

August 20, 2009

Attachment RECEIVED
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Gary Hernandez, City Clerk,
City of Martinez

CITY OF MARTINEZ
CITY CLERK'S OFFICE

Pursuant to sections 22.06.050 and 22.40.100 of the City of Martinez Municipal Code, this letter shall serve as notice of the undersigned's appeal of the Planning Commission's August 11, 2009 decision to grant a use permit, density bonus, incentives/concessions, and design review approval to allow construction of a new senior apartment building at 310 Berrellesa Street (the "Project").

We have been advised by the City that no appeal form exists, and this letter therefore shall satisfy the requirement set forth in section 22.40.100A that an appeal be made on the City's prescribed form.

The undersigned appeals the above-referenced decision on the Project on the grounds that the Planning Commission decision was in error, a prejudicial abuse of discretion, and is not supported by substantial evidence in the record. Specifically, the basis for this appeal is as follows:

- The decision is inconsistent with the City's adopted General Plan.
- The decision is inconsistent with the City's adopted Downtown Specific Plan.
- The decision is inconsistent with the City's zoning ordinance.
- The City's interpretation of its obligations under Government Code sections 65915 through 65918 is incorrect and contrary to the intent of the Downtown Specific Plan and all applicable law.
- The City has failed to comply with the mandatory environmental review requirements of the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) in considering this project.
- The findings made by the Planning Commission are not legally sufficient in that they are not supported by substantial evidence in the record, contain boilerplate or conclusory language, and fail to expose the City's true mode of analysis.
- The Planning Commission's decision was arbitrary, capricious, lacking in proper evidentiary support, and failed to conform to the procedures required by law.

This appeal incorporates by reference all previous testimony, both written and oral, submitted to the City in connection with the Project. Further, the undersigned expressly reserves the right to supplement this notice of appeal with such additional information as is necessary.

Please immediately advise the undersigned as to the date the appeal will be heard by the City Council, and please also provide copies of any correspondence to the undersigned to our attorney at the following address:

Kristina Lawson, Esq.
Miller Starr Regalia
1331 N. California Blvd., Fifth Floor
Walnut Creek, CA 94596
kdl@msrlegal.com

Very truly yours,

Beth Eiselman



Gary Hernandez
City Clerk
City of Martinez
525 Henrietta Street
Martinez CA 94553

Re: Appeal of Planning Commission approval of Resolution No. PC 09-06 regarding the
"Berrellesa Palms" project at 310 Berrellesa Street on August 11, 2009.

Dear Mr. Hernandez,

We appeal the Planning Commission approval of Resolution No. PC 09-06 regarding the
"Berrellesa Palms" project at 310 Berrellesa Street on August 11, 2009.

We have submitted separate letters detailing issues on which we make this appeal. Please
incorporate them into our appeal.

Sincerely,


Kristin Henderson


Tim Platt


Harlan Strickland

Timothy Platt

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CITY OF MARTINEZ
CITY CLERKS OFFICE

843 Pinon Drive
Martinez, CA 94553
(925) 372-8517
FAX (925) 229-3446

August 21, 2009

Gary Hernandez
City Clerk
City of Martinez
525 Henrietta Street
Martinez CA 94553

Re: Appeal of Planning Commission approval of Resolution No. PC 09-06 regarding the "Berrellesa Palms" project at 310 Berrellesa Street on August 11, 2009.

Dear Mr. Hernandez,

I appeal the Planning Commission approval of Resolution No. PC 09-06 regarding the "Berrellesa Palms" project at 310 Berrellesa Street on August 11, 2009.

I believe the project is not in compliance with the City of Martinez Downtown Specific Plan, General Plan or Zoning Ordinance, nor with California Environmental Quality Act requirements.

The project fails to meet the Downtown Specific Plan requirements for density and height conditional use permits as the project fails to meet most or all of the required criteria that apply. For instance, it does not assemble contiguous parcels. It does not preserve or create view corridors for current or future residents, but actually occludes them. It does not provide transition housing near existing single family housing, but does the opposite by incorporating housing of a type, density, height and mass never contemplated by the Downtown Specific Plan.

Rather than being superior in terms of all or almost all of the criteria, it is actually inferior regarding many of them.

This type of housing is specifically not mentioned in the listing of applicable housing for this area. And due to its size and density is not "in keeping with the traditional Downtown character." (Policy LU-1-1 of DSTP)

It fails to meet fundamental goals of the plan stated in Section 1.3: "1. To enhance the quality of life for Martinez residents, and (2) To bring back commercial dynamism to the downtown business area...to protect and perpetuate the small-town character and quality

of life of Downtown Martinez; revitalize its economy by strengthening the Downtown business district as a shopping and dining for Martinez residents...”

The mass, density, height, parking issues, lot coverage, etc. of the project pit the interests of the many seniors residing in the neighborhood already in small single and multi-family residents against the interests of potential senior residents who would be housed in the proposed project. It is certainly not the Plan's goal to allow one group's interests be pitted against another's in this way.

Additionally, process issues are of concern, including the city supporting the project before it came up for public review and when it so egregiously contradicted the city's Downtown Specific Plan. The appointment of some commissioners during the approval process and potential conflicts of interest are also of concern. Certain pertinent information also may not have been available to the public.

Many of the comparisons that are used in justifying the special treatment given to this project are from projects that were adopted prior to the adoption of this Downtown Specific Plan. For instance, the “Villa Del Sol” and “111 Haven” projects were not approved under the Downtown Specific Plan, but were approved before the Downtown Specific Plan was in effect.

The CEQA exemption is in error, I believe. The project is significantly beyond the scope anticipated by the Downtown Specific Plan, and a new, project-specific Environmental Impact Report analysis needs to be done. It exceeds the maximum density and height and other criteria allowed in the Downtown Specific Plan by a wide margin. (Even the Downtown Specific Plan Opportunity Site proposal for this lot was for 21 units with 42 parking spaces, nowhere close to the size of the proposed project.) As such, it will have a level of impact on services, traffic, etc. that were not anticipated in the EIR.

Additionally mitigation measures are not adequately addressed. Further new or expanded issues need to be addressed including current train horn requirements; water rationing requirements for the City for now and the future; global warming/greenhouse gas impacts that will affect the project, such as tidal level rises that will affect the project and potential increased creek flooding that may particularly impact the underground parking; impacts that this bigger project will have on global warming/greenhouse gas; safety/noise/vibration/fume issues regarding being so close to a major rail line and switching yard that is carrying 50 to 80 trains daily with increases possible, trains that are both passenger and commercial that will potentially carry hazardous loads; on-site toxics; undermining and marginalizing the historic status of the surrounding neighborhood, particularly the Italian Village area of Martinez.

Project justification includes the statement that this project would provide a superior project, but that is not the criteria. The requirement of the Downtown Overlay District requires the project “...will result in a significantly better environment than otherwise would have occurred *under the existing zoning district requirements.*” Yet the justification does not compare it to a housing project complying with the Downtown

Specific Plan criteria. It compares the proposed project with the current industrial uses on the lot and neighboring it, which do not comply with the Plan.

The project is granted variances on street setback, lot coverage, open space, parking requirements, condominium standards that appear to exceed the "incentive and/or development standard waiver" invoked under the State Mandatory Density Bonus Law. Also, the density bonus is incorrect based on the Downtown Specific Plan not being correctly applied.

This approval will set an unfair precedent for the residents of Martinez for future projects throughout the Downtown and the city. It will undermine application of the standards and goals set in the Downtown Specific Plan and will make the plan essentially meaningless.

Many, if not all, of these issues would become moot, if this project were sited at a location that would both better serve the proposed senior population and the Downtown residents and business. Sites close to shopping and public transit exist on both Howe and Arnold Industrial, as I am sure do others in our town.

As specifics of the appeal process are not particularly detailed, please advise me as soon as possible of the appeal hearing date, and other information about this process, including how the hearing will be arranged, who will be allowed to speak and for what time periods, what topics can be covered, and other details as soon as possible. This information is important to allow the public adequate time to prepare.

Sincerely,



Tim Platt

August 21, 2009

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CITY OF MARTINEZ
CITY CLERKS OFFICE

Harlan Strickland
1035 Arlington Way
Martinez, CA 94553-2319

Richard Hernandez
City Clerk, City of Martinez
525 Henrietta St.
Martinez, CA 94553

Re: 310 Berrellesa St project, aka "Berrellesa Palms"

Mr. Hernandez:

I would like to add my name to the list of those appealing the recent Planning Commission decision approving this project.

Sincerely,



Harlan Strickland

Richard G. Hernandez
City of Martinez City Clerk
525 Henrietta Street
Martinez, CA 94553

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AUG 21 2009

CITY OF MARTINEZ
CITY CLERKS OFFICE

August 21, 2009

RE: RCD Project "Berrellesa Palms" City of Martinez Planning Commission decision appeal.

Dear Martinez City Clerk Richard G. Hernandez:

I submit this appeal of the City of Martinez (further referred to as "City") Planning Commission (also referred to as "Plan Com") decisions of July 28, 2009 and August 11, 2009 regarding the approval of the "Resources for Community Development" (RCD) aka "Berrellesa Palms" project (further referred to as "RCD project" or "project" or "senior housing") based on principles specifically described, or inherent in, the following issues which are not listed in any particular order below except I attempted to respond to the Staff report and Memorandum in the order the concepts appear. The terms "you", "Staff", "City" are interchangeable and refer to City Planning Staff. The terms "Memorandum", "report", "decision", etc. refer to the total reports generated by the City for the approval of the project. I repeat concepts and information because they apply to different concepts in the staff report. The redundancies in the reading of this appeal are intentional. This appeal nor its attachments is in no way meant to be inflammatory or injurious to any one private or public person or group and should not be construed as such for any reason because those are not my intent. Moreover, the burden to the public in this case is tremendous. Any errors in logic, spelling, grammar, organization, etc. should not be interpreted as undermining any intent relayed below:

The premise of my appeal includes but is not necessarily limited to that there are historic resources in the vicinity of the project (see attached July 22, 2009 letter to Carey & Co. and the attachment to that letter, already submitted to the Planning Commission), there were many errors in the analysis and acceptance of the overall project, the project planning was conducted with malfeasance, the project does not comply with the Downtown Specific Plan (DSP), the project is not exempt CEQA analysis, alternatives to the location and/or the size of the units of the senior housing project were not explored, and staff and planning commission findings are not factual nor evidentiary based. More explanation of at least part of this premise is explained below:

The height of the RCD structure will block the view of the picturesque open space, olive grove, hills, and shoreline district, including officially sanctioned historic resources and views (see general plan "Visual Map" of significant visual elements), from the thousands who sail into or past Martinez's Marina, the over 400,000 people who visit East Bay Regional Park every year, and the annual millions of riders of the various Amtrak lines, especially the 1.5 million who ride the Capitol Corridor line with stops within day-travel proximity, thereby limiting the tourism value and economic benefit of Martinez's view corridors which the City of Martinez Downtown Specific Plan sanctioned preservation. It will block the views towards the hills, etc. that would occur in the potential development of what is now the Corporation Yard. The Plan Com and City staff failed to address or study these issues sufficiently. Arguing the Telfer silos are unseemly would be pure personal subjectivity as would that blue skies are superior to palm trees; trees of which are a baseline condition of this project AND are protected by City municipal code. The sky is a much vaster space than seven palm trees. The project's approval must legally be premised on facts and evidence. See below for definitions of "findings" as found in California State Planning Website.

Kristin Henderson appeal to Planning Commission approval of RCD project at 301 Berrellesa.

Page 1 of 22

As members of the Plan Com and City Council can confirm, I lived for many years in a 325 square foot apartment. This provided me with a 12'x11' bedroom which I fit a 6'x4' hobby table, queen bed, dressers, bookcase, trunk, and a chair with room left over. The legal minimum requirement for a one-bedroom apartment is 120 square feet for the bedroom. I also had a 9'x11' livingroom that fit a large desk, small dining set, end table, sitting chairs, bookcases, and trunks. The kitchen was small at 6'x5' and the bathroom the same size but they were more than sufficient for the rent I paid. I also had one small closet and one walk-in closet. I had no insulation or weather stripping and the only amenities were a free onsite washer and dryer. However, it was plenty of room for one person and I conducted Open Studio and social gatherings in that apartment during all those years. The neighborhood had significant crime problems. My rent was never raised from its original \$785.00 which was low compared to similar units advertised on Craigslist in 2002 and considering I had exceptional views and was walking distance to Downtown. My utilities ran about \$20.00 per month without running heat or many appliances.

The 1111 Ferry Street HUD building apartments are 400 square feet and are generous, well appointed, and with external hallways. The inhabitants comment on the fact that that density shields from winter cold and summer heat. With external hallways, the immediate community can become familiar with the inhabitants, and this provides safety. Such is the case at 1111 Ferry/Hacienda building, which also shares a community room with the Senior Center. The inhabitants pay anywhere from \$100 to \$400 per month for rent. Via knowing five of these neighbors personally of different ages, genders, and ethnicities, which can be equated to a data sample of that population, I can report with completed accuracy that the 1111 Ferry/Hacienda inhabitants have very little disposable income, and especially not the kind of income the RCD-paid economic consultant reported. This is also compounded by the recent changes in Medicare and State funding.

If the RCD apartments were 400 square feet, at least 50% of the conflicts regarding the RCD project would be solved as the height of the RCD project could be lowered. Moreover, if two people occupy the proposed RCD apartments they will be paying approximately \$100-\$200 per person which places an unfair burden on the public that pays full rents for smaller apartments with often the same income and will support these RCD occupants with our tax dollars and reap no public benefit that would come from property taxes or sales from a population with a greater disposable income. Per RCD, the occupants of the project will have a per unit income of \$35,700 or less and cannot have more than \$5,000 in assets and yet the size of the building is predicated on investors returns, according to RCD. Also, only one of the occupants has to be over 55 years of age. The County could alternatively pursue with the City to somehow create incentives for many of the existing apartment building owners, which often have vacancies, to convert some or all of their units into specifically low-cost senior housing especially given the many benefits that provides besides just guaranteed HUD rents--including but not limited to grants for weather stripping and special tax credits if the building is historic and converted to low-income and/or senior housing. This is a "Green" pursuit as well.

When I ask the City staff why these apartments have to be ~600 square feet and have internal hallways, the staff says that RCD says their private and public investors require it to be so and that these are standard senior housing parameters. This is indicative that this whole project has been allowed to overreach CEQA and the DSP and other established planning parameters and law to facilitate the developer and the property owner, which is an abuse of discretionary power. RCD has known of our DSP for over 20 months. When I ask for the documentation that shows these size parameters are officially required or even standard, I am told to ask RCD for that information and that the City does not have that information. I have asked RCD for other information and not gotten a response. The

Kristin Henderson appeal to Planning Commission approval of RCD project at 301 Berrellessa. August

findings of the Planning Commission and City Staff are therefore not fact or evidence based. I know just from going to preservation conferences, visiting 1111 Ferry Street/Hacienda inhabitants, and looking at apartments for my Grandmother in the "blue" senior complex at the junction of Alhambra and Berrellessa, senior affordable housing is developed with external hallways and less than 500 square feet of space. I have seen examples of 200-300 square foot units for affordable senior housing. If the residents of the proposed RCD project have guaranteed rent subsidy and the building is to remain as low income senior housing, why do the investors need such large units? Their income is the same and because of the onsite amenities, views, and walking distance to downtown the rents for the reduced sized units can be equivalent to rents for 600 square foot apartments that otherwise exist in the Downtown.

The City is making planning decisions about unit sizes and other issues without allegedly possessing documentation that they claim supports their decisions and upon which decisions are predicated for the RCD project and which cause great conflicts and legal problems in terms of interpreting the DSP, creating a C.U.P., CEQA, zoning amendment, view blockage, and more. The RCD project has been permitted by the City Plan Com and City staff without study and without legal basis of evidence and yet staff and Plan Com have arrived at complex decisions. Moreover, courts tend to interpret broadly in favor of the public in terms of planning document access and narrowly for municipalities:

CALIFORNIA CONSTITUTION
ARTICLE 1 DECLARATION OF RIGHTS

SEC. 3. (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

Alternatives to the proposed unit size and the location, which both could be easily modified, have not been explored in their own right or in light of environmental impacts. Donna Allen, Planning Commissioner, reported in the Planning Commission meetings that she called H.U.D. and it is easy to divert the resources towards this project to another site. The intent of the City and its staff was and is to approve this project prior--and therefore despite--any environmental impacts or planning legalities or parameters. This includes the way the meetings, decisions, and official appointments have been made by City staff and Plan Com and Mayor. RCD project has been pre-approved without public discussion and environmental/planning review. This is also evidence in that the project has repeatedly shown up in City Council discussion via the budget review, top ten priorities for the year, and more as if the RCD project is pre-approved.

The Court has upheld that CEQA "is intended to be part of the decision making process itself, not an examination, *after the decision has been made*, of the possible environmental

consequences of the decision." The discussion of impacts and feasible alternatives was extremely truncated because of the claimed exemptions to CEQA.

The Martinez Municipal code states:

20.04.050 Review of Final EIR or Negative Declaration.

As to all development projects, permits or other planning submittals over which the Planning Commission has final approval authority (barring an appeal to the City Council), the Planning Commission shall review and consider the certified Final EIR or approve a negative declaration prior to approving the development project, permit or planning submittal. Under such circumstances, the Planning Commission shall make the findings required by Sections 15091 and 15093 of the CEQA regulations, if applicable.

Where the Planning Commission is required to make a recommendation on a project or any portion of a project (e.g. where other project approvals such as Design Review or Tentative Subdivision Map are approved contingent on Council approval of rezoning, general plan amendment, etc.) to the City Council, the Planning Commission shall review and consider the certified Final EIR, or negative declaration in draft or final form and submit its recommended findings and decision on the project to the City Council.

In those instances where the City Council has final approval authority over the granting or denying of a development project, a permit application, a planning submittal, or a public project, the City Council shall review and consider the certified Final EIR or approve a negative declaration prior to approving the project, permit or planning submittal. In such circumstances, the City Council shall make the findings required by Sections 15091 and 15093 of the CEQA regulations, if applicable.

(Ord. 1083 C.S. § II (part), 1986.)

20.04.070 Categorical Exemptions.

Projects normally exempt under Classes 3, 4, 5 and 11 of the State CEQA Guidelines shall not be exempt if located in a visually significant area as shown on the "Visual Environment" or if located in a seismic or geologic hazard area as shown on the "Seismic and Geologic Hazard" map, both maps being contained in the Open Space and Conservation element of the City General Plan.

(Ord. 1083 C.S. § II (part), 1986.)

The zoning amendment requires environmental review on its own standing but also as a cumulative impact. The water and soil contaminants reported for this project are not properly mitigated, among others.

Many argue that economic circumstances have changed since the DSP was ratified in 2006. That is not a viable argument for many reasons including, but not limited to, the project could be located somewhere else, such as but not limited to, a larger parcel or two adjoining parcels or even one of the many lengthy strips of property fallow in the downtown. Likewise, for sale housing could have been built on the area in many years past and was not. A planning document such as a DSP is legally binding regardless of an economy. In order to alter its parameters, it should be amended and the amendment undergo further environmental analysis. That the economy has changed is not a sufficient legal basis for undermining the statutes and guidelines set forth by the DSP.

The entire planning project, when taken as a whole, for RCD as reported in the Plan Com packet for the August 11, 2009 and July 28, 2009 and its results and conditions is a non-factual, non-evidentiary justification of how the sum of all the conditions which could possibly create impacts can be unaccounted for in any and every way. Moreover, many actions by RCD, Main Street Martinez, employees of Contra Costa County and City of Martinez show clear intent to obstruct environmental review and adherence to City of Martinez's set planning law, documents, public process, and municipal codes. This is

illustrated in part by RCD conducting serial meetings with advisory and legislative City bodies, City and County staff refusing to provide the public or allegedly possess the documents requested as part of the NEPA and local planning processes, the use of public sidewalks to advertise for this project which benefits primarily one of Martinez Main Street board members and major campaign contributors--including Contra Costa County's "development and conservation" department wife--and more.

Planning Commission members were nominated to the Plan Com suspiciously and have close ties to the property owner. If any of the Planning Commission members were tested on any of these facts, the DSP and its EIR, or CEQA or other pertinent information and legislation--it could be likely that most Plan Com members would fail that test--a test which the appellants to this decision will be put under in some form. Certainly the two newest Plan Com appointees would not pass the test at the time of the July 28 and August 11, 2009 Plan Com decisions. One of them does not have a college degree and both of the new appointees were chosen over appointees with more appropriate backgrounds and experiences. Neither of the new nominated Plan Com members were chosen as alternates. Another Plan Com member should have been recused from the project's proceedings as she has many conflicts of interest in property and development interests.

Furthermore, the July 28, 2009 Plan Com meeting was not recorded by the audio visual equipment in Chambers and its first quarter somehow unrecorded by the minutes clerk. This is highly suspicious and seems to happen whenever a decision is being made that affects certain citizens or official's ambitions. This was highly indicative of premeditated approval of the RCD project and intent to bypass all laws, planning parameters, and environmental review and disrespect opposition and favor the property owner where the project is planned. There has been an abuse of discretionary powers and that has included red-tagging someone's home, citing a relative's sidewalks, using vital services against a protester who announced these manipulations must stop and that this was still a democracy and justice and information still count--thereby violating protester's civil liberties, libel, and more. All of these manipulations of CEQA, DSP, information access, recordation, etc. etc. show intent of malfeasance and pre-approval of the project.

The 310 Berrellessa Palms project, because of height conditional use permit not exempted by inclusionary housing or any other exemption, should trigger a project EIR because its proposed height is beyond the parameters of the Downtown Specific Plan creating unanalyzed environmental impacts in many areas. Moreover, subsequent projects' resulting privileges will produce cumulative impacts that have not been addressed under CEQA.

NEPA documents were completed in such a way that assumed no environmental impact and clearly did not record/explain/reveal many or all land use entitlements that require local approvals, many which are dependent on public hearings. This is also true of the HUD document called "Environmental Assessment" and particularly the "Statutory Checklist/ Determination and Compliance Documentation". Forms, which approval and HUD funds are predicated on, were completed incorrectly, reported false information, were completed without documents/information that both the County and City staff stated they did not possess and therefore had not seen, and before the full nature of the project was revealed via local planning processes.

REGARDING CONDITIONAL USE PERMITS:

California Environmental Quality Act:

Conditional use permits are subject to the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq.). Prior to the public hearing on the proposed conditional use permit, the city or county must evaluate the proposal to determine whether

Kristin Henderson appeal to Planning Commission approval of RCD project at 301 Berrellessa. August

or not it may have any significant adverse effects on the environment. If the proposal is not exempt from environmental review, the city or county is required to prepare either a negative declaration indicating that the conditional use permit will have no significant effect, or an Environmental Impact Report (EIR) which describes the potential negative impacts of the proposal and the means to avoid or lessen those impacts.

AND I ADD HERE, THAT WHILE THE PROJECT ITSELF HAS CEQA EXEMPTIONS AS INCLUSIONARY, INFILL, ETC. HOUSING--THE DISCRETIONARY ACT OF ISSUING A C.U.P. --*REGARDLESS OF OTHER CONDITIONS OF THE OVERALL PROJECT*--REQUIRES A CEQA ANALYSIS PARTICULARLY BECAUSE THE DENSITY BONUS IS CALCULATED ON THIS C.U.P.

General Welfare Standard:

"The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood" (*Hawkins v. County of Marin* (1976) 54 Cal.App.3d 586).

Nuisance Standard:

"Any use found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characteristics may be prohibited" (*Snow v. City of Garden Grove* (1961) Cal.App.2d 496).

General Plan Consistency Standard:

"Although use permits are not explicitly made subject to a general plan meeting the requirement of state law, that condition is necessarily to be implied from the hierarchical relationship of land use laws. Thus, use permits are struck from the mold of the zoning law, the zoning law must comply with the adopted general plan, and the adopted general plan must conform with state law; the validity of the permit process derives from compliance with this hierarchy of planning laws (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

Zoning Consistency Standard:

"To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the policies in terms of the zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare" (*O'Hagen v. Board of Zoning Adjustment* (1971) 19 Cal.App.3d 151).

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied. For example, if a conditional use permit contains language that restricts a building's height to five stories and requires the developer to submit and obtain planning commission approval of a landscaping plan, among other things, the permit itself does not imply a height limitation on trees within the development (*Pacifica Homeowners' Association v. Wesley Palms Retirement Community* (1986) 178 Cal.App.3d 1147).

"The Decision to allow a conditional use permit is an issue of vital public interest. It affects the quality of life of everyone in the area of proposed use." (Curtin).

From: http://ceres.ca.gov/planning/cup/cond_use.pdf

The authority to consider conditional use permits, delegated to planning commissions or other administrative

Kristin Henderson appeal to Planning Commission approval of RCD project at 301 Berrellessa. August

bodies by elected officials, must include standards of guidance.

These standards of guidance are provided to insure that the delegation of discretion to an administrative agency is not unbridled and, thus, not invalid. The doctrine of the need of an ascertainable standard to guide an administrative body applies where the legislative body of a city attempts to delegate its law-making functions (*Stoddard v. Edelman* (1970) 4 Cal.App.3d 544).

The approval of a conditional use permit is an administrative, quasi-judicial act. It is not a change of zone, but rather a project-specific change in the uses allowed on a specific property. Conditional use permits do not involve the establishment of new codes, regulations, or policies. Instead, a conditional use permit applies the provisions of the zoning ordinance and its standards to the specific set of circumstances which characterize the proposed land use. Cities and counties have the authority to establish either a board of zoning adjustment or a zoning administrator to hear and decide applications for conditional uses.

Prior to the public hearing on the proposed conditional use permit, the city or county must evaluate the proposal to determine whether or not it may have any significant adverse effects on the environment.

Cases Overturning Conditional Use Permit Approvals

General Welfare Standard

A county zoning ordinance requiring a church in a residential zone to obtain a conditional use permit prior to allowing it to use the land was found not to abridge the constitutional right of freedom of religious worship. The court held that a county zoning ordinance which provides a use permit to be granted if the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons or property in the neighborhood, or to the general welfare of the county, is not unconstitutional by reason of vagueness or uncertainty (*Matthews v. Board of Supervisors of Stanislaus County* (1962) 203 Cal.App.2d 800).

Nuisance Standard

The approval of a conditional use permit for the storage of houses was overturned on grounds that any use may be prohibited if found to be objectionable or incompatible with the character of

the city and its environs due to noise, dust, odors or other undesirable characteristics (*Snow v. City of Garden Grove* (1961) 188 Cal.App.2d 496).

General Plan Consistency

The issuance of a conditional use permit to a construction company for production of sand and gravel was overturned on grounds that that the general plan elements which bear on the permit are inadequate and the permit is inconsistent with pertinent provisions of an adequate general plan (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

FINDINGS

Written "findings of fact" are required in order to support the decision of the hearing body to approve or deny a conditional use permit (Topanga Association for a Scenic Community v. County of Los Angeles (1974) 11 C.3d 506). Findings are the legal footprints left by local decision-makers to show how the decision-making process progressed from the initial facts to the decision.

Findings are important. They "bridge the analytical gap between the raw evidence and ultimate decision" (Topanga, supra). If the decision is challenged, a court will examine the evidence supporting the findings to determine whether the hearing body abused its discretion when acting on a conditional use permit. Such an abuse of discretion is to be found when: (1) the agency did not proceed in a manner prescribed by law; (2) the agency's decision is not supported by findings; and (3) the agency's findings are not supported by evidence in the administrative record.

Topanga cites several purposes for making findings, among which include: (1) providing a framework for making principled decisions, thus enhancing the integrity of the administrative process; (2) helping make analysis orderly and reducing the likelihood that the agency will randomly leap from evidence to conclusion; and (3) serving a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable. Findings should also justify any conditions which impose fees or other exactions.

For a detailed discussion of findings requirements, see OPR's publication entitled Bridging the Gap.

Guidelines are intended to guide, not to be ignored. The residents of this city spent a huge amount of time participating in the creation of the DSP "guidelines" and did not do so for the city to consistently ignore them.

Martinez Downtown Specific Plan Chapter 1, Introduction

1.1 What is a Specific Plan?

A Specific Plan is a tool authorized by the California Government Code Sections 65450 – 65457 for the systematic implementation of the General Plan in a defined portion of a community's planning area. A Specific Plan must specify in detail the distribution, location and extent of land uses for the area; public and private facilities proposed to be located in the area and needed to support the land uses; standards and criteria by which development will proceed; standards for the conservation, development, and use of natural resources, where applicable; and a program of implementation measures, including financing measures.

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1.3 Purpose of the Downtown Specific Plan

The purpose of the Downtown Specific Plan is to guide public and private investment to ensure that future development and infrastructure projects help realize the Martinez community's goals and visions for the future of Downtown. The principal goals are complementary and are meant to be mutually reinforcing:

1. To enhance the quality of life for Martinez residents, and
2. To bring back commercial dynamism to the downtown business area.

The Specific Plan is thus intended to protect and perpetuate the small-town character and quality of life of downtown Martinez; revitalize its economy by strengthening the Downtown business district as a shopping and dining destination for Martinez residents and visitors; capitalize on past investments such as the waterfront, Alhambra Creek, and Intermodal Station; create new housing opportunities for a variety of household types; and preserve and enhance Downtown's historic small-town character.

Further, the Specific Plan is intended to promote "smart growth" and "sustainable development" in Downtown Martinez, by:

1. Providing for compact, pedestrian-oriented development.
2. Providing for denser housing within walking distance of transportation centers.
3. Taking advantage of existing infrastructure.
4. Providing for mixed land uses.

Requiring attractive, distinctive design for new development

1.4 How the Specific Plan Works

The Specific Plan is designed to establish a vision and development framework for the Downtown and the means to implement that vision. The Plan will be implemented through public investments and private development projects. Implementation will be regulated through detailed development standards, land use regulations, design standards and guidelines, and the City's design review process.

1.5 Applicability and Conformity with the Specific Plan

The provisions of this Specific Plan shall apply to all properties included in the Downtown Specific Plan area. No construction, substantial modification, demolition, addition, placement or installation of any building structure shall occur, nor shall any new use commence on any lot, on or after the effective date of this Specific Plan, except in conformity with the provisions of this Specific Plan.

1.7 Zoning Ordinance Consistency

To ensure consistency between the Downtown Specific Plan and the City of Martinez Zoning Ordinance, the Zoning Map will be amended concurrent with the adoption of this Plan to include three new zoning districts: Downtown Shoreline, Civic, and Historic Overlay. The Central Commercial zoning district will be amended for use in the Downtown Core area.

Where land use regulations and/or development standards of the Martinez Zoning Ordinance are inconsistent with this Specific Plan, the standards and regulations of the Specific Plan shall prevail. Any issue not specifically covered in the Specific Plan shall be subject to the Zoning Code and/or Municipal Code. Interpretations may be made by the Director of Community Development or referred to the Planning Commission if not

specifically covered in the City's existing regulations.

Please note here that under CEQA, unforeseen circumstances require further study outside of the original EIR study that did not account for them. This project's size nor its HUD/ section 8 nature was not something foreseen at the time of the ratification of the DSP for the DSP.

CEQA states "Exemption does not apply if after the adoption of the specific plan, any of the events which would trigger preparation of a subsequent or supplemental EIR occur, including substantial changes in the project or circumstances under which the project is being undertaken requiring major revisions in the project, or new information becomes available which was not known at the time the EIR was certified. However, if a supplemental EIR is prepared covering the changes, new circumstances, or new information and is certified, the exemption will apply to the projects which then follow the specific plan. "

§ 21168.5. ABUSE OF DISCRETION

In any action or proceeding, other than an action or proceeding under Section 21168, to attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the grounds of noncompliance with this division, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

Please note, the housing plan element was not updated to the general plan at the time of the project's approval. Another indication of intent to orchestrate and bypass planning parameters. The amount of public funds required for the DSP, including consultants and data gathering, affirm that the interpretation of the DSP for this project should be narrow and not broad. Literal and not tangential.

City of Martinez Municipal code
CHAPTER 8.12 TREES ON PRIVATE PROPERTY--PRESERVATION,
PROTECTION AND REMOVAL

8.12.010 Purpose.

A. This Chapter governs preservation of certain protected trees in the City of Martinez. The purpose of this Chapter is to provide for protection of trees on private property by controlling tree removal while allowing for reasonable enjoyment of private property rights and property development for the following reasons:

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1. The City finds it necessary to preserve trees on private property in the interest of the public health, safety and welfare and to preserve scenic beauty.
 2. Trees provide soil stability, improve drainage conditions, provide habitat for wildlife and provide aesthetic beauty and screening for privacy.
 3. Trees are a vital part of a visually pleasing, healthy environment for the City of Martinez.
- (Ord. 1209 C.S. § I, 1993.)

John Melvin of the Sacramento headquarters of the California Department of Forestry and Fire Protection, August 2006 met with City Engineer Tim Tucker regarding the City's trees and these were Melvin's recommendations regarding Martinez: Do not replace a large tree with a small tree for a variety of reasons. Bad example: replacing the Oaks with Crape Myrtles on the Susana Street sidewalk. Avoid replacing trees with even high growing shrubs mainly because of maintenance issues of outshoots at base. Crape Myrtles are also susceptible to the Glassy Winged Sharpshooter, just like grape vines. The public and Shell are benefited by Martinez's many trees as the trees improve the air quality, remove particulates and pollutants, and protects citizenry from unordinary refinery expulsions. Mr. Melvin expounded the financial value of trees: improved property values, improved air and water quality, energy saving in terms of shade and insulation, storm water management, and more. He encourages communities to study their infrastructure and account for all the financial benefits of trees. He stated that in San Diego when the 28,000 acres burned, a study found that the loss of those trees created a \$26 million dollar liability because special storm drains are now required to handle the watershed and particulates. **Trees are at their maximum benefit when they are at their largest.** He noted in many towns the residents protect their trees by participating in a sidewalk cost share program.

The grading required for the project is directly related to the favoritism given to the project, therefore the tree removal is unnecessary. The removal is contradictory to the DSP and the intent of the municipal code regarding these trees. The property rights of the applicant do not exist until you approve the project and issue the permits so you cannot balance them against the rights of existing citizens and the municipality. This completely shows manipulation and abuse of discretionary powers and bypass of any intent to consider impacts to any aspect of the environment this project intersects!

The entire planning project, when taken as a whole, for RCD as reported in the Plan Com packet for the August 11, 2009 and July 28, 2009 and its results and conditions is a justification of how the sum of all the conditons which could possibly create impacts can be unaccounted for in any and every way. "Approval requires that the project be consistent with the goals and policies of the specfic plan as well as consistent with requirements for the C.U.P." July 28, 2009 pg. 3 Staff report. Density bonus calculated on this C.U.P. which is dependent increasing on going from the 17 units prescribed by the DSP to 35 units. The applicant states it cannot reduce the project's size or units because it would make the project unviable and non-profitable. The viability standard does not override the substantial evidence test nor does it excuse arbitrary, capricious, unsupported, or discretionary abuse actions by the City of Martinez. As per one of the Design Review members and Plan Com members, the project is out of scale for the neighborhood. General Plan consistency calls for adherence to the existing character of the neighborhood and high density developments in limited areas. There is no evidence of why the 310 Berrellesa property is one of these "limited areas" AS DESCRIBED BY THE GENERAL PLAN. The current industrial use does not constitute blight and no evidence has been produced to show that it is blight but there is

evidence to show that the RCD development will threaten the character of the existing neighborhood.

Moreover, the high density nature of the development cannot emulate existing architectural styles for those styles are dependent on one and two story single family homes with historic settings including yards, and built in the victorian style whose character defining features cannot be replicated by this single acre three story "wal-mart" size building. Neo-traditional architecture is not a style, it is something made up for the developer to create another mode of compromise to get what it wants and most of it was recently added to the project's design because the Design Review required it. It was never the developer's intent to make what the Planning documents define as "a superior project". Moreover, materials of the neighborhood structures, such as real wood, cannot be feasibly used for this structure. The fact that the structure will use indentations to attempt "echo" the single family structures is no evidence of adherence to a policy that calls for infill with small lot row houses, townhouses, apartments, and condominiums because it is one huge structure that does not employ a historic architecture.

There is low income senior housing in the downtown via two senior complexes (not counting "F" street) and the many under market apartments, many of which are vacant. The ratio of rental housing to ownership housing is already well above the target of the DSP 70/30%. Even in this economy, the amount of low cost rentals in the Downtown more than fulfills the need for different types of housing described in the Staff Report for this project. Also, HUD qualified applicants can choose from any HUD project in the U.S. to live. The degree of flexibility written into the DSP cannot legally be construed to the extremes the Staff Report is allowing RCD. The staff report also vacillates on whether the one acre property is part of the adjoining neighborhood, a transitional area, or a unique area. Every thing written in the Planning Commission staff report is intended to compromise, rationalize, and recreate the intentions of the DSP. The premise for the Planning Commission's decision is not based on evidence or law. The structure does not adhere to the mixed use policy of the DSP.

Staff Report states that the high density is an incentive for the land owner to relocate its industrial uses. This density is creating a tremendous burden on neighbors, the public, staff, and other resources and pleasing the land owner economically is not a valid reason to come to the planning decision that also favors RCD's economic ambitions especially since the property does not generate taxes and does not account for impacts to vital services or roadways.

The Downtown's visual character IS NOT preserved by this building which at the height that is proposed, will be higher than anything in the Downtown Commercial Core. Moreover, many of Downtown's vacant buildings could have been and still could be reused for housing with even more incentives available for such and be equally accessible to the intermodal station, as could other of his lots that are industrial in nature.

Nowhere in the zoning code does it say in the Shoreline District that a conditional use permit can be given just to provide for height alone. Height is not a conditional, non-conforming use especially as it applies to a residential structure, which you have noted **IS** allowed in the zone. The Planning Commission can approve a conditional use permit if certain criteria are met, and they are not met with this project. The C.U.P. will also create

cumulative impacts, as it sets a precedence, that the DSP EIR never accounted. Likewise the C.U.P.'s for the front yards and project density. The superiority cited for the density C.U.P. of extensive landscaping is contradicted by the concession of less open space and reduced yard setbacks and the removal of the row of palms. Moreover, the planning approval of Villa Del Sol and 312 Main was capricious and highly debated by the public and questionable as to planning law. Again, cumulative impacts have not been given proper CEQA review.

The use of the word "echo" is not evidentiary, it is subjective. There is no legal definition of "echoing" an adjacent neighborhood in landscape or architecture. False historicism may be to some superior to the 1970's box apartment buildings in the adjacent neighborhood, but this RCD project is not in scale, massing, or fabric superior to the pre-1960's structures that especially line the project's opposing streets. The quarter block apartment houses (and there are very few of those of that size) are still much much smaller than the RCD project building. The planning department never quantified for purposes of analysis of this project the use of lot space and the number of apartment buildings or their sizes, or their numbers relative to non-apartment homes in the area this memorandum uses as a context. This is a non factual founding. This is certainly not a finding of superiority. The staff report interprets broadly where it fits the facilitation of the project and narrowly for the same and this is an abuse of discretion, non-evidentiary and non-factual findings, and capricious. The view corridors are not preserved. Removing the palm trees, which are a baseline condition, does not make this a superior project by any standards. This massive structure does not transition to any neighborhood or district as it is taller than either the commercial core or the neighborhood to its west and south. It is therefore not superior under the criteria of transitioning nor in reflecting the historic ambiance of the Downtown Residential district not in views, architecture types, massing, scale, landscaping, setbacks, and more. No study on the architectural nor landscape "vocabulary" of the existing neighborhood is provided in order to evaluate its informality or to know what its elements are.

Providing the setbacks based on the capricious findings that the project is superior in all other categories is in itself capricious and a manipulation of staging these conditions to provide for the setbacks' conditional use permit. The combined affect of the conditional use permit provides a cumulative impact to the large project site as well as future projects that is not accounted for in the DSP EIR. That Staff used the Villa Del Sol and Main Street residential developments as examples evidences these foreseeable cumulative impacts. Besides which, you had already deemed the conditional use permits acceptable BEFORE Design Review Committee demanded architectural modifications and this is very very problematic because it shows no attempt to study or find evidence for this project.

The project will impact public health, safety or welfare, and be materially injurious to properties or improvements in the vicinity. The RCD project is materially injurious to the residences in its vicinity who will lose their views, trees, neighborhood ambiance, and this project will effect view corridors from every direction and will affect potential historic properties and a potential district. Moreover, the train noise mitigation has not reached performance standards, which is admitted by Staff, commissioners, and RCD. (Recent changes in the horn position on the train engines increases noise of the horns to over 96 dBA). The truck traffic will continue because of the Baha and Telfer establishments.

Industrialism is not blight. It is an economically viable endeavor and its existence near train tracks is a historic norm in all regions.

Page 18-19 of the Planning Commission July 28, 2009 staff report contradicts itself when it refers on the same page citing the project area as "primarily a district for residential uses..." and in the next paragraph writes that it is a newly evolving residential area, while having just emphasized that it should emulate its historic nature. Furthermore, there is no way to retain a look of a historic neighborhood. Courts have found there is no replacement for a historic resource. The "sum of the neighborhood" argument contradicts the "superiority" argument and provide no evidence for the rationale for the immensity of the RCD project. The DSP Shoreline district calls for work lofts and other varied types of structures.

The Downtown Specific Plan is not a "prism". It is a planning document which is law until it is changed.

Page 21 states that the project will comply with all other applicable provisions of the municipal code involved the physical development of the building and property with the exception of the concessions AND AS ADJUSTED WITH THE SUBJECT USE PERMIT APPROVAL. Staff admits to its bulkiness and the need to reduce it in the next paragraph. The building does not have an architectural or height harmoniousness with the adjacent neighborhood as it is three stories high and takes up a whole block.

Concessions provided do create adverse impacts and the City has not provided accurate or substantial findings that justify these impacts. The trees removal are one example of a "significant, quantifiable, direct, and unavoidable impact based on objective written ... standards, policies or conditions as they existed on the date the application was completed." This is also true of impacts to view corridors, adjacent property values, cumulative impacts, and more.

This project is not exempt from CEQA because in-fill development projects require consistency with the applicable general plan designation and all applicable general plan policies and zoning designation and regulations but there are no "superior findings" made that pertain to any evidence or preset standards, and the height and mass of the building do not adhere to the downtown Shoreline standards. The building envelope does not determine the rights of the use of the property--the DSP and related laws and planning parameters dictate the parameters of the development and the injuriousness the development will have on others property values. The developer has no vested rights until the building permit including the C.U.P. is issued. Discussing the developers rights is illegal and capricious, non-factual, and non-evidentiary.

Mitigation measures from the DSP EIR are not present or are not appropriate for the impacts of this project.

Evidence was produced to the City of Martinez by many persons prior to the final Plan Com decision that the concessions/incentives would have a specific adverse impact on the public health, safety, and physical environment in terms of the trees, other properties, train noise, fumes from the garage, and an insufficient historic resources inventory. City never



investigated nor held the research that would allow them to evaluate these impacts and therefore had no evidence in which to make a finding.

CHAPTER 22.23 DOWNTOWN SHORELINE DISTRICT

22.23.010 Purpose.

The intent of the Downtown Shoreline District is to provide for a variety of residential uses in an environment that is transitioning from industrial to residential uses. This district serves as a transition area between the urbanized portion of the downtown and the open space of the Martinez Regional Shoreline to the north. The standards and guidelines for this district are intended to protect and enhance the environmentally sensitive areas of the Shoreline, to respect and complement the existing primarily single-family neighborhood immediately to the south, and to contribute to the economic revitalization of downtown, by permitting a sufficient intensity of development to provide an economic incentive for industrial uses to relocate.

(Ord. 1328 C.S. § 4 (part), 2006.)

22.23.020 Permitted Uses.

The following uses are permitted in the Downtown Shoreline District:

- A. Single-family dwelling units, including semi-attached (duplex) and fully-attached (townhouse) units.
- B. Secondary dwelling units, per Section 22.12.080 of the zoning code.
- C. Multi-family residential structures.
- D. Home occupations pursuant to the definition established in Section 22.40.240 of the zoning ordinance.
- E. State authorized, certified or licensed family care, foster care or group home serving 6 or fewer mentally disordered or otherwise handicapped persons.
- F. Parks and open spaces.
- G. Accessory uses, incidental and subordinate to the principal permitted use, pursuant to the requirements of the zoning code.

(Ord. 1328 C.S. § 4 (part), 2006.)

22.23.030 Conditionally Permitted Uses.

The following uses may be allowed, subject to the issuance of a conditional use permit, in the Downtown Shoreline District:

- A. Childcare facilities;
- B. Clubs and lodges;
- C. Live/work units;
- D. Bed and breakfast inns;
- E. Coin-operated laundries;
- F. Churches and other religious institutions and related facilities;
- G. Hotels, lodging houses and apartment hotels;
- H. Parking structures and facilities;
- I. Public utilities or installations;
- J. Smaller, self-contained service commercial uses;
- K. Theaters and community centers.

22.23.050 Development Standards for the Downtown Shoreline District.

A. General. All new multiple residential development in this district shall be processed concurrently with a subdivision map, so that individual units can be offered for sale, and shall meet the requirements for new condominium units as contained in Chapter 21.54 of the Municipal Code (2 parking spaces per unit, storage, etc.)

B. **Maximum Height.** The maximum building height in the Downtown Shoreline District shall be 40 feet, or 3 stories, for developments approved for a density of 35 units per acre (see below); otherwise the height limit shall be 30 feet, or 2 stories. In some areas, such as transition areas near existing single-family residential areas, a 2-story maximum height may be determined to be appropriate by the Planning Commission. The Planning Commission may approve taller buildings by use permit.

C. **Density.** The minimum site area per residential unit shall be 2,500 square feet (17 units per acre). The Planning Commission may approve a reduced site area per unit, down to a minimum of 1,250 square feet per unit (35 units per acre), by use permit. In order to approve a density above the lower end of the density range, the Planning Commission would need to find that in addition to meeting the above minimum requirements, the proposal is superior in terms of 2 or more of the following criteria:

1. Assembling all or most of the contiguous parcels into 1 project, and designing the project as a new neighborhood;
2. Design and appearance;
3. Minimizing impacts on adjacent public lands;
4. Providing on-site amenities for the future residents;
5. Preserving or creating view corridors from public streets such as Talbart, Buckley, Marina Vista, Carquinez Scenic Drive, Castro and Berrellesa;
6. Utilizing green building practices to the maximum extent possible;
7. Providing a variety of housing types, including detached single-family residential, where feasible, as a transition in areas near existing single-family neighborhoods;
8. Providing a new public street system that improves access to the Regional Shoreline and Alhambra Creek, potentially by extending Alhambra Avenue along the creek, and vacating Berrellesa. In order to approve a density at or near the upper end of the density range, the Planning Commission would need to find that the proposal is superior in terms of all or almost all of the above criteria.

D. **Other Development Standards.** Setbacks, lot standards, coverage etc., shall be as provided in the DCHAPTER 22.13 DOWNTOWN OVERLAY DISTRICT (D)

22.13.010 Purposes.

In addition to the purposes prescribed in Sections 22.02.010, 22.12.020 and 22.12.320 of this title, the D Overlay District (Exhibit "A") is included in the zoning regulations to achieve the following purposes:

- A. To recognize the existing higher density development of detached and attached units, duplexes, triplexes and multifamily units on lots generally ranging from 4,000 to 6,000 square feet in some areas of the downtown residential district and that single family development in these areas may be inappropriate;
- B. To provide a transition between these higher density developments and adjacent single family residences;
- C. To promote the stability and viability of existing residential neighborhoods in the downtown area and maintain the small town, character and historic setting of Downtown Martinez;
- D. To encourage future infill development of vacant and under utilized land that reinforces existing architectural styles and at a density to support higher quality development;
- E. To encourage the renovation and rehabilitation of existing housing that will enhance the existing downtown neighborhoods;
- F. To encourage the consolidation of lots to provide flexibility and innovative design solutions that improve the use of space to accommodate a variety of dwelling options near the downtown commercial district downtown Overlay District, Sections 22.13.040 through 22.13.090, inclusive.

15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead

Kristin Henderson appeal to Planning Commission approval of RCD project at 301 Berrellesa. August

agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

The DSP EIR indicated that the development the DSP in its maximum built-out scenario would produce 1,000 units and 2,450 more residents in the DSP defined area. At 49 units per acre density precedent that the RCD project will set and 32 opportunity sites that will allow exemptions for infill and foreseeable additional affordable housing, a much higher population and density is foreseeable and all the cumulative and growth-inducing impacts that infers. For instance, CO2 has a tendency not to disperse, as per the DSP EIR.

The DSP EIR states that the maximum built out scenario of all cumulative development would have a minimal impact on the visual resources.

The site needs to be evaluated for asbestos or lead paint.

Accepting the Carey & Co. historic resources inventory claiming you do not have a copy of it and not accepting the Knapp, Kelley and VerPlanck is capricious and shows intent to facilitate this project regardless of impacts.

The staff report, conditions of approval, and resolution exempt impacts without knowing what they are or comparing mitigation measures to cumulative impacts.

Substantial evidence exists to support a fair argument that there are impacts especially in light that the Planning Department did support their findings with fact.

The larger the unit size, the more population impacts that are not analyzed for the project nor through the DSP. Smaller unit size would reduce cumulative impacts as well height and would alleviate the contentiousness over the unnecessary height.

The finding for the C.U.P. for 35 units versus 17 units designated by the D.S.P. which then multiplied by 35% for density bonus is a tiered effect.

Staff must investigate cumulative impacts, the incremental impacts of the project are significant when reviewed in connection with the effect of past projects, the effects of current projects, and the effects of probably future projects.

The City must identify the impacts before impacts can be exempted.

There is a fair argument standard for EIR preparation for this project.

Evidentiary basis of an agency's decision must consider all relevant evidence in the administrative record.

The project has impacts on visual resources and the 49 units create a new source of light or glare which will adversely affect nighttime views in the area. The DSP EIR states that developments at the DSP assigned levels of density will have no impact. The DSP EIR did not foresee the event of this level of density in the Shoreline district and therefore the impact on visual resources.

The DSP EIR states that "The Martinez Waterfront Park, the Martinez Regional Shoreline, and Rankin Park are all located to the Plan area and provide views of the area. While the

DSP would not be significantly different than what is currently permitted. As a result, it is unlikely that implementation of the Plan would result in significant visual impacts from these public viewpoints. Implementation of the Draft Specific Plan would have a less-than-significant impact on scenic resources."

If the public has failed to produce its defense in light of publically funded municipal decisions it is not the publics' burden.

An EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future of non-renewable resources and secondary or growth inducing impacts that commit future generations to similar uses. CEQA dictates that irretreivable commitments of resources should be evaluated to assure that such current consumption is justified.

Per the DSP EIR, CEQA dictates that irretreivable commitments of resources should be evaluated to assure that such current consumption is justified.

CEQA defines cumulative impacts as "two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts". Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant.

When evaluating cumulative impacts, CEQA envisions the use of either a list of past, present, and probably future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document, or some reasonable combination of the two approaches. This cumulative analysis considers development that could happen under buildout.

Municipal Services: the cumulative impacts of like projects are not covered by the DSP EIR.

New circumstances and information regarding the project that were not foreseen in the DSP EIR are inherent in this project because it was never foreseen that a one acre, three story project would be built at this site. 49 units with the capacity for 2 people each or more is not the same as a 17 unit project with four people per unit and no cumulative impacts.

The approval of Conditional Use Permit and findings reported in the August 11, 2009 Planning Commission memorandum states as does City municipal code that findings must be made to show project is superior in terms of all or most of the eight criteria. Only six of the criteria reportedly applied. Staff writes that the Design and appearance criteria are superior because the project is high density and high density is well established in the Downtown Martinez context. This is not an evidentiary finding of fact for design and appearance superiority and there is no accounting for cumulative impacts. The Main Street and Villa Del Sol residential projects and this project will have landscaping next to the streets. Landscaping next to the streets is already a development obligation under the Downtown Specific Plan and there is no standard that shows any of these projects are superior in the landscaping respect. The memorandum furthers that because the developers were given high density they have an incentive to landscape their properties. Since landscaping is part of the DSP development criteria, the weight of this project should not

balance on something that is already obligatory under the DSP and not factually found to be "superior" especially with no real definition explained as to what is "superior". Moreover, with the loss setbacks and open space the RCD project is calling for, the landscaping is actually inferior just by way of ratio of plantable area to building. The Memorandum goes on to contradict itself later that the planting area is actually constrained. As mentioned, the RCD project also jeopardizes the municipally-protected trees. Also, many business facing properties DO have landscaping. An "echo" of other properties' landscapes and planting patterns is not a standard and in fact, is unquantifiable and undefined by staff or the municipal code or planning commission or design review committee and therefore not fact based. This is a capricious, non-evidentiary analysis.

The Villa del Sol and Main Street properties are not Craftsman/Bungalow nor Spanish Revival architectures. This is false. Again, an "echo" is not evidentiary, whatever the definition of "echo" is in the contexts of landscaping and architecture. The courts have repeatedly found there is no replacement for a historic resource. It can be furthered that replications that do not employ the exact architecture and materials and lot configuration (including the very characteristics laid out in the DSP) are not indicators of fit with a broader historical architectural context. The argument of the Memorandum in this section is especially capricious because here you use the historic context to claim superiority and in other sections of the memorandum the use of the more modern structures (decried in this section) as reasons that justify the project. Moreover, the use of the entire one acre lot for this project will never ever "echo" ANY residential structure that is in the Downtown. This is capricious, non-evidentiary non-fact based justification for the project which does not prove superiority. And, the high density factor is being combined with this justification for architectural vocabularies as if only high density structures can provide this alleged architectural vocabulary, and there is not factual or reasonable basis to make this claim. Design Review committee demanded the developer improve the project and the project's look is not finalized, as per the Memorandum itself.

Not all of the project's exterior walls are articulated in the way Staff states makes this a superior project and consistent with the DSP. This was mentioned in the last Design Review meeting concerning this project. Design review also never received a completed Design Review package from RCD. That smaller, common balcony/terrace areas are yet to be discussed is evidence of this and brings up more issues such as sound, visual, and light impacts that have not been addressed at all. There is no finding of fact for the superiority of the RCD project and the use of two prior projects that were given density variances/use permits is indicative of cumulative impacts that this project will induce in the future that the DSP EIR never accounted. This includes the 50% reduction of open space conceded for the project and is contrary to the statement that there is superior open space for the new residents. Moreover, the details asked of this project are not above and beyond what the DSP calls for already in development design as far as exterior building details. Therefore, the design of this project is not superior. That density is an economic benefit to the developer does not factually support that a design that in exterior garnishments meets the standards of the DSP and is not consistent with the DSP in terms of height and width is not a finding.

View corridors are not preserved or enhanced by the project from any direction. Removal of the baseline condition of the municipally protected palms which only take up a tiny fraction

of the perimeter of the property site is not a finding of fact that this project is superior or even consistent with the DSP. The immediate area will be affected by this uncannily high building. Every adjacent street will be shadowed by it as well. This project's height and width do not provide any sort of transition from the adjacent neighborhood to the shoreline. The project will create a visual bell curve effect between the two areas.

The proposed housing type does not add variety to the housing types available as there are already several senior complexes in the area and the ratio of rentals to owner-occupied dwellings is inversely high compared to the rest of Martinez. The staff memorandum made no factual or evidentiary finding that this project meets any sort of variety criteria or standard, or even the housing element of the general or specific plans. The building's height and width, as any reasonable person would conclude, does create view blockage not just to its neighbors but to pedestrians on the very streets the DSP contends views should not be blocked. Moreover, the project does not assist in "vacating Berrellessa" or combining lots as is called for by the DSP and an element of superiority. This is not just non-factual, it is a capricious finding in the Memorandum.

The ratio of the ten foot set back to the height and width of the building is not consistent with single home lots setbacks found in the area. The Memorandum's finding is not evidentiary. "The building's scale is more comparable to that of a single-family neighborhood" is non-factual and non-evidentiary as the Memorandum does not compare it to something that would be less comparable to a single family neighborhood. There is no standard that makes the scale more like a neighborhood.

The argument that "...the additional density, height and allowance of 10' front yard setback are appropriate adjustments to facilitate the development of a project that will create significantly better environment than otherwise would occur" is not a reasonable argument, not a factual argument, not an evidentiary argument. In critical thinking courses in college this is called a circular argument (no offense planning department staff). Therefore, the C.U.P. has no justification to be granted, especially since its singular and cumulative impacts are not evaluated. Without the C.U.P. the 35% density bonus calculation changes the number of units.

The height of the building will create material injury to the neighbors. I refer you to Beth Eisman's evidence of that, as submitted to the Planning Commission. The industrial neighbors will impact on the proposed project's inhabitants in terms of noise and pollution which is not mitigated in the DSP EIR. The visual clutter is the property owner's responsibility and not a justification for this project that will effect the remaining property owners. There is no factual evidence that states the industrial yard is blight, and moreover, the yard as it is provides property taxes. There are few findings of fact or evidence in the justification for the C.U.P.

There is no factual or substantial evidence that the height and width of the building are necessitated in order to provide for affordable housing costs or targeted rents. The concession does have specific adverse impacts upon public health and safety, the physical environment, and historic resources. City staff persons by their own admission are not in possession of the very documents that declare some of these conditions that allow these concessions. The height and width of the building could be reduced by 1/3 if the units were



smaller or the project undertaken on another property or with other properties of the property owners fallow properties. The capriciousness and abuse of discretionary powers is fully illustrated by the acceptance of the Carey & Co. historic survey without even a perusal of it by City staff and the rejection of the Knapp, Kelley, VerPlank historic survey done for the Commercial Core in which project's property owner owns many buidlings. The record as a whole does not justify much less explain why the concessions/incentives are required to provide for the affordable housing costs and targeted rents, especially since City staff admit to not having the information that these costs and rents are factual. Staff has a tremendous lack of evidence for many of its findings. A reduction of useable open space **IS** an adverse impact. Moreover, 4% of the lot is 4% of an acre--and not just a single family home lot--which is an overall impact to the area, is not compliant with the DSP, and is not factually supported and does not comply with Martinez Muncipal code involving the physical development of buidlings, structures, and property and is not consistent with development standards of the DSP.

The plantings are in a constrained area, as per the Memorandum's own language. This is counter finding that the landscaping is superior. The grading that removes the trees would not be necessary if the project was not so massive. The justification of tree removal, including RCD-provided tree report, is not a finding of fact and is not evidentiary.

The project does not satisfy Public Resources Code Section 21159.21/CEQA Guidelines Section 15192: Exemption for qualified housing proeject because the project is not consistent with the general or specific plan, has cumulative and immediate impacts not accounted for by the Specific Plan EIR (which the City does not have a complete copy which is further evidence of non-factual findings by the Planning Department), the project does have significant effects on historic resources, and more. It therefore does not adhere to the exemption granted by CEQA Guidelines Section 15182; residential projects pursuant to a specific plan. This is compounded by all things mentioned in paragraphs above this paragraph including that the Design Review committee has not seen finished plans and further substantial modifications to the projects physical presence are forthcoming.

Thank you for your consideration.

Sincerely,



Kristin Henderson
2241 LaSalle Street
Martinez, CA 94553
925-639-1423

Hendersonkristin@hotmail.com

Kristin Henderson appeal to Planning Commission approval of RCD project at 301 Berrellessa. August



ATTACHMENT TO APPEAL

Carey & Co.
Old Engine Co. No. 2
460 Bush Street
San Francisco, CA 94108
p. 415.773.0773
f. 415.773.1773

July 27, 2009

RE: Historic Resource Inventory and Evaluation Report/Martinez, CA Senior Apartments
REVISED RESPONSE BASED ON FINAL VERSION OF HISTORIC RESOURCES SURVEY.

Dear Carey & Co.:

I am a resident of Martinez, CA and have been active in historic preservation for over four years, independent of the Martinez Historic Society—although contributing my findings nonetheless to the museum. This includes activities around preserving a historic park, successfully nominating three buildings on State, National, and Federal registers, participating in extensive state-wide research endeavors for Martinez and in conjunction with university history professors, creating heritage tourism materials, creating museum displays especially with regards to research, giving talks, creating websites, providing political, legal, and academic assistance to the formation of the City of Martinez historic resources inventory, networking throughout the State to garner support for historic preservation for Martinez, and more. I have a Masters of Library and Information Science and a post-graduate degree in Online Teaching and Learning. I am a member and grant recipient of the Tile Heritage Foundation, a member of the First Amendment Coalition, the California Preservation Foundation, the Martinez Historical Society, and Contra Costa Historical Society. I feel compelled to comment on your survey. I will not necessarily make these comments in the order the issues appear in that survey. I will send a copy of this evaluation to the City of Martinez, Contra Costa County, State of California Office of Historic Preservation, Martinez Planning Commission, the Advisory Council on Historic Preservation, Carey & Co., and the Office of Housing and Urban Development.

Please be advised that I did not receive the FINAL February 25, 2009 version of the Carey & Co. survey until the middle of June 2009 and I did not receive the Draft version until April 2009. When I asked the City of Martinez Planner why this was, he said he never received the final version. This is at best neglect and at worst malfeasance on the part of the City of Martinez that they would not be concerned with the final version of a historic survey that affects a large portion of its municipality. That the public was not involved in the process is apparent, as Carey & Co. did not consult any building nominations (copies located at both the Martinez and Contra Costa Historic societies). If they had, they would have known to contact me. They did not inquire as to who plaqued the buildings in the neighborhood to obtain any information available from that invested source. At least one of those persons is a homeowner within the area affected by the project (her home is not considered by Carey & Co.--even though it is one house away and will be shadowed by the proposed project, as well as the historic palm trees removed from that home's neighborhood setting).

The actual project of the co-developer Resources for Community Development (RCD) HUD Senior apartments ("project area") will affect the two single story minimalist cottages on the actual project's property. There is strong that potential these structures are locally significant architectural types. Moreover, the palm trees on the property are character-defining features and part of the ambiance of the neighborhood; and their removal and movement will cause what the National Advisory Council on Historic Preservation deems as an adverse affect. The project will have an adverse affect on many buildings and a neighborhood that has the potential to be deemed historic as the project will effect "changes to use and setting" and will introduce "incompatible visual, atmospheric, and audible elements" and more. RCD paid for the Carey survey. I requested the official survey over a month after the final version of the survey was completed, and I was only given the Draft version. This is in full violation of Federal 106 procedures which state that the submission documentation be available to the public. A tremendous concern is that once the County of Contra Costa and the City of Martinez adopt/accept this survey, all other structures either surveyed by you and those beyond this survey in the Shoreline District will forever be deemed non-historic. And yet, there is potential this neighborhood forms a historic district and several of the buildings you surveyed could be found historic in its own right. I do not live in the neighborhood myself, but feel strongly it has historic and heritage tourism value.

RCD is a non-profit. It is illegal for RCD to effect legislation particularly to promote one of its own developments. Historic status is a legislative matter. Moreover, page two of the Carey & Co. survey conveys that the three-story RCD apartment project will not directly or indirectly impact parcels adjacent to the project. "Based on the scale of the proposed three-story apartment complex, it is not anticipated that the project would affect structures beyond this area, which contains a mix of one- to three-story structures." You state this sentence separately from your next sentence which is "Any building or structure contained in the [project area] has been evaluated for potential impact on historic properties."

The first quoted sentence above claims that because there are three-story structures in the area, the massive one block project will not have an effect. This is completely incorrect. In 2006 our Downtown Specific Plan was passed with specific height limits. Furthermore, the project is now asking for height and density variances/conditional use permit not exempted by low income/senior housing law. These variances/use permits are subject to CEQA and are not accounted for in the Downtown Specific Plan's Environmental Impact Report (E.I.R.) as these variances/use permits will create cumulative impacts in that all future projects inside the Downtown Specific Plan will be allowed the privilege of these height and density variances/conditional use permits. RCD then must issue an E.I.R. for this project, which would be the first substantial project passed since the adoption of the Downtown Specific Plan. Because of the cumulative impacts the RCD project will create, the variances/conditional use permits are a legislative issue. It is beyond the non-profit status of RCD to effect legislation. It was unforeseen in the Specific Plan's E.I.R. that such a tall and high-density structure would be proposed. If an unforeseen matter arises, by law another E.I.R. is necessary beyond that already ratified for the Specific Plan. Furthermore, this survey is one that evaluates historic value by Federal 106 standards for HUD projects. This project will have cumulative impacts on the neighborhood and beyond because of its height.

Where the project is 3 stories are single-story structures that could be deemed historic and are affected by visual blockage and character of neighborhood. The lowest point of this structure is 1.5 stories, which will be across the street from a line of one story homes. The proposed one-block structure will adversely affect many more properties in the neighborhood than listed by Carey & Co. via setting and incompatible visual elements. The project will also cause an alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with regards to its affect on the neighborhood which is a potential district and/or potential multiple property designation.

The historic research methodology is problematic and insufficient. Page three it is written that the 1982 Historical Resource Inventory, City of Martinez, was consulted. That survey is 27 years old and has been proven to be inaccurate and deleterious of certain properties—especially those belonging to the property owner of the proposed project site. The 1982 Martinez survey was also compiled by a high school student. Likewise, the County of Contra Costa Historic Resources Inventory is 22 years old. There is a historic resources inventory at the City of Martinez completed November 2008 by the firms of Frederic Knapp, Architect, and Kelley & VerPlanck, Historical Resources Consulting, LLC. Our Planning Department is in possession of this professional survey. Although the Knapp and Kelley & VerPlanck takes inventory of the Downtown Commercial Core's historic building stock, it writes an historic context statement for the development of Martinez and includes much material your context omits. Although I only used my own research to compile this letter, it is obvious from their bibliography that Kelley & VerPlanck accessed San Francisco Historical Newspaper database. It seems as the Carey & Co. researcher looked through one or two newspaper and ephemera files--which are compiled non-methodically and non-academically and I know what are in these files--at the historic societies and compiled a context just from the contents of these files. The Knapp and Kelley & VerPlanck historic resources inventory historic context is 20 pages long and concerns directly the development of Martinez. Yours is nine pages long and includes unnecessary information while omitting much information and research resources to the point that your historic resources context is inaccurate.

Page four of the draft Carey & Co. survey states Susan Swindel of the Contra Costa County Historical Society conveyed that "She did not find any buildings of concern within the [project area] and did not find any problem with the proposed project." I spoke to Susan Swindel in front of other Contra Costa County board members, and Susan Swindel relayed to me that she is not a professional historian, nor architect, and nor did she state that there were no buildings of concern in the project area and she did certainly not state there was no problem with the project. She simply looked on the Contra Costa County Historic Resources Inventory and conveyed if any structures at the locations indicated by Carey & Co. were on the County inventory. Again, the purpose of this survey, and its federal standards, is to determine if any historic structures or areas lie within the project area—it is not Carey & Co.'s office to garner or give the impression of consensus for the actual project of the new building. Likewise, and more poignantly, this applies to Andrea Blachman of the Martinez Historical Society and her statement that "she was not aware of any properties of concern" in the project area. Her lack of awareness is not an approval of a historic status or of the project. John Curtis, president of the Martinez Historical Society and Main Street Martinez, falls into this same category and has the added onus of absolutely inappropriately conveying at any time that the Martinez Historical Society function is to approve plans of new buildings.

I received the Final (February 25, 2009) version buried in a CD of pdf files with only long, numeric nondescript file names the County of Contra Costa sent me about one month ago. I was only made aware the final version existed and was in that CD because I asked a pointed question on July 14, 2009. That the final version was not provided to me upon my first request of the lead agency (City of Martinez) and the County is malfeasance on the part of those municipalities.

I do not believe this is the final version of the Carey & Co. survey of the Berrellessa Palms, Martinez, CA project area. It is obvious that the survey was manipulated by RCD. On page (4) of the final survey, the text of the survey states "Mr. Curtis stated that he would like to submit information and drawings of the proposed project to his board members and have them comment on it. Carey & Co. is currently waiting for a final response from the Martinez Historic Society" (which is foot note four of the Draft version of the survey and is encompassed in its entirety as a "Phone call with Erica Schultz, 17 February 2009.") This is changed in the final version of the survey to "Carey & Co. contacted Mr. Curtis on February 17, 2009, and he responded via email on February 24, 2009, that the 'Martinez Historical Society has not identified any negative historical impacts that the project will have on its site.' The organization hopes that the final design and color would fit in with the older neighborhood in Martinez." And footnote four on page (4) of the final version "John Curtis, Martinez Historic Society, Phone call with Erica Schultz, 17 February 2009; John Curtis Martinez Historical Society, Email to Deni Adaniya, Resources for Community development, 17 February 2009." First, John Curtis—especially as of February 24, 2009 much less June 2009—never spoke of the project to the Martinez Historical Society Board to obtain any sort of consensus about the project, not even its color. This per Martinez Historic Society Board members who had not heard of this survey until I wrote the Board. Secondly, John Curtis has a financial relationship with the owner of the project property. Third, this change is indicative of malfeasance on the part of RCD and Carey & Co. They altered, in order to facilitate the RCD project, the historic resources survey. Why would RCD be intercepting information and adding it into a historic resources survey that is supposed to be objective? The text of the survey states the email is February 24, 2009 and the footnote dates it as February 17, 2009. Fourth, neither John Curtis nor Andrea Blachman undertook any research or have ever undertaken any research regarding the neighborhood in which the proposed development lies and therefore cannot say there are no "negative historical impacts" that the project will have on this site. I have requested from the Office of Historic Preservation the official date they received the final Carey & Co. Survey and a copy of the final survey.

When I or others have asked for help or support for true historic preservation matters that merely include official registration of a historic building, John Curtis and select other board members have told both these non-profits they cannot comment on these preservation efforts because the matters are too political and it is not within their mission, even though the Martinez Historical Society allegedly has a Historic Preservation subcommittee. I am incredulous these non-profits are used to promulgate specific development plans and individual agendas. It is why an illegitimate historic resources survey was adopted to the Downtown Specific Plan in 2006. The members of both historic societies have varying levels of education and there are no professional historians or architects on their boards. New buildings are a purely municipal

matter. Unlike other historic societies, Martinez's does not actively protect tangible architectural history and seems inclined to placate our redevelopment-oriented City Council. The County of Contra Costa also has an intertwined corporate culture, and one of our Council also works for the County Board of Supervisors in a legislative position and has a relationship with a top County official very concerned with Redevelopment. Another of our Council is married to the County Redevelopment director who is also president of the supposed non-profit California Redevelopment Association, and some board members of the Martinez Historical Society work for the County and rely on these relationships. Also, Martinez City Council is vying for a Redevelopment Agency and low income housing is required for that. John Curtis is also president of Martinez Main Street and did not have Martinez Main Street Economic Restructuring Committee nor its Design Review Committee comment on this project's new building until I brought that issue to the public's attention, but he would ask the Historic Society the same and has for previous projects. The project's property owner is a director of Martinez Main Street.

Carey & Co.'s bibliography is not only lacking, the sources listed are employed in the historic context in a conjectural way. The following basic research sources were not consulted by Carey & Co.:

- *Polk's City Directory: Richmond with Martinez* (Available incrementally at Contra Costa Library 1914-1942)
- *Contra Costa Gazette* and *Martinez Daily Standard Microfiche* (Available at Contra Costa Library, most years).
- The bibliography of Knapp and Kelley & VerPlanck's historic resources inventory (Available at the City of Martinez).
- The bibliographies and nominations themselves of the many official historic structures in Martinez. Most have historic contexts that explain development in Martinez as well as thorough bibliographies. These can be found at either historic society, C.H.R.I.S./N.I.C., and City of Martinez. They are written by different entities.
- *Martinez, a California Town*. 1986. By Perry, Kraitz, Collins, Wainwright and edited by Burt, Whitnah, & Bedell.
- *Martinez, A Handbook of Houses and History*. 2nd ed. 2008. By Perry.
- *The Pioneer Italian Fishermen of Martinez "Nostris Pescatori"*. 2nd. Ed. 1997. By Davi-Collins.
- St. Catherine's Cemetery Records. 1994. Available Martinez Historical Society.
- N.W. Ayer & Sons Newspaper Annual Directory
- Historical Statistics of the United States. 1976.
- San Francisco Chronicle Historical database. Online <http://www.sfpl.org/sfplonline/dbcategories.htm>
- *History of Contra Costa County*. 1940. By M.F. Purcell.
- Plat maps and tax records located in entirety at the County Assessor's and also numerous historic volumes at Martinez and Contra Costa Historical Societies.

You reference *California's Contra Costa County: An Illustrated History* (Emanuel) in the survey's bibliography. It is not cited in any of the survey's historic context footnotes. On page 12 it is stated in the survey that the Contra Costa Gazette moved to Pacheco which became the center for commerce. This might have come from Emanuel. Emanuel nor the survey continue

that the Gazette came back to Martinez. The Gazette flourished as the leading newspaper for the County for decades in the 20th century, in no less the historic building that stands at Court and Main Streets today. This building was erected for the Gazette which oil conservationist State Senator Sharkey owned and operated during the newspaper's most influential decades. Pacheco did not stay the center of commerce for very long (*Martinez, A California Town*. 1986).

On page 13 of the survey, you use the tertiary source of Nilda Rego's article "Martinez Delighted to Get Rail Line" to describe a violent racist incident. You make the unsubstantiated claim that all Martinez residents "were undoubtedly pleased when...passed the Chinese Exclusion Act." In a nine page historic context, this half page expose' is an overemphasis on one incident and does not inform on the development of Martinez and especially the development of the project area. Over the history of Martinez there have been hundreds of violent incidents of all origins. You do not mention there was a Chinese laundry in Martinez (Andrea Blachman, tel/con June 07, 2009). You do not mention that during the Depression, Martinez residents traded with the Japanese farmers in Alhambra Valley (*Interviews of Survivors of the Great Depression in Martinez*, 2002. By Richard Patchin). You do not mention that in the very source you cite in your bibliography, but do not footnote, that "In 1850, a negro named Jones opened the first eating house on the site of the Alhambra Hotel." (*History of Contra Costa County, California; With Biographical Sketches of the Leading Men and Women of the County Who have been Identified with Its Growth and Development from the Early Days to the Present*. 1926). You do not mention the mural in the Martinez Post Office completed in the late 1930's that depicts a variety of ethnicities as portrayed by the artist Maynard Dixon, who is well known for his noble treatment of people of color. Section One New Deal murals required approval by the local community and postmaster (*Democratic Vistas*, 1984. Park & Markowitz). You do not mention the huge Italian population that came to Martinez whose children learned English in school while having to speak Italian at home. These children were poorer than their classmates and often were treated as such (Davi-Collins, 1997). It is unfortunate, but racism is perennial and universal. It is racist of you to claim a whole town was racist.

You completely skip the 1920's in Martinez, the decade in which 236 Buckley Street was built. In the 1920's, the country was overtaken by a limitless feeling of prosperity. This expansion was fueled by the U.S.A.'s vast quantities of natural resources such as oil, land, and minerals (*Teach Yourself American History* by Jones, 2005). Electricity and technology helped increase production capacities which drove prices down, increasing consumption of all goods at a time when citizens had access to money. The increase in consumer demands was the foundation for the 1920's economic expansion and was furthered exponentially by advertising in all mediums of communication (Jones) including newspapers. Paper communications proliferated in this pre-television, prosperous era. *Time Magazine* and *The New York Daily News* were first published and greeted with tremendous circulation in this dawn of the media age (Jones).

By 1926, Americans were measured to be the wealthiest people in the world and economic opportunity abounded for laborers and financial investors (*Golden Gate Metropolis: Perspectives on Bay Area History*. Pgs 229-234. Wollenberg, 1985). More people moved to towns and cities, such as Martinez. (McDonnell, Janet, 1995. *America in the 20th Century*. Pg 309-337). The Martinez Daily Standard (1926 December 25) reported that Martinez had 6,000 people and "is the fastest growing city in East Bay", which corresponded with a severe housing

crisis due to this expansion (Martinez Daily Standard, 1927 January 25). The County was also rapidly expanding and in January 1927 the County Recorder reported that property transactions for 1926 increased 19%. This one year's increase is 35% of the total increase between the five years of 1921 and 1926 (Martinez Daily Standard, 1927 January 04). The expansion in Martinez would continue and in 1929 building outpaced that of 1928 (Martinez Daily Standard 1929 December 24).

According to *The Historical Statistics of the United States* (1976), the nation-wide value of new private residential and non-residential buildings erected in 1926 was \$113,000,000 and expenditures for new construction \$12,773,000. In 1926, Martinez hit an all time building record of 16 new commercial buildings with total new building construction valuing \$588,090 and construction expenditures city-wide valuing over \$3,000,000 (Contra Costa Gazette, December 28, 1926, pg. 1). The 1926 proportion of Martinez's construction compared to the rest of the Nation is high in a time that was already a nation-wide boom.

The development and expansion of Martinez put population pressures on the existing schools and it was necessary to build more classrooms. The Kindergarten/921 Susana Street building, now demolished, was the remaining school built for the 1920's economic and population expansion which included a new high school. November 08, 1927 Martinez Daily Standard discussed the population pressures on the school district, as such "The consolidation movement, is felt, will eliminate a serious housing problem facing the schools of Martinez" and "...within a short time an additional building [in addition to subject building] will have to be provided for the grammar school and that within two or three years Alhambra high school will have to provide additional housing facilities."

A State-legislated 1927 census reported 1,979 minors living in Martinez (Martinez Daily Standard, 1927 November 01). This was more than even predicted by enrollment numbers in July of 1927 which spurred the Martinez Daily Standard (1927, August 22) headline "Additional Instructors Immediate School Need: Organization of five first grade classes necessary to provide for new pupils." The article furthered that "Registering a phenomenal and totally unexpected gain, enrollment in the Martinez grammar school, which opened its fall term today, showed a registration of 1,104 pupils, an increase of 200 over last year's enrollment. Miss Alice Kelly, school principal, anticipates further increases in registration during the week." And, "As a result of the unexpected large gain in students the school staff of 55 instructors will prove inadequate for the demands placed upon it, school officials declared...registration included 103 new first graders, necessitating organization of 5 first grade classes. Eighty four (84) children were registered at the kindergarten." Between 1920 and 1930, Martinez's population grew 70% (N.W. Ayers & Sons).

Your coverage of the 1930's is inadequate and generalizes Martinez's development within the development of Contra Costa or simply does not attend specifically to Martinez's development during this decade. Your report spends a large amount of time explaining Concord's growth, but not Martinez's. This may be propaganda to create consensus for the project, as the project is such high density. You generalize the labor uprisings in other areas of Contra Costa, such as Brentwood, to Martinez. During the Great Depression, Martinez youth were hired for local harvests of outlying ranches and farms. The local W.P.A. refused to strike when the rest of the San Francisco Bay area did (Contra Costa Gazette, 03 April 1937). I read almost the entire

Contra Costa Gazette for the entire 1930's and did not come across agricultural-related labor uprisings or farm/ranch mortgage defaults in Martinez. I may have missed something. But I know the Alhambra Valley was not sold off. People continued to make privately consumed wine products and there was a demand for Martinez grapes, especially when Prohibition was repealed in 1933 (Purcell). Yes, there was an influx of migrants. But they arrived by automobile. And instead of buying new cars, they had them fixed. Did you check the City Directories to see the growth in garages in Martinez during the 1930's? There were at least four new buildings built between 1930 and 1941 dedicated to automobile repair which still stand today in Martinez.

Population growth in the 1930's in Martinez slowed remarkably. However, commercial and residential development continued in Martinez in the 1930's. Our beautiful Mission, Tudor, and Chateaux revival neighborhoods reflect this—although the immediate project area is not one of these neighborhoods and has only one example of the revival style. The larger neighborhood does reflect this. Because of the trans-continental railroad, an essential sea port, Shell Oil, employment in the County Seat, other oil refineries, Port Costa Brick and C&H Sugar Factories, and other endeavors such as commercial fishing and the aforementioned wine making, Martinez fared better than the rest of Contra Costa. Ernie Lasell of Lasell Department Store sold bottled water and soft drinks to affluent clients in Piedmont. Kitchen gardens flourished. Between 1930 and 1942, at least seven commercial buildings were erected in Downtown Martinez, a four-story Masonic Lodge, a High School, a one-block Catholic church rebuilt, and three civic buildings—all of which still exist. In the 1933-1934 fiscal year there was a 12% decrease in property values, but Martinez's overall property value was second in the County. The first six months of 1935 building permits exceeded the amount filed in all of 1934 (Martinez Herald, 09 August 1935). The community was outstandingly helpful to one another and people fished to supplement their diets as well. The Contra Costa canal was begun in 1937 to improve farming in Contra Costa. Many Martinez persons were employed by New Deal funds. Commercial fishing prices dropped during the Depression, but by 1938 the late summer fishing season produced 1,500,000 lbs of fish within 10 miles of the Southern Pacific Bridge, for which the Fishermen were paid \$182,500.

The Italian Fishermen were the commercial fishing industry in Martinez and a great contributor to the cannery industry, neither of which are mentioned in the survey. There is not one non-Italian name in the 1914 or 1925 directory that is indicated as a Fisherman. The economic impact of their activities was significant enough to be used as a key indicator of local recovery from the Depression. You omitted Martinez's development in terms of its Italian immigrants and fishing community—especially in terms of the project area and the neighborhood the project area resides. Page 10 of *California's Contra Costa County: An Illustrated History* relays that two fish canneries came to Martinez in the 1880's and canneries proliferated in Bay Area, Delta, and Sacramento waters and 250 boats fished just the Carquinez Straits. The Italian immigrants were not only fishermen, they also worked in the canneries, marketed fish as far as San Francisco, sold fishing supplies and groceries, and developed different businesses in Martinez. According to N.W. Ayers and Sons, Between 1926 and 1930 the Italian language newspaper *La Sentimana* was edited by Luigi A. Garron and published in Martinez by Chaney Printing. Its circulation was 2,136 in 1928 and 1,920 in 1930. Comparatively, the Martinez Standard had a circulation of 1,541 in 1928. Further investigation on the entire impact of Italian Immigrants on the economic development of Martinez is in order. They and their descendants also became and continue to be part of political life in Martinez. In 1938 the Martinez Fishermen association borrowed money and built the net and tanning vats located near Grangers wharf. These still

exist east of the East Bay Regional Park District Walking Trail (Martinez Historical Society, June 05, 2009).

Page (8) of the survey states that an area or structure is historic if it is "associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage." This is incorrect in that it does not include LOCAL levels of significance which are appropriate for registration to the National and State historic registers. The first-generation Martinez Italian Fishermen were almost all born in Italy before 1900. They arrived in Martinez primarily before 1915. Most lived and died here, as indicated by the percentage buried in St. Catherine's Catholic Cemetery. *Martinez, A California Town* states that as soon as the fishermen could afford to send for their families, houses were bought or built for them in the area north and west of Alhambra Avenue and Main Street. Families settled near other families from the same old-country villages making Martinez a microcosm of parts of Sicily and mainland Italy. These Italians baked bread for sale, created a macaroni factory, fish market, winery, saloons, restaurants, shoe cobbler, and a barber shop. The Italians bore many children, many of whom stayed in the area. The families attended St. Catherine's Church and are the impetus for Martinez's extensive bocce courts and for being the Bocce capital of the U.S.A. Second and third generation Italians did not necessarily continue the fishing trade (commercial fishing in the bay was outlawed in 1957), but they continued in civic and business life in Martinez. Moreover, despite the industrialization of the shoreline, the Italian residential district remained intact through the 1940's and beyond. Although the concentration of the Italian community in the project area neighborhood has relatively dispersed, Martinez's Italian heritage continues to influence its downtown even until now.

The Carey & Co. survey throughout claims that because Downtown Martinez did not undergo suburban sprawl--and that Martinez did not experience a "building boom" or suburbanization due to rapid population growth--as seen in other Contra Costa Cities, that the project area neighborhood nor individual structures/buildings therein can be historic. This is incorrect. That the neighborhood did not undergo further changes is evidence of its potential historic value. Secondly, downtown Martinez was built-out by the 1940's and its southern area IS almost ALL "suburban sprawl". However, this contradicts Carey & Co.'s findings page (20) of the survey that the four industrially-related structures on Berrellessa are not related to the development of Martinez. The area north of the neighborhood has always been industrial and therefore these structures are a part of Martinez development. Moreover, three of these structures belong to the same property owner as the Berrellessa Palms project site and therefore RCD has a motivation to relieve the property owner of any burdens perceived through the acknowledgement that those structures are historic, as is the neighborhood around the project site and on the project site. This finding relieves the project of any environmental analysis thereby favoring the property owner which is conducive to RCD's development of said owner's site.

Carey & Co. does admit that "The people who did settle here tended to be working-class Italian immigrants." Contra Costa's Central Library in Pleasant Hill retains several of Polk's City Directories for Richmond with Martinez, ranging from 1914 to 1942. I visually scanned 1914, 1925, 1934, and 1942 directories and logged every Italian name in the general neighborhood of the project area and Granger's wharf, with the addresses and occupations of all Italian names. Please see attached .pdf file. The 1914 and 1925 directories are alphabetical and I overlooked many Italian residents on Green Street for these years, so Green Street for 1914 and 1925

would show more Italian residents. The 1934 and 1942 directories were reverse by street so it was much easier. For all years I highlighted in yellow all Italian names that showed "Fishermen" as an occupation. After completing the Directory survey, I then took all the names on the Italian Fishermen Memorial Plaque at the Marina and compared them to the Directory list. If a name was on the Plaque but not in the directories as a Fisherman, I highlighted it in blue. If the name did not appear in the directories at all, but was on the plaque, it will be highlighted in blue and have no address.

This above method is problematic because the later two directories did not list occupations, and again some fishermen are not listed on the plaque. The Fishermen also lived on boats and in boarding houses, especially upon their arrival, so the City Directory could have skipped them. (*Martinez, A California Town*, pg. 75). Also, *The Pioneer Italian Fishermen of Martinez "Nostrì Pescatori"* indicated a list of yet more Italian immigrant's names found in the 1900 census and none of these names appear in the 1914 directory. I only used *The Pioneer Italian Fishermen of Martinez "Nostrì Pescatori"* to find the occupations, birth dates, immigration dates, death dates, and burial location of the names listed on the Plaque and in this book. All dates reportedly came from census records. I compared St. Catherine's cemetery records with *The Pioneer Italian Fishermen of Martinez* and they mostly matched. I did not use this book for any other reason as it is secondary and even tertiary sources. However, the book does represent that there were far more Fishermen than listed on the plaque or in the directory mostly because of offspring that became Fishermen. I have yet to ascertain the cemetery locations of the Fishermen indicated only in the directories. Cemetery locations and city directories indicate that the Italian immigrants and Fishermen came to Martinez and stayed throughout their lives, many of them in the same place particularly, in the neighborhood of the project area.

The second half of the spreadsheet with the colored columns is where I sorted by address in order to show clusters of Italian Residents and Fishermen in that neighborhood over time. The problem with this is that not only are names omitted as described in previous paragraph, names are duplicated due to spelling differences from directory to directory, or use of Anglican names, or because it is a son, or there are more than one person named the same thing. I decided to leave all entries separate, even if the name or address is redundant, but just expressed differently. Regardless of any design flaw or inaccuracies in the research reported in *The Pioneer Italian Fishermen of Martinez* or in these spreadsheets, overall it is obvious that the neighborhood the project area encompasses is a significant development trend in Martinez's historical context with regards to the Italian immigrant settlement and fishing culture. The addresses in the second half of the spreadsheet have clusters of Italian residents over a 30 year period. I may map these clusters in the future and retrieve older and newer City Directories from the California History Room in Sacramento and the County public library.

On page 20 you state that the main period of development within the project area occurred between 1920 and 1949. This is contradictory in that five of the twelve structures you list as in the evaluation area were constructed before 1920 as residential development, and four of those within seven to one years apart during the time of the Italian immigrant settlement. And between 1914 and 1942, indeed, Italians are living in these addresses. Further research into census and tax records will further reinforce this. You did not mention anything on "Telfer Way" which is within 100 feet of the project area and on its south side contains one residential building.

A historic district could be formed around the historic context of the settlement of Italian immigrants and their effect on the development of Martinez. Certainly, the buildings in this neighborhood—including the ones covered in your historic resources survey—are potentially part of a historic or cultural district, and ethnic site, or a multiple property submission. Martinez also has a heritage tree ordinance.

Discussion of the individual buildings:

301 Buckley Street (circa 1940)
311 Buckley Street (circa 1940)
403 Berrellessa Street (circa 1880)
236 Buckley Street (1928)
330 Buckley Street (1939????)
236 Richardson (1905)
314 Richardson (1900)
330 Richardson (circa 1907)
405 Richardson (1906)
209 Berrellessa
221-231 Foster Street

301 & 311 Buckley: "Small Minimal Traditional cottages" are a historically significant architectural type of their own, despite their lack of décor. 301 and 311 Buckley are architectural examples of Small Minimal Traditional cottages unique in the plan area, the neighborhood, and Martinez and of local significance. Your claim that the neighborhood grew incrementally only supports that uniqueness and significance.

403 Berrellessa: Circa 1880's Italianate vernacular is a significant architectural style and unique to the neighborhood and Martinez and of local historic significance. This house is also associated with the Italian immigration settlement historic context of its neighborhood. It retains enough integrity for the State Historic Register.

236 Buckley: The fact that Italians constructed the house and moved to it after 30 years in the neighborhood is further evidence of the neighborhood and this house's association with the Italian settlement of the area. This house does possess exemplary architecture as part of the local historic development in the 1920's in what you deem an "incremental" neighborhood. The modesty or vernacular or "folk" of that architecture, given the context of Martinez, does not delimit it as an architectural type. It is the only Mission Revival in the immediate project area.

330 Buckley: Why would you concentrate on such minor detail as a small cement stairway on the back Buckley side almost covered in foliage? With the exception of the new window on the northernmost Berrellessa side (where the majority of the building bulk, entrances, and addresses exist) which may have been installed after your survey, this could be a contributory structure to a district. This structure is not on the 1949 Sanborn map, which confirms again that the Assessors dates of construction are unreliable. It would be propitious to check City Directories (especially since they are organized by street beginning in the early 1930's) for when the addresses associated with this structure first appear and who were the occupants.

236 Richardson: The 1925 City Directory does show Giuseppe (Joseph) Ferranti living at 226 Richardson. Both the 1920 and 1949 Sanborn map show that there is only one house on the 200 block of Richardson. 226 is probably 236 Richardson, and yes, Giuseppe Ferranti did live there. According to *Pioneer Italian Fishermen of Martinez*, Ferranti was a baker. Consulting other years' directories to see if Ferranti is named a baker and lives at this address is the next step, as well as ascertaining if 236 Richardson is interchangeable with 226 Richardson. A majority of the homes in the neighborhood of the plan area are associated with Italian settlement over at least a 40 year period AND most of the homes are this architectural style. This is not an incremental neighborhood, as you claim, with the exception of infill additions that claim the architecture of their era and yet still house the Italian community (i.e., the 1928 Mission Revival mentioned above). Moreover, Folk Victorian—despite and because of its modesty—is a significant architectural type in its own right. Again, the survey should have also examined the house directly west of this one on what is commonly known as “Telfer Way”.

314 Richardson: This definitely could be a contributory structure to a district formed around the historic context of the impact of the Italian immigrant on the development of Martinez. Moreover, changes over 45 years old become part of the building's historic integrity. The two houses on this graveled section of Foster Street are within the survey area as well.

330 Richardson: The house does make a significant contribution to the development of the neighborhood as an architectural type (like so many similar houses around it) and as a residence of the Italian community. The roof crowning is of high integrity, and changes to the building are not proven to be less than 45 years.

405 Richardson: The building is part of the developmental pattern of the neighborhood and Martinez. The buildings alterations, as you indicate, are older than 45 years old. This building's overall shape and massing are characteristic of the neighborhood. The newer alterations, however, are a fine example of the importance of building codes that concern aesthetics.

209 Berrellessa: Page (23) of the survey makes mere conjecture at this Quonset hut's origins and therefore historic value. This is an inappropriate and inadequate evaluation.

221-231 Foster building photograph is included in “Appendix C: Photographs of Adjacent Properties in the APE” of the Carey & Co. report and yet is not discussed in the text of the survey nor is a 523DPR form prepared for it. This building is also plaqued because it sits in part on the site of the birthplace of Joe DiMaggio.

I retain the right to modify and continue this analysis at any time, pursuant to State law.

Thank you.

Kristin Henderson
2241 LaSalle Street
Martinez, CA 94553
925-639-1423

hendersonkristin@hotmail.com

Attach work to Append Attach work

NAME	1914-1915	1925	1934	1942	Year born in Italy (or not)	Year Martinez arrival	Year of Death	Cemetery Buried	Other Occupation
Aiello, A.J.	[1]								
Aiello, Antonio			Berrellessa 403 (xBuckley)	Main 217 (xTalbert)	1880	1906	1966 San Pablo		Assoc. Oil
Aiello, Antonio									
Aiello, Frank									
Aiello, Frank (Margaret)									
Aiello, Giuseppe (Joseph?)									
Aiello, Jos									
Aiello, Jos (Annie)									
Aiello, Marlon									
Aiello, Marlon Mrs.									
Aiello, Mercurial									
Aiello, Michi									
Aiello, Michi									
Aiello, Mici (Rose)									
Aiello, P.F.									
Aiello, Peter									
Aiello, Peter									
Aiello, Peter									
Aiello, R.L. Mrs.									
Aiello, Vincent									
Aiello, Vincent									
Aiello, Vincenzo									
Amato, Gap (fish mkt)									
Amato, Peter									
Andruccioli (shoe repair)									
Andruccioli, Geo Shoe Rep									
Ariasi, Jose									
Ariasi, Philip									
Ariasi, Thos									
Avanzalline, Frank (Lab)-- not on plaque either									
Aviles, Geo									
Ayelo, Antonio									
Ayelo, Michael									
Azaveda, John									
Balesteria, Anton									
Balesteria, Jos (Josie)									
Balestrieri, Jos									
Balestrieri, Giuseppe (prob Balestrieri & Jos)									
Balestrieri, Jos									
Barlettani, Sebastiano									
Barlettari, Emilia									
Buckley near Richardson									
Buckley 208									
Buckley 225									
Buckley 216 (Talbert)									
Howard 305 (xRichardson)									
Howard 305									
Alhambra 502 (x Howard)									
Berrellessa 616									
Howard 405 (xBerrellessa)									
Howard 405									
Alhambra 704									
Alhambra 704 (Main)									
Berrellessa 503 (xBuckley)									
Berrellessa 501 (xHoward)									
Berrellessa 509 (xBuckley)									
Grangers Wharf 133									
Smith near SP Tracks									
Smith near SP Tracks									
Smith near SP Tracks									
Howard 414									
Howard 414 (xBerrellessa)									
Alhambra 600									
Berrellessa 614 (xEscobar)									
Howard 414 (xBerrellessa)									
Green 525 (xAlhambra)									
Howard 414 (xBerrellessa)									
Green 525 (xAlhambra)									

Produce Route,
Fish Market,
Restaurant

NAME	1914-1916 [1]	1925	1934	1942	Year born in Italy (or not)	Year Martinez arrival	Year of Death	Cemetery Buried	Other Occupation
Franchi, Laura Mrs.		Berrellessa 132	Grangers Wharf 130	Grangers Wharf 130		1898 ?	1910		
Franchi, Laura Mrs.						1882	1902	1974 St. C's	Shell
Franchi, Laura Mrs.						1883	1906	1947 St. Jo	Cement
Franchi, Tony									
Freschi, Dominic									
Gelli, Salvatore									
Gabellini, Lous (Louise)									
lab--not on Plaque									
Gaziano, Salvatore									
Giacosa, Paul									
Giamona, Paul									
Giannini, F. E.									
Giannini, John									
Gianno, Pietro									
Giberti, Victor (Giberti Bros)									
Giacosa, Paul									
Guadenzi, Lous									
Guadizza???, Lous									
Guzzardo, Tony									
Juaraldi, Antone (Valena)									
lab--not on Plaque									
Smith 502									
LaBello, V. & R.									
LiCavoli, Giuseppe									
Lombardi Vanencio (Mary)									
lab--not on plaque									
Lombardi, E. lab--not on									
Plaque									
Lombardi, Geronimo (lab)--									
not on plaque									
Lucido									
Lucido Vincent (Sarah)									
Lucido, Ilumin									
Lucido, Agostino (Frances)									
Lucido, Anthony									
Lucido, Antonetta--Opr									
PT&T									
Lucido, Antonio--prob									
"Nine"									
Lucido, Antonio									
Lucido, Antonio (Mary)									
Lucido, Augustino									
Lucido, Augustino									
Lucido, Augustino									
Lucido, Frances Mrs.									
Lucido, Francesco									
Lucido, Francesco Paolo									
Lucido, Frank									
Berrellessa 132									
Green 304 (xRichardson)									
Arlington 804									
Berrellessa 132									
Buckley 215									
Richardson 231									
Foster 215									
Talbart 403									
Berrelleso 111									
Richardson near Buckley									
Berrellessa 215									
Talbert 403 (xBuckley)									
Foster 215 (xTalbert)									
Richardson 237									
Foster 215 (xTalbert)									
Richardson 231									
Richardson 317 (xFoster)									
Alhambra 812									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 734									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									
Alhambra 720 (xMain)									
Arlington 804									
Alhambra 424									
Berrellessa 427									
Alhambra 502 (xHoward)									

NAME	1914-1915	1925	1934
Juaraldi, Antone [1] (Valena) lab--not on Plaque	(Alhambra) Smith 502		
Cotelli, Antone (lab)	(Alhambra) Smith 506		
Gabellini, Lous (Louise) lab--not on Plaque	(Alhambra) Smith 508		
Lombardi, E. lab-- not on Plaque	(Alhambra) Smith cor Ward		
Vallejo, Arth (steam fitter)	(Alhambra) Smith corner Robinson (Alhambra) Smith near Escobar		
Cardinale, Andr Raffetto, Lydia (steno D.A.) & Albina bkkpr Avanzaline, Frank (Lab)--not on plaque either	(Alhambra) Smith near SP Tracks (Alhambra) Smith near SP Tracks (Alhambra) Smith near SP Tracks		
Ayalo, Antone Ayalo, Michael Costanza, Salvatore (Gro)	(Alhambra) Smith near SP Tracks		
Costanza, Salvatore Jr.	Alhambra 410		
Costanza, Rocco	Alhambra 414		
Freschi, Dominic	Alhambra 424		
Silveria, Peter Storelli, Mary Mrs. Tarzia, Raymond	Alhambra 436 Alhambra 502 (x Howard)		
Aiello, Peter			
Giannini, F.E. Mascitelli Jos (Angela) barber Mascitelli, J.L.	Alhambra 510 Alhambra 516		

NAME
[1]

1914-1915
[1]

Mascitelli, J.L.
Azaveda, John
Cardinali, Andw
Fish Dir
Cardinale, Anna
Mrs.
Cardinali, Anna
Mrs.
Cardinelli, Bessie
Lndywkr
Fahden--dentist
Andruccioli (shoe
repair)
Andruccioli, Geo
Shoe Rep
Franchi, L.A. Mrs.
(Beauty Shop)
Travelers

Alhambra 600

Alhambra 604

Alhambra 614

Alhambra 700

Alhambra 704

Alhambra 706

Alhambra 710

Giocosa, Paul
Decari, Fred
(Henrietta) lab
Giberti, Victor
(Giberti Bros)
Pestochini (3):
Antone, E., Michi
(Italian Hotel,
many borders
listed: Anderus,
Borssi, Guiseppe
Caco, Bora
DePavio, J.
Ferrazza, Antone
Ferrazza, Jno
Giacosa, Scotti
Giuseppi,
Lazzarini, Jos
Santos, Wooten)

Alhambra 734

Alhambra 812

Alhambra 812
((Alhambra) Smith
near Green)

1925

1934

NAME	1914-1915	1925	1934
[1] Pistochini (Italian Hotel--many Italian borders as shown in Directory by name Signorini, Angelo-- Italian Hotel Columbo, Jas (meats)	Alhambra 612 [1] Alhambra 624 Alhambra 632		
Pino, Herman			
Salvatori, Lous			
Russo, Jos			
Costanza, O.H.			
Guadenzi, Lous			
Guadinza???, Lous	Arlington 804 Arlington 805		
Sparacino, Peter			
Sparacino, Peter			
Martellini, A.B.			
Cambra, Jos (work?)	Berrellesa 420 Berrellesa near Howard		
Rosetti, Caesar	Berrellesa, 614		
Boligera, Antone (Antonia)			
Costanza,			
Salvatore (Kath)-- grocer, residence same	Berrellesa 105		
Mazzarito,			
Vincant (Geeta)	Berrellesa 124		
Franchi, Laura			
Mrs.			
Guzzardo, Tony	Berrellesa 132		
Charati, Andir (Mary)	Berrellesa 134		

NAME	1914-1915	1925	1934
Dimaggio, Salvatore (Frances)	Berrellessa 135		
Lucido			
Aiello, Marion Mrs.			
Bellecci, Frank			
Russo, Savatore			
Dimaggio, Salvatore			
Fazzini, Thos			
Aiello, Antone			
Aiello, Antone	Berrellessa 403 (xBuckley)		
Manzoni, Jos	Berrellessa 422		
Manzoni, Jos (Firma) laborer			
Manoni, Jos			
Gaziano, Salvatore			
Quontamattoo, Fredk (Louisa) laborer	Berrellessa 601		
Ariasi, Philip			
Marchi, Andw plmbr	Berrellessa 603		
Ariasi, Jose			
Lupo, Henry (emp Bay Spaecialty Co) & Severio (Lucy)	Berrellessa 609		
Ariasi, Thos			
Balesteria, Anton	Berrellessa 614 (xEscobar)		
Riccio, John			
Aiello, Peter	Berrellessa 616		
Mancini, Cero	Berrellessa 721 (xMain)		

NAME	1914-1915	1925	1934
Mancini, Clara Mrs.	[1]		
Cambra, Mariana Mrs.			
Cambra, Mariana mrs.	Berrellessa 724		
Cambra, Marie (wid Jos)	Berrellessa 734		
Giacosa, Paul	Berrellessa 734		
Comazzi, Angela (wid Alex) & Jas (Lucy) slsmn	Berrellessa 735		
Lucido, Antonio (Mary)	Berrellessa 111		
Mersich, Serverior (Anne)—not on plaque	Beryessa 492		
Comazzi, Angela (wid Alexander)— not on plaque	Beryessa cor Ward		
Alebb, Frank (Margaret)	Buckley 208		
DiMaggio, Vincent (Frances)	Buckley 210		
Davi, Peter	Buckley 210 (Talbart)		
Lucido Vincent (Sarah)	Buckley 215		
Lucido, Sarah Mrs.	Buckley 215 (Talbart)		
Aiello, Marion	Buckley 216 (Talbart)		
Bellecci, Frank	Buckley 220		
Bellecci, Frank	Buckley 224 (Talbart)		
Aiello, Jos (Annie)	Buckley 225		
Lucido, Jos (Cath)	Buckley 225		
Lucido, Vincent	Buckley 225 (Talbart)		
Russo, Salvatore	Buckley 225 (Talbart)		

NAME
[1]

1914-1915
[1]

1934

1925

Tarantino,
Josephine Mrs.

Cadinalli, Nino
Marchi, Frank
(laborer)—but on
Fisherman plaque
Belletti, Frank

Tarantino, Jos
(lab)—Not on
Plaque
Columbo, Lena

Mrs.
Compagalia,
Dominic

Columbo, Jos
Lucido, Antonetta--
Opr PT&T

Lucido, Frances
Mrs.

Carone, Carmelo
Costanza, Arizio
(Mrgt)—mechanic

Costanza, O.H.

Lucido, Augustino
Costanza, John
laborer

Costanza, Leo R
(Peggy)—fireman
Costanza, Ora H
(Mrgt)—clerk

Costanza, Rocco
Jr. clerk Bay
Specialty

Costanza, Andw
Pellegriani, L

Escobar 501
Escobar 907

Escobar near
(Alhambra) Smith

Foster 104

Foster 106

Foster 206
(xTalbert)

Foster 216

Foster 215
(xTalbert)

Foster 224

Foster 224
(xTalbert)

Foster 234

Foster 234

Foster 234

Foster 234

Foster 234

(xTalbert)

Grangers Wharf

NAME
[1]

1914-1915
[1]

1925

1934

Tasso, Peter

Chantri, Phillip

Duco, Peter

Marazzani, Gino &
Giovanni

Marazzani,
Giovanni

Mazzamuto,
Vincent

Ferrarini, Peter

Pagnini, Nick

Franchi, Laura
Mrs.

Franchi, Laura
Mrs.

Aviles, Geo

Chantri, Andrw

Chantri, Andrew

Mercurio, Dominic

Valdi, Phillip

Belleci, John

Pellegrini, Louis

Pallegrini, Louis

Luna, Ceasar
Plozzi(typo?),
Attilio

[REDACTED]

Grangers Wharf
120

[REDACTED]

Grangers Wharf
130

[REDACTED]

Grangers Wharf
134

[REDACTED]

Grangers Wharf
135

[REDACTED]

Grangers Wharf
138

Grangers Wharf
200

[REDACTED]

Grangers Wharf
201

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NAME
[1]

1914-1915
[1]

1925

1934

Grangers Wharf
208

Troia, Peter
Pobello (typo?),
Vincent

Paoli, Basilio

Romeo, Vincent
Romeo, Vincent
Campagno,
Salvatore

Grangers Wharf 8

Pistochini, Antonio
Postochino,
Antonio

Green 11
(xCarquinez)

Green 120

(xArlington)

Green 304

(xRichardson)

Green 314

(xRichardson)

Pistochino, Frank

Green 414

(xBerrellese)

Cacchi

Sacchi, Peter
Baroni, Ernest,
Gustavo

(Angelina), & Lean
(Shell)--not on
plaque

Moretti, Aldo Shell
Emp

Green 415

Green 415

(xBerrellese)

Baroni

Baroni, Angeline
Mrs.

Barlettani,
Sebatino

Green 525

(xAlhambra)

NAME
[1]

1914-1915
[1]

Bartettari, Emilia
Balesteria, Jos
(Josie)
Marchi, Peter
Marchi, Francesco
Marchi, F.W.
Aiello, Mici (Rose)
Aiello, Michl
Aiello, R.L. Mrs.
Lucido, Petro
(Rose)
Lucido, Pietro
Mercurio, Annie
Mrs.
Marrigoni
Remeo, Vincezo
(Angeline) --
different spelling
than plaque, but I
bet its the same
Aiello, Vincent
Aiello, Vincent
Balestrieri, Jos
Balestrieri, Jos
Compegno,
Salvadore (grocer)
--but on Fisherman
Plaque
Aiello, Jos

1925

Howard 712
Howard 215
(xTalbert)
Howard 235
(xTalbert)
Howard 305
Howard 305
(xRichardson)
Howard 315
Howard 315
(xRichardson)
Howard 405
Howard 405
(xBerrellessa)
Howard 414
(xBerrellessa)
Howard 417

1934



NAME	1914-1915	1925	1934
Quontammatteo, Fred	[1] Howard 417 (xBerrellessa)		
Quontammetteo, Fred			
Quontammetteo, Jos			
Sanfilippo, Frank	Howard 435 (xBerrellessa)		
Sanfilippo, Frank	Howard 812 (xBerrellessa)		
Pongetti, Antone			
Campagna, Salvatore (Lab)-- on Plaque	Howard near (Alhambra) Smith		
Nikaroni, Fortunato	Howard near (lab)--not on plaque		
Ballaspari, Giuseppe	Howard near (Alhambra) Smith Main 105 (xArlington)		
Cellini, Jos			
Franchi, Francisco & Lois Mrs. Beautyshop			
Cellini, Jos	Main 15		
Bartolomei, J.F.			
Bartolomei, J.F.			
Aiello, A.J.			
Aiello, P.F.	Main 304		
Vicari Thos & Virgil	Main 306 (xRichardson)		
Savioni, Mariano			
Aiello, Peter	Main 334		
Salvatori, Louis	(xRichardson)		

NAME
[1]

1914-1915
[1]

1925

1934

Ricci, Attilio

Negrini, Anton
(Annie)

Lombardi

Vanencio (Mary)
lab--not on plaque

Lombardi,

Geronomo (lab)--
not on plaque

Rampoldi

Rampoldi

Rampoldi

Mangini, Giacomo
Costanza, R &

Sons

Flores, Gianto

Flores, Jno laborer

Dicaoli, Jos (Clara)

--not on plaque

either

Dicaoli, Jos (Clara)

Carone, Carmelo

Carone, Carmelo

Devil, Salvatore

(Frances)

Ferranti, Jose

(Jennie)

Corrallo, Peter

(Rose)

Corrallo, Peter

(Rose)

Crivaldo, Peter

Crivaldo, Peter

Lucido, Agostino

(Frances)

Lucido, Augustino

Bruno, Thos

Bruno, Thos

Main 408

Main 414

Main 414

Main 500

Main 511

Main 521

Mill 300

Mill 300

Richardson 208

Richardson 208

Richardson 223

Richardson 225

Richardson 228

Richardson 227

Richardson 227

Richardson 227

Richardson 231

Richardson 231

Richardson 236

NAME

[1]

1914-1915

[1]

Lucido, Augustino
Sanfilippo,
Dominic (Rose)
Fishman
Sanfilippo, P.P.
Sanfilippo, D.P.
Costanza, John
Winery
Costanza, John
Winery

Richardson 237
Richardson 237

Richardson 314
(Foster)

Richardson 323
(Foster)

Richardson 330
(Foster)

Richardson 405
(Foster)

Richardson cor
Foster

Richardson corner
Buckley

Richardson corner
Green

Richardson near
Buckley

Richardson near
Buckley

Lucido, Antonio
Tarantino,
Giovanni (lab)—Not
on Plaque

1925

1934

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NAME	1914-1915	1925	1934
Bruno, Gitano (Vincenza)	[1]		
Barolomei, Vincent	Richardson, 225		
Fontana Jos (Suele)	Talbert 306		
Lucido, Vincent Jr. (Mary)	Talbert 335 Talbert 403		
Lucido, Antonio	Talbert 435		
Pizziniti, Natale (Frances) laborer	Talbert 632		
Comazzi, Jose (Olympia) Carp Composta, Steph (Patrina)—laborer, but I just loved the name	Talbert, 315		
Fontana, Nancy	Talbert 305		
Ferranti, Peter	Talbert 315		
Lucido, Vincent	Talbert 335 Talbert 403		
Lucido, Anthony	(xBuckley) Talbert 413		
Russo, Anton	(xBuckley)		
Bellecci, J (Grace)	Talbert 425		
Belleci, John	Talbert 425 (xBuckley)		
Aiello, Michl	Talbert 526 (xBuckley)		
Ferranti, Guiseppe	Talbert near Buckley		
Lucido, O	Talbert near Buckley		
Belleci, Giovanni	Talbert near Richardson		
Lucido, [blank]	Talbert near Richardson		
Lucido, Jos Vezzanni, Lous (Mary)—bartender	Talbert near Richardson		
Martin Bonzagni	Ward 511		

NAME
[1]

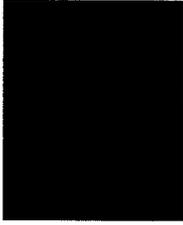
Comazzi, Jas
(Lucia)-Brewery
Agency, not on
Plaque

1914-1915
[1]

Ward cor
Berryessa

1926

1934



1. Yellow highlight=in directory as fisherman; may or may not be on plaque. Blu is on plaque only, and white in neighborhood, Italian, but not indicated as fisherman

City of Martinez, I have the acorn of a historic context for the Italians in Martinez and their settlement on the Straits and up the hill. I will bring my notebook to the RCD meeting so you can see the potential bibliography just for the background information is quite extensive. I am not going to type it all out tonight, but it is there. I also have an offering from a PhD in Italian studies to help me with this.

I have taken two oral histories from 4 generational Italians, as well as read the Nostri Pescadero book, and received oral histories taken from others regarding this. A couple things garnered from those of significance was their diet was quite foreign, their religious practices especially as tied to food unique, and their work ethic profound.

Please ask me for any information...there is alot more than just what I have written here. And, I want to add, just because I can trace my own roots back to xyz, does not mean that I am an expert at the history of xyz peoples in xyz place. I also have a phenomenal history in the broader bay area and also national context, does not mean much to me as an individual. Academic pursuit is upheld by the law. Why am I telling you that? It is a mistake to line up a bunch of your Italian or otherwise friends to refute the historic value of something simply because they lived her for so many years. It just simply does not work that way. Moreover, the change in the neighborhood where the RCD project is to abutt, is part of that history. Not a detractor. I hope to find the time to show you that in a ppt at the meeting.

Sincerely (why else would I do this?),

Kristin Henderson

Grazi.

INTRODUCTION

The mass Italian emigration to California resulted, after a few generations, of Italians occupying positions of importance and success. Their Italian forefathers laid the way for the development of our nation, State, and the City of Martinez. The Italians began in the U.S. as laborers needed in a developing country. They formed communities as a segues for assimilation. The Italian immigrant developed his new world economically, politically, and culturally although many Italians did not succeed the way famous Italians in America did. Not enough is written on the West Coast much less Bay Area Italians and this is in part because their group has been so successful and therefore perceived as not in need of academic examination as more disenfranchized groups.

More of the first California Italians were also from northern Italy. Northern Italians were fairer skinned but more than that they were from a comparatively wealthier, more liberal, and more cultural half of Italy and brought skills, education, entrepreneurship, and were comparatively more wealthy. California Italians did experience hardship and discrimination, but it as severe as the rest of the U.S. (Sensi-Isolana & Martinelli, 1993).

California in many areas is geographically similar to Italy and had more room. This allowed California Italians to continue in agriculture and fishing as they had in Italy, as well as undertake mining, lumber, retail, and ranching. In 1900 20% U.S. Italians were found in rural areas. California Italians were 60% rural. In California, San Francisco had the most organized, established, and advanced Italian community concerned with the success and image of Italians as a whole. North Beach business leaders diverted many new immigrants to outlying areas. And, the Spanish occupation of California aided the acceptance of Italians including in terms of the Catholic church. There were also less Irish immigrants to compete with, especially in areas outlying San Francisco (Sensi-Isolana & Martinelli, 1993).

Italians were very few in numbers in California until the Gold Rush. Upon arrival in the gold fields found discrimination and competition and so ended up in other areas of the San Francisco greater Bay Area. They then became merchants in the Northern California gold economy. After 1870, California's economy was based in manufacturing and agriculture. Italians dominated the agriculture over all other non-anglo immigrants. 50% of Italians in California were found in the greater San Francisco Bay Area and would be found so there on (Sensi-Isolana & Martinelli, 1993). By 1980, 12 million people of Italian origin lived in the U.S. and 5% of all Americans descended from Italian immigrants (di Franco, 1988).

Northern California developed further by the railroad reaching San Francisco in the 1880's and more labor was required. More Italians came because of that need and that their Chinese competition has been removed by the 1882 Exclusion Act. By then end of the 1800's, southern Italians arrival began to increase. Some were unskilled, but many others arrived as fisherman and began the Italian Fishing colonies, of which Martinez is one. Southern Italians in southern coastal towns began to outnumber northern fishermen. Southern Italians were discriminated against by northern Italians as well as Anglos. The San Francisco community became weary of the number of unskilled northern and southern Italians and the 1907 recession worsened that dilemma. The work offered to Italians was much on the level it is offered to the Mexican migrant today. Between 1900 and 1910 California Italian immigration reached its peak and resentment began against them based on depressed wages, fewer jobs, and the Italian propensity against organizing labor. The Panama Canal opened and both the established Italians and Anglos began a campaign to exclude new Italians from California. World War I arrived. Atlantic passage was halted, national unity sentiment rose, mining ceased, lumbering was limited, and many Italians moved to Southern California for war time industry. Italians had to decide to stay in the U.S. or leave. Many were drafted and did not have a choice. Immigration ceased (Sensi-Isolana & Martinelli, 1993).

However, by the 1920's the previous pause in immigration and national recovery caused another opportunity for immigration. The immigrants that were now arriving were more educated, skilled, and less pastoral than previous decades. California's economy had become very diverse. However, when the Great Depression hit, Italians in rural areas fared better than their city kinsmen and some Italians even returned to rural living. And, Italians were part of the great migration to California from the midwest during the 1930's.

World War II immigration decreased and the San Francisco Italian community supported fascism, which-combined with decades of American living--provided a means for Italian-Americans to unite and relinquish much of their regionalism. Many Italian-American institutions were formed, many of them fascist sympathizers. Italians success and institutions were beginning to be seen as threats to national security. Fearing more backlash than was already occurring in the larger U.S. Society, Italians ceased many of their institutions and especially conducting their business in Italian. The prosperity of post World War II caused another need for farm and commercial labor in California. But the new Italians new to California were now coming from mostly eastern States. The end of fascism and the Americanization of the now 2nd or 3rd generation Italian finalized assimilation and the poignancy and distinctiveness of the Italian Community lessened. This is a type of irony since the Italians were so key in developing an area that afforded so many a place in the comfortable American middle class (Sensi-Isolana & Martinelli, 1993).

LOCAL

Italians were a large fraction of the workers at C & H sugar plant in 1911 where they acted as strikebreakers and refused to remain unorganized (Giovinco, 1993). In 1913, the Department of Fish and Game announced Italians had replaced the Japanese as to the number of fish and game violations. But more importantly, "There is no doubt that the Italian immigrants were responsible for the way the village and surrounding countryside now look. The features of Occidental that tourists and newcomers find so attractive, the Catholic church, the older village houses, the countryside with its fields, fruit orchards and small vineyards, are primarily the result of the hard work of the Italian immigrants..." (pg. 69 Sensi-Isolani).

Many Contra Costa Italians coal mined. By 1880, Genoese and then also Sicilians fished all along California's coast. First coming to San Francisco where they often confronted regional discrimination, they moved on to Pittsburg, Martinez, and the central coast. Often they took the place of Chinese and sometimes Portuguese. Fishing required only the hands of the family. Oral history subject "A" (interviewed withheld for his protection, but will divulge when necessary) stated that many of the Martinez sons of Italy could have been great baseball players, but the fishing seasons required the whole family. By 1910 Italians controlled 80% of California's fishing commercial and operated as far as Alaska (Sensi-Isolani). Nino Rubino of Martinez was a fisher of both Martinez and Alaskan waters celebrated in recent times.

Italians were supplying a majority of San Francisco's fish and a part of California's interior. The fisherman, which were a large part of the Italian population, came from North Italy, but these notherners were followed by Sicilians. A third wave came from the August province as well as Isola dell Femmine and Sicilian Tunisia. These fisherman, their nets, and their boats established the picturesque characteristics of San Francisco's maritime culture (Cordasco, F. & Bucchioni, E., 1974). Italians were willing to live in poverty to save as much money to take back to Italy.

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Harlan Strickland
1035 Arlington Way
Martinez, CA 94553-2319

September 2, 2009

Re: Appeal of Berrellesa Palms Planning Commission decision

Council Members:

GENERAL

I would ask that you reconsider the approval of this project. I view a vote for this project, as it stands, as a vote against the downtown. Prefatorily, and for the record, I would like to say that I'm in agreement with others that oppose this project on the following technical grounds, which are covered in more detail in their submissions:

- It violates the Downtown Specific Plan as regards height, setbacks, lot coverage, massing, usable open space and parking. This not only produces negative impacts by itself, but also sets a bad precedent for future projects. The fact that in the memo to the Planning Commission (Corey Simon, 8-11-09), the 231 Main St (Aiello) project that likewise violated a number of aspects of the Downtown Specific Plan, is cited as a precedent for this project, exactly makes this point. Do we still have a Downtown Specific Plan?
- The violations are severe enough that a Project EIR would seem to be in order.
- It is closer to the railroad tracks than the railroad itself recommends for residential use. Leaving the area adjacent to the tracks as light industrial makes more sense in terms of a safety buffer, where a smaller and more mobile population would be present, and only during part of the day. This would provide other benefits as well (more on this later).
- The authoritative Martinez Historic Resources Survey by Knapp, Kelley and Verplank was not referenced, calling into question conclusions regarding historic and cultural resources and impacts in the documentation for this project.
- Sea level rise is accelerating faster than had been previously expected, due to unanticipated warming effects in earth's polar regions, where huge reserves of sea ice are located. Since the project site is in one of the lowest areas in downtown Martinez, close to the creek and river, the first floor elevation should be reexamined with the latest sea level projections taken into account. The propriety of the development itself should be reconsidered under these circumstances. If still deemed appropriate in general terms, the first floor elevation should be reconsidered, with resulting new overall building height, including rooftop HVAC equipment, taken into account.

SPECIFIC CONCERNS

Primarily, however, I would like the council to reconsider the propriety of this project in more general planning terms. Even if a project adheres to the city's plan(s) (which I do not believe that this does), that alone does not guarantee that the project is in the best interests of the city, its businesses, and its citizens. I am asking that you reconsider the project in this light.

Everyone knows that the downtown is largely built out, and rarely sees new construction. It's understandable that people, including Planning Commissioners, might be enthusiastic about a project that is big, bold, and – taken in isolation - beautiful. But is the approval of such a project necessarily a good planning decision?

The Downtown Specific Plan mentions, as one of the main planning purposes for this area, the economic revitalization of the downtown. The goal of revitalizing the downtown is a concern to citizens all across Martinez, and a concern that has been frequently reiterated by this council. I would argue that this project works exactly counter to that goal, and ask that the council consider the following:

- **Property tax #1:** This project will pay no property tax. Assuming that such a prime piece of real estate, relatively close to the downtown and waterfront would ultimately be developed with some other project of similar value (residential or otherwise), this project represents a loss of General Fund revenue, in perpetuity, of approximately \$30,000 a year. Assuming some sort of commercial development, if split-roll assessment ever were to come in, that figure would continue to climb.
- **Property tax #2:** The inappropriate height of this project – what some have called a Taj Mahal with Late Victorian/Neoclassical surface vocabulary (how many Victorians covered an entire city block?) – will block the views of neighboring dwellings, ultimately reducing their market value, and hence property tax revenue to the General Fund. Not only will the project take up an entire city block and not pay property taxes itself, but also will reduce income from surrounding properties that do pay.
- **Property values - additional comment:** By making adjacent properties less desirable, the typical resident or landlord will be less likely from an investment point of view, or from the standpoint of personal resources, to invest in property upkeep and improvement.
- **Sales Tax #1:** Much has been made of the aggregate personal income of 49 (50 with manager) residential units being added to the downtown. It should be made clear: this is not a retirement community – it is a Section 8 housing project for indigent seniors. The average weekly allocation per unit for groceries is \$42. Parking may actually not be a problem - because many of the residents will be too poor to own vehicles. The small amount of shopping they will do will overwhelmingly be for necessities – something the downtown does not now, nor in the foreseeable future, offer. Downtown business sales depend on disposable income for either professional services or specialty shopping. Similar to the comments regarding property taxes above, an entire city block, close to the downtown, will be taken up with a use that won't contribute to downtown businesses or the General Fund.
- **Sales Tax #2:** To the extent that the value and attractiveness of adjacent housing (owner occupied or rental) is diminished by this project, the typical resident will have lower socioeconomic status, lower disposable income, and will contribute less to the downtown in terms of sales and sales tax revenue to the General Fund.

ADDITIONAL LAND USE COMMENTS

- **Industrial Use:** Industrial land is where quality, high-paying jobs can be located, providing not only employment, but also drawing high-disposable-income consumers. The goal of "Alive After 5" in the core area would benefit greatly from high-paid, skilled workers downtown at lunchtime and at the end of the business day. Being relatively close to the Intermodal Station would offer the possibility of skilled workers with disposable income commuting to downtown Martinez. Industrial land is disappearing all across the Bay Area, and the reclassification of remaining downtown industrial properties to residential is, in this very important sense, a planning mistake.

- **More appropriate senior housing locations:** The importance of revitalizing the downtown – which will, if it occurs at all, be the result of many small, coordinated decisions rather than random blockbuster projects – makes the proposed location a bad choice. The Morello and Virginia Hills areas both have existing multi-family projects within walking distance of shopping that provides essential items, and a 49/50 unit complex would not seem so out of place, nor have the negative impacts of the current proposed location.

CONCLUSION

A few final thoughts on winners and losers:

- **Winners:**
 - Dunivan, who reportedly stands to make over \$1,000,000 on this deal.
 - RCD, whose business is low-income housing.
 - The county, which is always looking for locations to accept low-income residents.
 - And, of course, the low-income renters themselves – not just from Martinez - that can make it into this project, will certainly be winners.
- **Losers:**
 - The neighbors of this project, who will have their views blocked, and be confronted with a 40 ft (depending on the sea-level discussion) behemoth that doesn't fit in with the neighborhood.
 - The downtown businesses that are constantly looking for more high-disposable-income foot traffic.
 - The city, which will be missing out on property and sales taxes.
 - Citizens all across Martinez who are hoping that the downtown can become more vibrant and successful.

I hope you seriously reconsider this project.

Sincerely,

Harlan Strickland