="checkbox"/> 1st VIOLATION \$100.00	Refer to the back of this citation for information on paying the amount indicated.
<input type="checkbox"/> 2nd VIOLATION \$200.00	
<input type="checkbox"/> 3rd VIOLATION \$500.00	

Violation Code & Section	Description of Violation(s)	Fine Amount(s)
Martinez Municipal Code, Section: 22.12.080 – Number of Horses per acre of land.		\$100.00
The two parcels of property at this location comprise 2.21 acres, thus allowing a maximum		\$
of four horses at this location (per letter of June 29, 2007)		\$
FINE DUE BY: August 27, 2007		\$

In addition to the fine the following corrections must be made by:

On this date there are currently more than four horses at this location.

This violation may be corrected by keeping no more than four horses on you property.

FAILURE TO COMPLY CAN RESULT IN ADDITIONAL ADMINISTRATIVE CITATIONS FOR EACH NOTICE OF NON-COMPLIANCE.

Issuing Officer	Date
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NOTE: TO AVOID ADDITIONAL CITATIONS, PLEASE COMPLY.

Questions regarding this citation, call Code Enforcement Department: 925-372-3598

SORRY WE MISSED YOU!

OUR CITY CODE ENFORCEMENT INSPECTOR
STOPPED BY:

DATE: 12/3/08 _____ AM _____ PM

Location: 4847 NORTHRIDGE

- To make an inspection
- To make a reinspection
- Please call to discuss violation
- Other _____

NOTES:

MORE THAN FOUR HORSES AT THIS
LOCATION IS A VIOLATION OF THE
MUNICIPAL CODE AND PRIOR NOTIFICATIONS,

AN ADMINISTRATIVE CITATION OF
\$200.00 WILL BE ISSUED ON FRIDAY
12-5-08 IF THERE ARE MORE THAN
FOUR HORSES AT THIS LOCATION FOR THAT
DATE AND/OR ANY TIME IN THE FUTURE.

Phone # 372-3598

Inspector BILL DILLARD



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

COMMUNITY DEVELOPMENT DEPARTMENT (925) 372-3515

December 18, 2008

James Von Waldegg
4847 Northridge Road
Martinez, CA 94553

SUBJECT: NOTICE OF ZONING CODE VIOLATION; Excessive number of horses or large animals boarded at location, 4847 Northridge Road; APN 162-060-005 & -011 (RR-40 Zoning District).

Dear Mr. Von Waldegg,

This is a Notice that you are in violation of Martinez Municipal Code Section 22.12.080. H, which regulates the number of horses or large animals allowed, per size of parcels, in the RR (Rural Residential) Zoning District. Your two parcels comprise a total of 2.21 acres, thus allowing a maximum of four horses or large animals at this location. The following should clarify any misunderstandings you or your tenant may have as to how to interpret the above code section:

- Any historical reference to "split hooved animals" being "in addition" to horses only refers to *the definition of animals* that may be permitted on a parcel. Thus while the code Section above may only list "horses," the maximum number of permitted animals may include both split hooved animals and horses; but the maximum number of total large animals permitted on your property remains four.
- City policy allows, in addition to the "maximum number of horses permitted" (in your case, four), the boarding of yearlings which are born, on site, to those mares legally being boarded (i.e. within the maximum permitted number). Both the keeping of such young horses on the property more than 14 months after birth, and the boarding of foals, colts yearlings (etc.) which are not offspring of the legally permitted mares, is not permitted.

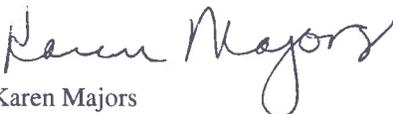
As of December 18, 2008, there were a total of eight (8) large animals on your 2.21 acres of property, which constitutes a violation of the above referenced Section of the Martinez Municipal Code. On June 29, 2007, you were noticed of a similar violation, at which time there were seven horses on the properties (copy enclosed). These violations may be corrected by keeping no more than four large animals on your property.

COMPLIANCE IS REQUESTED WITHIN 15 (FIFTEEN) DAYS OF THIS NOTICE. Failure to comply can result in an Administrative Citation of \$100.00 per notice of non-compliance.

Sincerely



Dave Scola
Building Official
(925) 372-3628



Karen Majors
Assistant City Manager
Director Community Development
(925) 372-3518

cc Cory Simon, Senior Planner
William L. Dillard, Code Enforcement Inspector

SORRY WE MISSED YOU!

OUR CITY CODE ENFORCEMENT INSPECTOR
STOPPED BY:

DATE: 2/2/09 _____ AM _____ PM

Location: 4547 NORTHRIDGE RD

- To make an inspection
- To make a reinspection
- Please call to discuss violation
- Other COMPLIANCE REQUESTED BY
2/6/09

NOTES:

— PER LETTER DATED 12/18/08
"NO MORE THAN FOUR HORSES ALLOWED"
AT THIS LOCATION.

— FAILURE TO COMPLY CAN RESULT IN
AN ADMINISTRATIVE CITATION.

Phone # 372 3598

Inspector BILL DILLARD



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394



ADMINISTRATIVE CITATION Citation # 118
 City of Martinez Case No. 09-2029114
 Neighborhood Improvement Services

Date of Citation 02-09-2009	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week Monday
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Violation Location/Address
4847 Northridge Rd., Martinez, Ca. 94553

Citation Issued To (Owner or Business)
James Vonwaldegg (Owner of Property)

Address if different than violation

City	State	Zip
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Driver's License No.

You are being issued an Administrative Citation for this violation in lieu of Criminal Prosecution. Additional violations may result in Criminal Prosecution and/or additional Administrative fines.

This violation(s) was originally brought to your attention on June 29, 2007 , and you have not corrected or resolved the violation(s).

<input type="checkbox"/> 1 st VIOLATION \$100.00	Refer to the back of this citation for information on paying the amount indicated.
<input type="checkbox"/> 2 nd VIOLATION \$200.00	
<input type="checkbox"/> 3 rd VIOLATION \$500.00	

Violation Code & Section	Fine Amount(s)
M.M.C. Section: 22.12.080 – Number of Horses per acre of land.	\$200.00
Six horses at this location (2.21 acres, allowing a maximum of four horses at this location)	\$
Per letter dated June 29, 2007 and letter dated December 19, 2008.	\$
FINE DUE BY: February 20, 2009	\$

In addition to the fine the following corrections must be made by: 02-16-2009

This violation may be corrected by keeping of no more than four large animals on your property.

FAILURE TO COMPLY CAN RESULT IN ADDITIONAL ADMINISTRATIVE CITATIONS FOR EACH NOTICE OF NON-COMPLIANCE.

Issuing Officer <i>William L. DeAlba</i> CODE ENFORCEMENT INSPECTOR	Date 2-9-09
-------------------------------------------------------------------------------	-----------------------

NOTE: TO AVOID ADDITIONAL CITATIONS, PLEASE COMPLY.

Questions regarding this citation, call Code Enforcement Department: 925-372-3598

To: Code Enforcement DIV.

2/19/09
~~2/20/09~~



Dear Code Inspector:

~~I~~ I contest the Administrative Citation
~~and~~ I received from you
regarding the number of horses I can
have at ~~my~~ ^{my} property in Muir Oaks.

I request a hearing before the "ARP."

Please mail the date + time to me

at: 4847 Northridge Rd.
Martinez, CA 94553

I also give Jill Renee Corley
power-of attorney to ^{speak to} the City of
Martinez on my behalf considering
^{this matter if} I may be away on business
& unable to speak or attend
discussions. Sincerely,

A handwritten signature in black ink, appearing to be "Jill Renee Corley", written over a horizontal line.



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

March 5, 2009

James Von Waldegg
4847 Northridge Road
Martinez, Ca. 94553

SUBJECT: Hearing requested on appeal of Administrative Citation #118, Case No. 09-2029114, issued on 02-09-2009.

Dear Mr. Von Waldegg,

Section 1.15.080(B) requires the amount of the Administrative Citation be deposited with the City of Martinez prior to the scheduling of an appeals hearing (copy of code section attached).

The City of Martinez does not agree to waive the fine deposit for this appeal.

A deposit of \$200.00 is required within ten days of the date of this letter. Failure to comply with the requirements of this section or failure to appear at the appeal hearing will constitute the forfeiture of the administrative fine and the fine shall become a final order or decision under this chapter.

Sincerely,

Dave Scola
Building Official
(925) 372-3628

Karen Majors
Assistant City Manager
Director Community Development
(925) 372-3518



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

DUPLICATE

April 1, 2009

Jill Renee Corley
131 Chilpancingo Pky. #169
Pleasant Hill, CA 94523

RE: James Von Waldegg
4847 Northridge Rd.
Martinez, Ca 94553
Violation #118
Case #092029114

PAID IN CASH
4/13/09
MJC

Dear Ms. Corley:

Your bank returned your check #1026 in the amount of **\$200.00** as "Non-Sufficient Funds". This payment was for a code enforcement violation for the property located at 4847 Northridge Rd. Payment is due within 10 days from this letter.

Please send a **Cashier's Check** or **Money Order** in the amount of **\$215.00**. This includes a \$15.00 service charge fee per check. The cashier's check or money order for **\$215.00** should be made payable to the City of Martinez and mailed to this office by **April 13, 2009**. Your payment should be mailed to:

City of Martinez
Finance Division
525 Henrietta Street
Martinez, CA 94553

According to the California Civil Code, Chapter 522, Section 1719, (1983 Statutes), any person who writes a bad check or any order for payment of money which is dishonored for lack of funds is now civilly liable and can be sued for **three times** the amount of the check or **\$100.00** whichever is greater, up to a maximum of **\$1,500.00, plus the amount of the check and court costs**. If another check is returned due to insufficient funds, the City will only accept payment by cash, credit card, cashier's check or money order for a period of one year.

If you have any questions, please do not hesitate to contact the Finance Division at 925-372-3575.

Sincerely,

Susan Branch
Senior Account Technician



NOTICE OF PUBLIC HEARING

The Martinez Planning Commission will hold a Public Hearing to discuss the following application:

LOCATION: 4847 Northridge Road, Martinez, Ca. 94553

APPLICANT: James VonWaldegg

DESCRIPTION: Appeal hearing for Administrative Citation #118, Case No. 2029114
M.M.C. Section: 22.12.080 – Number of horses per acre of land.

Staff requests the Planning Commission hear an appeal of an Administrative Citation issued to the property owner for allowing more than four large animals at this location.

ZONING: RR-40 (Rural Residential - Single Family: 40,000 sq. ft. min. lot area)

The Public Hearing will be held during the following meeting:

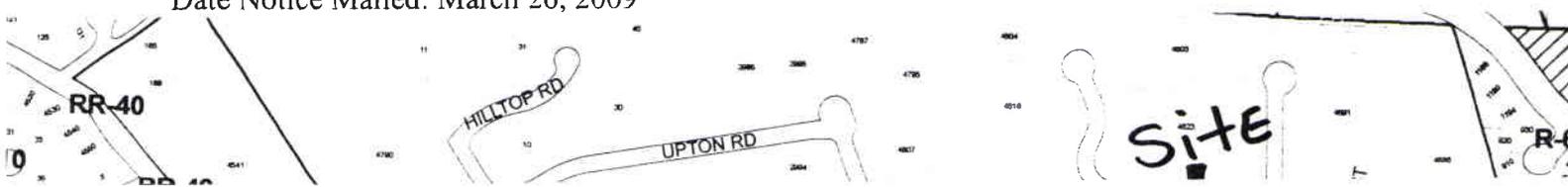
DATE: Tuesday, April 14, 2009
TIME: 7:00 p.m.
PLACE: City Hall, Council Chambers
525 Henrietta Street
Martinez, Ca 94553
(925) 372-3515

If you are interested in this application, you may come to the Public Hearing. Anyone may speak about the application at that time. If you cannot come to the hearing, you may send your comments in a letter addressed to the Planning Commission at the above address.

If you need further information, the application may be reviewed at the Community Development Department at City Hall, which is open from 8:00 a.m. to 12 noon and from 1:00 p.m. to 5:00 p.m.

**PLEASE REVIEW IMPORTANT INFORMATION PRINTED
ON THE REVERSE OF THIS FORM.**

Date Notice Mailed: March 26, 2009



PUBLIC HEARING PROCEDURE

1. Staff presents its report and recommendation.
2. Public Hearing:
 - a. Applicant's presentation.
 - b. Persons in favor of proposal may speak.
 - c. Persons opposed to proposal may speak.
 - d. Applicant may present rebuttal.
3. Planning Commission takes action.

APPEALS

Most Planning Commission decisions are appealable to the City Council within 10 (ten) calendar days of the decision. Please contact Planning staff for further information immediately after the decision. If a decision is appealed, the City Council will hold another hearing and make a decision.

COURT REVIEW

If you challenge a City decision in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, either in oral testimony at the hearing or in written correspondence delivered to the Planning Commission at or prior to the Public Hearing.

City Hall, 525 Henrietta Street



Martinez, CA 94553-2394

NOTICE OF MEETING CANCELLATION

**PLANNING COMMISSION MEETING SCHEDULED
FOR TUESDAY, APRIL 14, 2009, AT 7:00PM
REGARDING THE JAMES VONWALDEGG CITATION
4847 NORTHRIDGE ROAD
HAS BEEN CANCELLED AND RESCHEDULED
FOR TUESDAY, MAY 12, 2009**

**COUNCIL CHAMBER
525 HENRIETTA STREET
MARTINEZ**

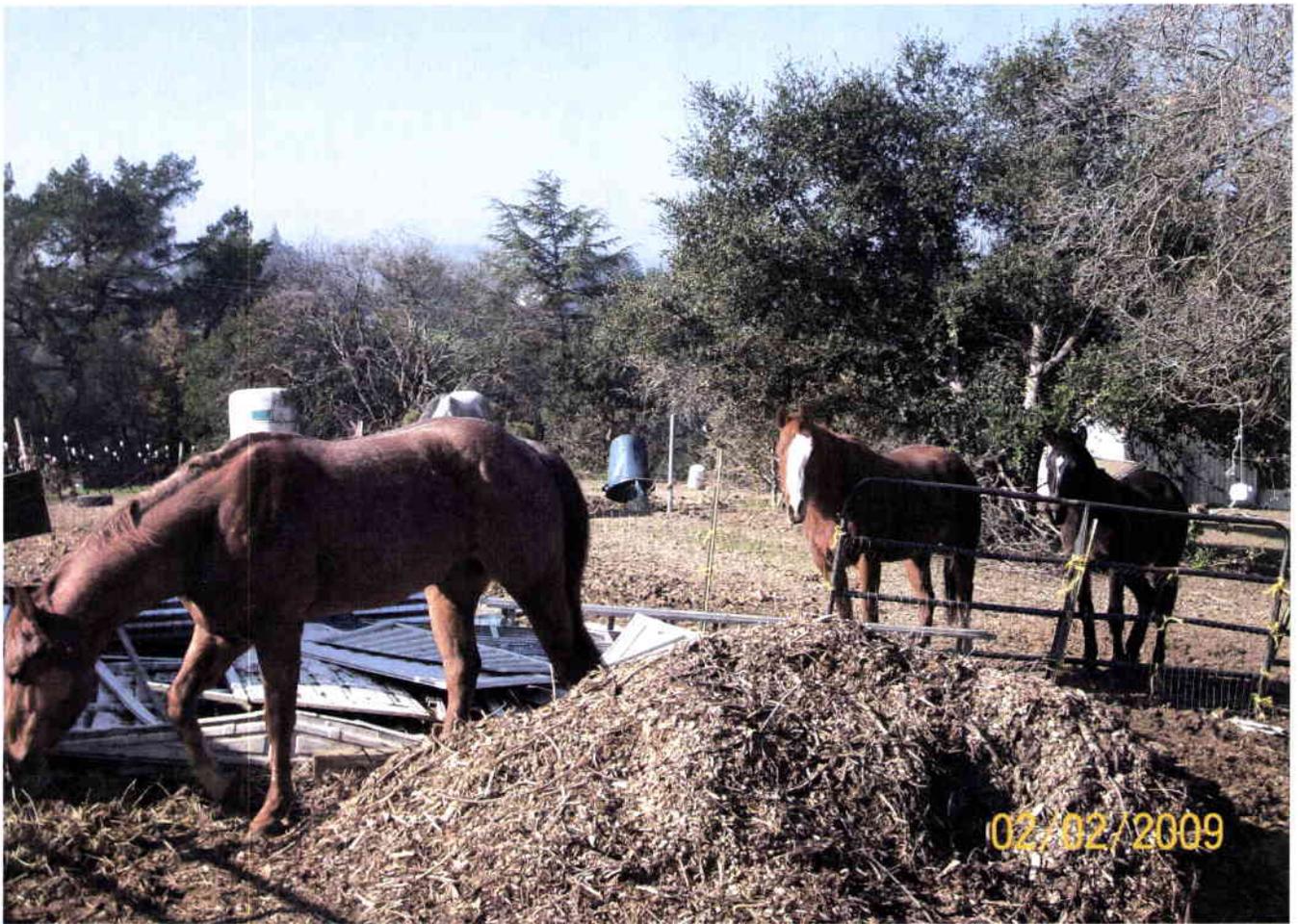
I certify under penalty of perjury under the Laws of California that on April 9, 2009 at 5 p.m., this notice was distributed and posted at City Hall, 525 Henrietta St., Martinez, CA.

A handwritten signature in cursive script that reads "Laura E. Austin".

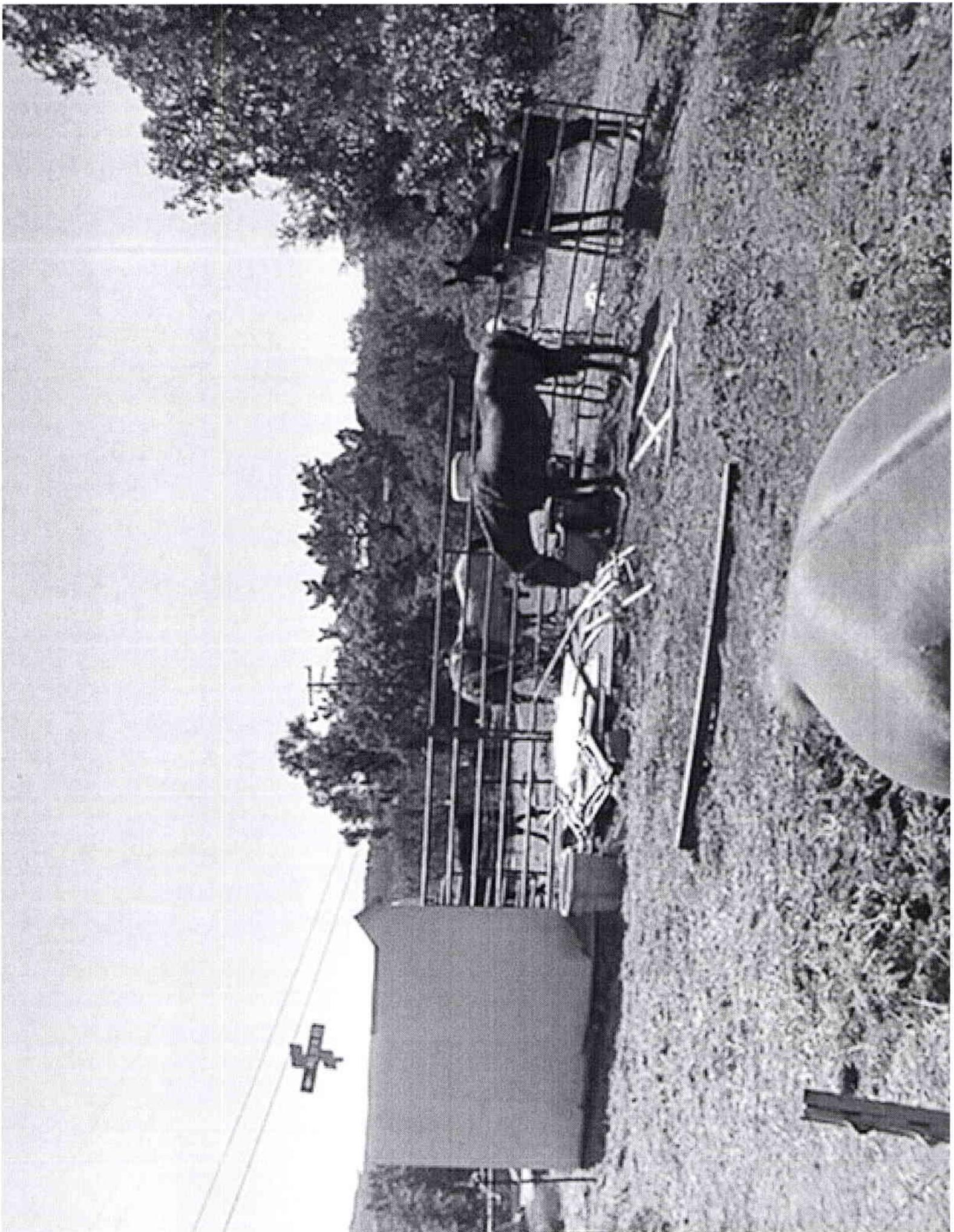
Laura E. Austin, Administrative Aide III









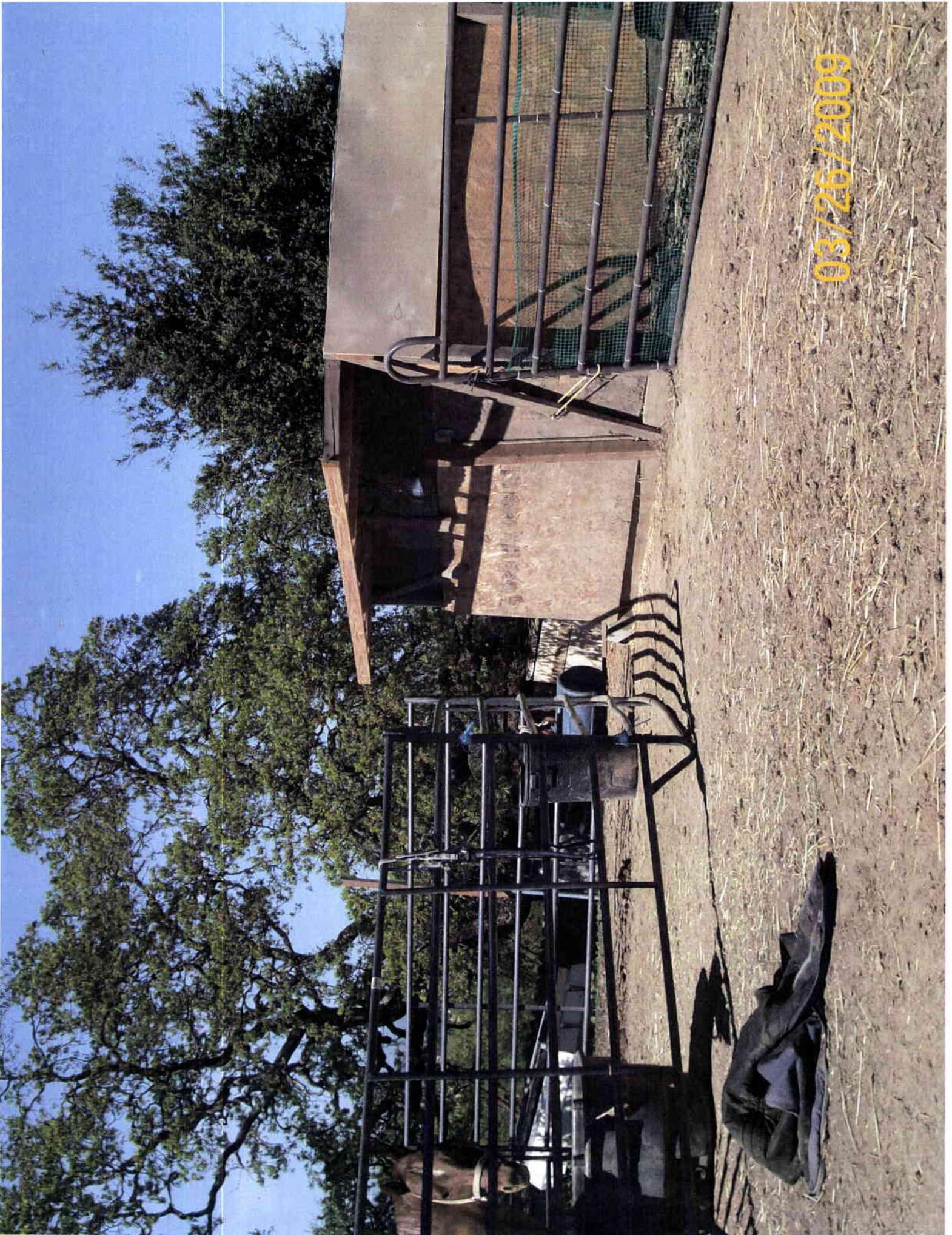




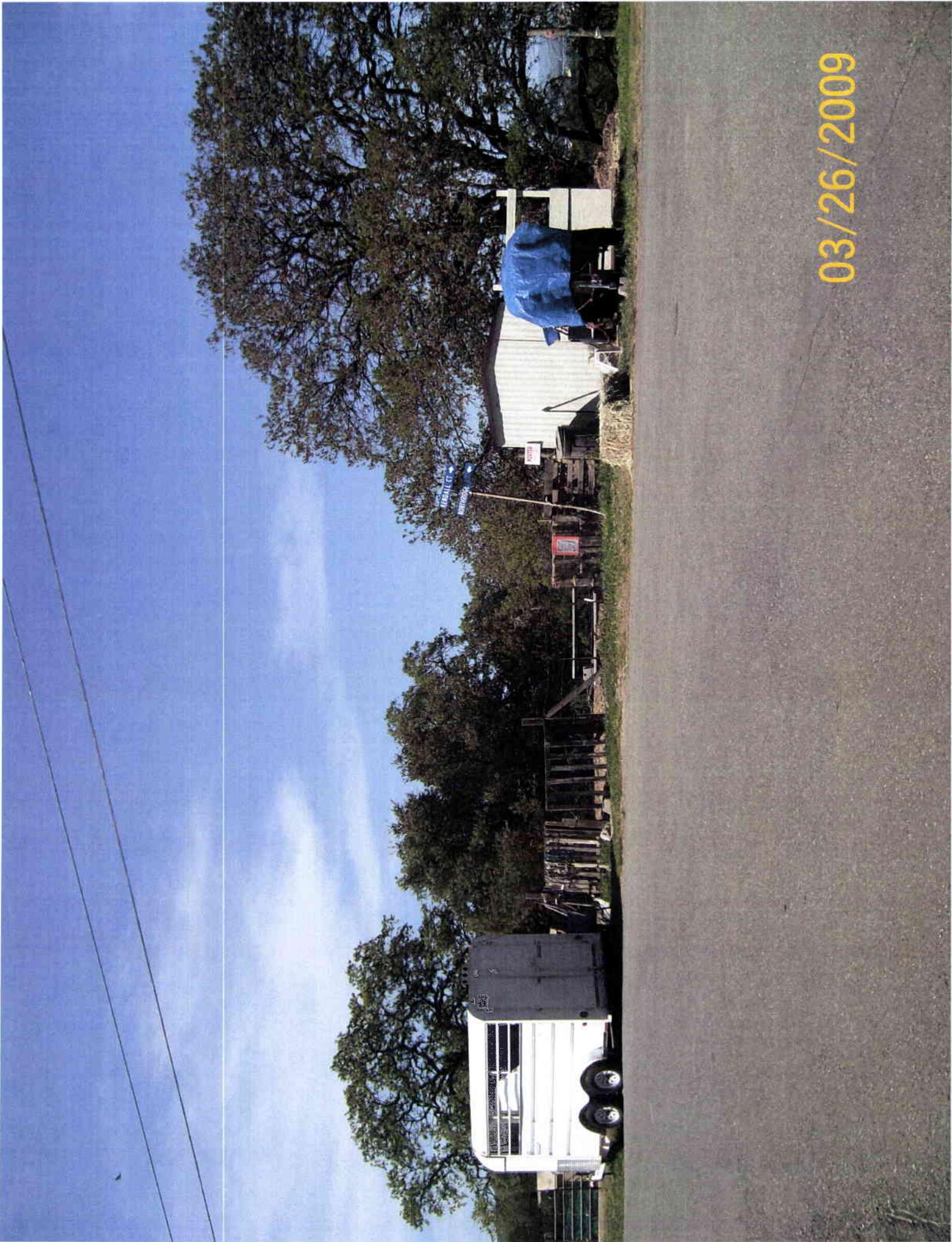
02/09/2009



03/26/2009



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