

# ATTACHMENT I

## DOWNTOWN SPECIFIC PLAN EIR – MITIGATION AND MONITORING PROGRAM

### APPROVED BY CITY COUNCIL, JULY 24, 2006, RESOLUTION NO. 079 06

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the City of Martinez Downtown Specific Plan (proposed project). The MMRP lists mitigation measures recommended in the EIR for the proposed plan and identifies mitigation monitoring requirements.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format (Table V-1). The first column identifies the mitigation measure. The second column, entitled "Party Responsible for Implementation," refers to the person or agency responsible for implementing the mitigation measure. The third column, entitled "Agency Responsible for Monitoring," refers to the agency responsible for ensuring, through monitoring, that the mitigation measure has been implemented. The last column, entitled "Monitoring Timing," identifies the timing of the monitoring action.

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>A. LAND USE AND PLANNING POLICIES</b></p> <p><b>LU-1:</b> Develop performance standards to mitigate negative impacts on adjacent uses that surround industrial areas, including noise, light and vibration. The performance standards shall reduce the impact of existing industrial uses on adjacent residences, schools, and other sensitive uses in conjunction with proposals to redevelop the site or modify the use by requiring improvements such as landscaped buffers, sidewalks, and equipment screening.</p>	<p>Community Development Department</p>	<p>Community Development Department</p>	<p>Prior to approval of development adjacent to industrial uses in the Downtown Specific Plan area</p>
<p><b>B. POPULATION AND HOUSING</b></p> <p><i>There are no significant impacts to population and housing.</i></p>			
<p><b>C. TRANSPORTATION AND CIRCULATION</b></p> <p><i>There are no significant impacts to transportation and circulation.</i></p>			
<p><b>D. AIR QUALITY</b></p> <p><b>AIR-1:</b> Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.</p> <ul style="list-style-type: none"> <li>The basic and enhanced control measures listed in Table IV.E-10 shall be implemented during construction of the proposed Project.</li> <li>Any temporary haul roads to the soil stockpile area shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant.</li> <li>Water sprays shall be utilized to control dust when material is being added or removed from the stockpile. When the stockpile is undisturbed for more than 1 week, the storage pile shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation.</li> <li>All neighboring properties located within 500 feet of property lines shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request.</li> </ul> <p>The above mitigation measures include all feasible measures for construction emissions identified by the BAAQMD. According to the District's threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the proposed Project to a less-than-significant level.</p>	<p>Construction Managers for all projects proposed within the Downtown Specific Plan area</p>	<p>Community Development Department</p>	<p>During Demolition and Construction</p>
<p><b>E. NOISE</b></p>			

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<p><b>NOISE-1:</b> Developers and/or contractors shall create and implement development-specific noise reduction plans, which shall be enforced via contract specifications. Each developer and/or contractor shall be contractually required to demonstrate knowledge of the Martinez Municipal Code, and to perform construction activities in a manner such that noise levels do not exceed Martinez Municipal Code criteria. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise to thresholds levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. The plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan. By adhering to the construction hours listed in Section 8.34.030 of the City's Municipal Code the potential impacts from construction of the Draft Specific Plan would be reduced to below a level of significance.</p> <p><b>NOISE-2:</b> To meet the City's exterior and interior noise standards the following mitigation measures shall be incorporated:</p> <ul style="list-style-type: none"> <li>No residential noise sensitive uses shall be located within the 80 dBA <math>L_{dn}</math> noise contour unless it can be demonstrated that an interior dBA of 45 can be achieved and that a dBA of 65 could be achieved for any proposed exterior residential use areas (i.e., would apply to patio area for BBQ if proposed, but would not apply to entire yard or outdoor area).</li> <li>Buildings located between the 75 dBA and 80 dBA <math>L_{dn}</math> noise contours (92 to 199 feet from the railroad centerline) would require the following mitigation measures to meet the interior and exterior noise standards: <ul style="list-style-type: none"> <li>No sensitive exterior land uses, such as balconies, patios, parks, playgrounds, or backyards, will be permitted within the 75 dBA and 80 dBA <math>L_{dn}</math> noise contours unless it can be demonstrated that a dBA of 65 could be achieved.</li> <li>Building façade upgrades will be required to meet the 45 dBA <math>L_{dn}</math> interior noise standard. These façade upgrades may consist of exterior walls with a minimum sound transmission class (STC) of 40 dBA and windows with a minimum STC of 33 dBA. By limiting the window area to less than 20 percent of the total wall area, exposed to train noise, the exterior to interior noise reduction will be 35 dBA. These façade upgrades would reduce the interior noise level to 45 dBA <math>L_{dn}</math> or less (80 dBA - 35 dBA = 45 dBA). Other measures that achieved the 45 dBA <math>L_{dn}</math> interior noise standard may also be permitted.</li> </ul> </li> <li>To achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, all units will require mechanical ventilation to ensure that windows can remain closed for a prolonged period of time.</li> <li>Buildings located between the 70 dBA and 75 dBA <math>L_{dn}</math> noise contours (199 to 429 feet from the railroad centerline) would require the following mitigation measures to meet the interior and exterior noise standards.</li> </ul>	<p>Developers and/or construction managers for all proposed projects within the Downtown Specific Plan area</p> <p>Architect/Project Engineer for all proposed projects within the Downtown Specific Plan area</p>	<p>Building Department</p> <p>Building Department</p>	<p>Prior to the approval of any demolition, grading, or construction permits</p> <p>Prior to issuance of building permit</p>

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>Mitigation Measures</b></p> <ul style="list-style-type: none"> <li>All exterior multi-family residential uses shall be protected by a sound barrier with an effective height of 10 feet or an equally effective measure. This barrier will provide approximately 10-11 dBA in noise reduction for ground floor receptors, when the direct line of sight to the railroad is blocked. This will reduce the exterior noise level to at or below the exterior noise standard (75 dBA - 10 dBA = 65 dBA). Single-family exterior land uses are not recommended within the 70 dBA and 75 dBA <math>L_{dn}</math> noise contours.</li> <li>Sound walls (Plexiglas with a minimum height of 6 feet) would be required for any balconies directly exposed to train noise. The project applicant must provide evidence that the sound walls would provide adequate noise mitigation and meet applicable city regulations otherwise the balconies shall not be permitted.</li> <li>Building facade upgrades will be required to meet the 45 dBA <math>L_{dn}</math> interior noise standard. These facade upgrades will consist of exterior walls with a minimum STC of 38 dBA and windows with a minimum STC of 29 dBA. By limiting the window area to less than 40 percent of the total wall area, exposed to train noise, the exterior to interior noise reduction will be 30 dBA. These facade upgrades will reduce the interior noise level to 45 dBA <math>L_{dn}</math> or less (75 dBA - 30 dBA = 45 dBA).</li> <li>To achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, all units will require mechanical ventilation to ensure that windows can remain closed for a prolonged period of time.</li> <li>Buildings located between the 65 dBA and 70 dBA <math>L_{dn}</math> noise contours (429 to 924 feet from the railroad centerline) would require the following mitigation measures to meet the interior and exterior noise standards. <ul style="list-style-type: none"> <li>All exterior multi-family residential uses shall be protected by a sound barrier with an effective height of 6 feet or an equally effective measure. This barrier will provide approximately 5 to 6 dBA in noise reduction for ground floor receptors, when the direct line of sight to the railroad is blocked. This will reduce the exterior noise level to at or below the exterior noise standard (70 dBA - 5 dBA = 65 dBA).</li> <li>Single-family exterior land uses shall be protected by a sound barrier with an effective height of 10 feet. This barrier will provide approximately 10 to 11 dBA in noise reduction for ground floor receptors, when the direct line of sight to the railroad is blocked. This will reduce the exterior noise level to at or below the exterior noise standard (70 dBA - 10 dBA = 60 dBA).</li> <li>Sound walls (Plexiglas with a minimum height of 6 feet) would be required for any balconies directly exposed to train noise. The project applicant must provide evidence that the sound walls would provide adequate noise mitigation and meet applicable city regulations otherwise the balconies shall not be permitted.</li> <li>To achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, all units will require mechanical ventilation to ensure that windows can remain closed for a prolonged period of time.</li> </ul> </li> </ul>			

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>Mitigation Measures</b></p> <ul style="list-style-type: none"> <li>Buildings located between the 60 dBA and 65 dBA <math>L_{dn}</math> noise contours (924 to 1,990 feet from the railroad centerline) will require the following mitigation measures to meet the interior and exterior noise standards.           <ul style="list-style-type: none"> <li>Single-family exterior land uses shall be protected by a sound barrier with an effective height of 6 feet. This barrier will provide approximately 5 to 6 dBA in noise reduction for ground floor receptors, when the direct line of sight to the railroad is blocked. This will reduce the exterior noise level to at or below the exterior noise standard (65 dBA - 5 dBA = 60 dBA). The project applicant must provide evidence that the barrier would provide adequate noise mitigation and meet applicable city regulations otherwise the balconies shall not be permitted.</li> <li>To achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, all units will require mechanical ventilation to ensure that windows can remain closed for a prolonged period of time.</li> </ul> </li> </ul> <p>Implementation of the above mitigation measure would reduce the impact to a less-than-significant level.</p>			
<p><b>NOISE-3:</b> The City shall seek to reduce impacts from ground borne vibrations associated with rail operations by requiring that habitable buildings are sited at least 100 feet from the centerline of the tracks.</p>	Architect/Project Engineer for all proposed projects within the Downtown Specific Plan area	Community Development Department	Prior to site plan approval
<p><b>NOISE-4:</b> To ensure adequate standards are included in the <i>Specific Plan</i>, the <i>Specific Plan</i> shall be revised to include:</p> <ul style="list-style-type: none"> <li>A 60 dBA <math>L_{dn}</math> exterior noise standard and a 45 dBA <math>L_{dn}</math> interior noise standard for residential uses from stationary sources that must be achieved to permit new development of residential and noise-sensitive land uses (Municipal Code Section 8.34.020).</li> <li>A requirement that acoustical studies, describing how the exterior and interior noise standards will be met, be prepared for all new residential developments with a noise exposure greater than 60 dBA <math>L_{dn}</math>. The studies shall also satisfy the requirements set forth in Title 24, part 2, of the California Administrative Code, Noise Insulation Standards, for multiple-family attached, hotels, motels, etc., regulated by Title 24.</li> </ul>	Community Development Department	Community Development Department	Prior to adoption of the Downtown Specific Plan

**F. BIOLOGICAL RESOURCES**

*There are no significant biological resources impacts.*

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<p><b>G. CULTURAL RESOURCES</b></p> <p><b>CULT-1.</b> If deposits of prehistoric or historical materials are encountered during project activities called for by the Draft Specific Plan, all work within the immediate vicinity of the finds shall be halted to prevent damage to the deposit, and a professional archaeologist shall be contacted to evaluate the California Register eligibility of the finds. If the finds are not eligible, further protection is not necessary. If the finds are eligible, they would need to be avoided by adverse effects or such effects must be mitigated in accordance with the recommendations of the evaluating archaeologist. The City shall require that the recommendations of the archaeologist for the mitigation of adverse effects are followed by the project applicant.</p> <p>Upon completion of the archaeological evaluation, a report shall be prepared documenting the methods, findings, and recommendations, as warranted, of the archaeologist. This report shall be submitted to the NWIC and the City. Project personnel should not collect or move any archaeological material, and fill soils that may be used for construction purposes should not contain archaeological materials.</p> <p>Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool making debris; midden (i.e., culturally darkened soil often containing heat affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials might include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, metal, glass, ceramics, and other refuse.</p> <p><b>CULT-2.</b> If paleontological materials (fossils) are encountered during project activities called for by the Draft Specific Plan, all work within the immediate vicinity of the find shall be halted to prevent damage to the fossil materials. If avoidance of the fossils is not feasible, a qualified paleontologist shall be contacted to evaluate the find and make recommendations. If the exposed geological formation is found to contain significant paleontological resources, such resources should be avoided by project activities. If project activities cannot avoid the paleontological resources, adverse effects to such resources should be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of project ground-disturbing activities, a report documenting methods, findings, and recommendations of the paleontologist shall be prepared and submitted to the City.</p> <p>Prior to plan-related ground disturbance that has the potential to impact UCMP fossil locality V-71131, a qualified paleontologist shall review project plans and recommend measures necessary to avoid, or reduce the level of significance of, impacts to the fossil remains. Such measures may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository.</p>	<p>Construction Manager/Project Applicant for all proposed projects within the Downtown Specific Plan area</p>	<p>Community Development Department</p>	<p>During demolition, grading, and construction</p>
<p><b>CULT-2.</b> If paleontological materials (fossils) are encountered during project activities called for by the Draft Specific Plan, all work within the immediate vicinity of the find shall be halted to prevent damage to the fossil materials. If avoidance of the fossils is not feasible, a qualified paleontologist shall be contacted to evaluate the find and make recommendations. If the exposed geological formation is found to contain significant paleontological resources, such resources should be avoided by project activities. If project activities cannot avoid the paleontological resources, adverse effects to such resources should be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of project ground-disturbing activities, a report documenting methods, findings, and recommendations of the paleontologist shall be prepared and submitted to the City.</p> <p>Prior to plan-related ground disturbance that has the potential to impact UCMP fossil locality V-71131, a qualified paleontologist shall review project plans and recommend measures necessary to avoid, or reduce the level of significance of, impacts to the fossil remains. Such measures may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository.</p>	<p>Construction Manager/Project Applicant for all proposed projects within the Downtown Specific Plan area</p>	<p>Community Development Department</p>	<p>During demolition, grading, and construction</p>

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<p><b>CULT-3.</b> If human remains are encountered during project activities called for by the Draft Specific Plan, work within 50 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist should provide recommendations for the recovery of important information, as appropriate and in accordance with the recommendations of the MLD. Please see the Regulatory Setting section for information about the treatment of human remains called for by California law.</p> <p>Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, as well as the recommendations regarding the treatment of the human remains and any associated cultural materials. The report should be submitted to the City and the NWIC.</p>	<p>Construction Manager/Project Applicant for all proposed projects within the Downtown Specific Plan area</p>	<p>Community Development Department</p>	<p>During demolition, grading, and construction</p>
<p><b>H. GEOLOGY, SOILS AND SEISMICITY</b></p> <p><b>GEO-1:</b> Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of Martinez Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:</p> <ul style="list-style-type: none"> <li>Analysis presented in the geotechnical report shall conform with the California Division of Mines and Geology recommendations presented in the Guidelines for Evaluating Seismic Hazards in California.</li> <li>All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed.</li> </ul> <p>It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices (as provided in the mitigation measure above). However, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area and therefore the mitigation measure described above reduces the potential hazards associated with seismic activity to a less-than-significant level.</p>	<p>Project Architect/Project Engineer for all proposed projects within the Downtown Specific Plan area</p>	<p>Building Department</p>	<p>Prior to issuance of a grading permit or building permit</p>

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<p><b>GEO-2:</b> In accordance with Section 1804.4 of the California Building Code, in areas where expansive soils are present, the Building Official may require special provisions be made to safeguard against damage due to expansiveness, locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, and utilities) shall consider these conditions. The design-level geotechnical investigation shall include measures to ensure potential damages related to expansive soils and non-uniformly compacted fill are minimized. Mitigation options may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. There is no basic performance standard to require other than that each situation be evaluated and a design prepared to mitigate (requirements would differ for a building foundation vs. a sidewalk, for example).</p> <p>The design-level geotechnical study for each project development shall evaluate the potential for impacts associated with corrosion. The study shall specifically address corrosion potential and include measures to address corrosive soils where damage to underground facilities may occur. Potential methods include placing utilities in sandy fill materials or appropriately treated clayey fill materials. Treatment of clayey soils could include using lime, lime-cement, or other admixtures. If it is impractical to place utilities within less corrosive materials, the utilities would need to be composed of corrosion resistant material or protected with appropriate coatings. Appropriate measures identified in each geotechnical study shall be implemented during project construction.</p> <p>All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed to reduce impacts associated with shrink-swell and corrosive soils to a less-than-significant level.</p>	<p>Project Architect/Project Engineer for all proposed projects within the Downtown Specific Plan area</p>	<p>Building Department</p>	<p>Prior to issuance of a grading permit or building permit</p>

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>GEO-3:</b> Potential slope instability impacts associated with the any development within Opportunity Site 3 (or any other portion of the Plan area potentially affected by landslides) shall be mitigated by the following mitigation measures.</p> <ol style="list-style-type: none"> <li>1) Prior to development of Opportunity Area 3 (or any other area prone to slope instability impacts), a geotechnical investigation shall be conducted to evaluate the potential impacts of the slope instability on the proposed development. The geotechnical report shall either include specific provisions for slide repair and/or support or specify a safe setback distance for proposed development.</li> <li>2) All grading plans, cut and fill slopes, compaction procedures, and retaining structures shall be designed by a licensed professional engineer. All designs shall be submitted to, and approved by, the City of Martinez prior to implementation.</li> <li>3) Grading and slope preparation activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.</li> </ol> <p>Implementation of this mitigation measure would reduce potential impacts associated with slope instability to a less-than-significant level.</p>	<p>Project Architect/Project Engineer for Opportunity Site 3 (or any other portion of the Plan area potentially affected by landslides)</p>	<p>Public Works/Building Department</p>	<p>Prior to issuance of a grading permit or building permit</p>
<p><b>I. HYDROLOGY AND WATER QUALITY</b></p> <p><b>HYD-1a:</b> The project proponent for each project that is developed under the Draft Specific Plan that proposes to disturb more than one acre shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction-period of the project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:</p> <ul style="list-style-type: none"> <li>• Specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</li> <li>• Framework for education. An important component of the storm water quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</li> </ul>	<p>Developer/Construction Manager for all projects proposed within the Downtown Specific Plan area</p>	<p>Public Works Department/ RWQCB</p>	<p>Prior to issuance of a demolition or grading permit</p>

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<ul style="list-style-type: none"> <li>Monitoring Program. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring may be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.</li> <li>Soil erosion BMPs. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions. Each SWPPP and drainage plan shall be prepared and adequate prior to City approval of a grading plan.</li> </ul>	<p>Developer/Construction Manager for all projects proposed within the Downtown Specific Plan area</p>	<p>Public Works Department</p>	<p>Prior to issuance of a demolition or grading permit</p>
<p><b>HYD-1b:</b> The project proponent for each project developed under the Draft Specific Plan shall design into the project features operational BMPs to reduce potential impacts to surface water quality associated with operation of the project.</p> <p>The appropriate mitigation measure for this potential impact is the project's full compliance with the requirements and intent of the current County NPDES permit. The permit requires a comprehensive approach to stormwater management that implements:</p> <ul style="list-style-type: none"> <li>(a) site design measures to minimize impervious area, reduce direct connections between impervious areas and the storm drain system, and mimic natural systems; and</li> <li>employs (b) source control and (c) treatment control measures, that can reduce runoff and the entry of pollutants into stormwater and receiving waters.</li> </ul> <p>All projects under the Specific Plan covered by the County permit (Group 1 project applications deemed complete prior February 15, 2005 and Group 2 project applications deemed complete prior to August 15, 2006) shall incorporate site design measures for reducing water quality impacts of the project, in compliance with the County NPDES stormwater permit Provision C.3. requirements. These requirements include, but are not limited to:</p>			

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<p><b>Mitigation Measures</b></p> <ul style="list-style-type: none"> <li>• <b>Numeric Sizing Criteria For Pollutant Removal Treatment Systems.</b> The project must include source controls, design measures, and treatment controls to minimize stormwater pollutant discharges. Treatment controls must be sized to treat a specific amount--about 85 percent--of average annual runoff.</li> <li>• <b>Operation and Maintenance of Treatment Measures.</b> Treatment controls often do not work unless adequately maintained. The permit requires an operations and maintenance (O&amp;M) program.</li> <li>• <b>Limitation on Increase of Peak Stormwater Runoff Discharge Rates.</b> Urbanization creates impervious surfaces that reduce the landscape's natural ability to absorb water and release it slowly to creeks. These impervious surfaces increase peak flows in creeks and can cause erosion downstream and degradation of aquatic habitat. Based on discussions with City of Pleasanton staff, the project site is located within an area that would require mitigation of hydromodification-related impacts because the site drains to Arroyo de la Laguna (which has erosion problems).</li> </ul> <p>At the time of preparation of this DEIR, the County has not yet completed the county-wide Hydromodification Management Plan (HMP). The HMP is a requirement of the new County NPDES Permit and it will guide participating city agencies and individual development projects toward a unified approach to mitigate this potential watershed-wide impact. The applicant shall work with the City staff to comply with the current requirements of the RWQCB-approved HMP, as available. In the absence of an approved HMP, the applicant shall work with the City to develop site-specific measures acceptable to the City to address potential hydromodification impacts to the maximum extent practicable using on-site detention features (which should also be designed to provide treatment).</p> <p>Guidance on specific approved site design measures are available from the County's NPDES Permit (RWQCB Order R2-2003-0022--NPDES Permit No. CAS0029912), the California Stormwater Quality Association's <i>Stormwater Best Management Practice Handbook, New Development and Redevelopment</i> (2003), the Bay Area Stormwater Management Agencies Association's, <i>Start at the Source, Design Guidance Manual for Stormwater Quality Protection</i> (1999), and City of Pleasanton Public Works Department.</p> <p>Implementation of this two part mitigation measure would reduce the potential impacts associated with construction-period and post construction-period stormwater runoff to a less-than-significant level.</p>			

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>HYD-2a:</b> New and redevelopment projects under the Specific Plan (that are located in the FEMA-mapped 100-year flood hazard zone) shall be required to demonstrate that the proposed project would not result in an increase in base flood elevations. This may be accomplished in one of the following two ways:</p> <p>1) New or redevelopment projects within the Plan area that are located within the FEMA-mapped 100-year flood hazard zone shall result in "no net fill" in the floodplain. Any flood water volume potentially displaced by new or redevelopment projects shall be offset by creation of an equal or greater volume of floodplain storage elsewhere on the site or at adjacent sites in the floodplain. This could be accomplished by removal of older structures, excavation and removal of fill or other soils above the seasonal high groundwater table, or other means acceptable to the City of Martinez.</p> <p style="text-align: center;">OR</p> <p>2) Site-specific floodplain modeling for existing and proposed conditions shall be used to demonstrate no net increase in base flood elevations associated with the proposed project. Minor increases in the base flood elevation would not be acceptable because the cumulative impact associated with many "minor" increases could result in a substantial impact. All floodplain modeling shall be conducted by a qualified professional approved by the City of Martinez.</p>	<p>Architects/Project Engineer for all projects proposed within the Downtown Specific Plan area</p>	<p>Public Works Department</p>	<p>Prior to issuance of a demolition or grading permit</p>
<p><b>HYD-2b:</b> New construction and substantial improvement of any structure in the Special Flood Hazard Zone shall have the lowest floor elevation, including basement (if any), elevated above the estimated flood level by at least one foot. In addition, and in accordance with the City's Subdivision Ordinance (21.38.050), the location, elevation and construction of all public utilities and facilities such as sewer, gas, electrical and water systems and streets shall be in such a manner as to minimize or eliminate damage by flooding (Ord. 876 C.S. § 2 (part), 1978; Ord. 739 C.S. § 1 (4), 1971; prior code §4527(4).</p> <p>Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by a community building inspector to be properly elevated. Such certification shall be provided to the floodplain administrator.</p> <p>Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p>Architects/Project Engineer for all projects proposed within the Downtown Specific Plan area</p>	<p>Building Department</p>	<p>Prior to issuance of a demolition or grading permit</p>

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>HYD-3:</b> Each of the projects completed under the Draft Specific Plan that are located in low-lying areas (surface elevation less than 7.5 feet NGVD) shall include flood protection. The flood protection features shall consist of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Elevation of vulnerable structures above elevation 7.5 NGVD (either by raising of surface grade by importation of fill or elevated constructed foundations);</li> <li>• Placement of landscaped berms or barrier structures with crests greater than 7.5 feet NGVD around vulnerable structures;</li> <li>• Floodproofing of any improvements not protected by surface elevation or flood protection structures.</li> </ul> <p>Implementation of this mitigation measure would reduce this potential impact associated with coastal flooding to a less-than-significant level.</p>	<p>Architects/Project Engineer for all projects proposed within the Downtown Specific Plan area</p>	<p>Building Department</p>	<p>Prior to issuance of a demolition or grading permit</p>
<p><b>J. MUNICIPAL SERVICES</b></p> <p><i>There are no significant impacts to municipal services.</i></p>			
<p><b>K. UTILITIES</b></p> <p><i>There are no significant impacts to utilities.</i></p>			
<p><b>L. HAZARDS</b></p>			
<p><b>HAZ-1:</b> The following three-part mitigation measure would reduce potential exposures to hazardous materials in soils and groundwater to a less-than-significant level:</p> <p>(a) As a condition of approval for any permit for reuse of a parcel within the Plan area, a Phase I site assessment shall be conducted by a qualified professional (e.g., a California-registered environmental assessor) to identify current or historical land uses that have or may have included the storage or generation of hazardous materials and the potential for releases of hazardous materials to have occurred that might impact the site. The assessments shall be performed in conformance with standards adopted by ASTM for Phase I site assessments. The Phase I site assessment shall identify any limitations to development due to the presence of any sites associated with hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if warranted.</p> <p>(b) If a Phase I site assessment were to indicate that a release of hazardous materials could have affected the site, additional soil and/or groundwater investigations shall be conducted by a qualified environmental professional to assess the presence and extent of contamination at the site. These investigations shall be conducted in conformance with State and local guidelines and regulations.</p>	<p>Project Engineer for all projects proposed within the Downtown Specific Plan area</p>	<p>Community Development Department <b>Richard – Who handles Haz Mat?</b></p>	<p>Prior to site plan approval</p>

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p>If the results of the subsurface investigation(s) confirm the presence of hazardous materials, site remediation may be required, with oversight by the applicable State or local regulatory agencies. Remediation shall include measures to ensure that any potential added health risks to future site users as a result of hazardous materials are reduced either by removal of all contaminated materials or to a cumulative human health risk of less than <math>1 \times 10^{-5}</math> (one in one hundred thousand) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens. The potential risks to human health in excess of these goals may be reduced either by remediation of the contaminated soils or groundwater (e.g., excavation and off-site disposal of soils and treatment of groundwater) and/or implementation of institutional controls and engineering controls (IC/EC). IC/EC may include the use of hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pathways, and deed restrictions. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies. If contaminants in the soil and groundwater could potentially affect drinking water supplies or affect ecological receptors, cleanup goals should be in conformance with the Environmental Screening Levels developed by the San Francisco RWQCB.</p>			
<p>(c) For any site where contamination has been identified, construction shall only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan shall include provisions for monitoring exposure to construction workers, delineate procedures to be undertaken in the event that contamination is identified above action levels, and identify emergency procedures and responsible personnel. If construction were to take place on sites adjacent to residences or other areas with sensitive receptors, the health and safety plan shall include air monitoring at the perimeter of the construction site. The health and safety plan shall include performance standards identified to minimize the effects of airborne contaminants (for example, stopping work in dusty conditions, limiting excavation areas, or wetting down of surfaces). Construction workers at contaminated sites shall be required to have received hazardous materials training in accordance with Federal and State regulations.</p> <p>Implementation of these mitigation measures would reduce potential impacts from hazardous materials in soils and groundwater to a less-than-significant level.</p>			

Mitigation Measures	Party Responsible for Implementation	Agency Responsible for Monitoring	Monitoring Timing
<p><b>HAZ-2:</b> As a condition of approval for any demolition or permit for a structure known or suspected to have been constructed prior to 1985, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint are identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint are identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.</p> <p>Implementation of this measure would reduce potential impacts from lead-based paint and asbestos-containing materials to a less-than-significant level.</p>	<p>Project Engineer for all projects proposed within the Downtown Specific Plan area</p>	<p>Community Development Department</p>	<p>Prior to issuance of a demolition permit</p>
<p><b>M. VISUAL RESOURCES</b></p>			
<p><i>There are no significant impacts to visual resources.</i></p>			

Source: LSA Associates, Inc., 2004.

# CORRESPONDENCE

**RECEIVED AS OF JULY 22, 2009  
(PRIOR TO PLANNING COMMISSION MEETING OF JULY28, 2009)**

**“Berrellesa Palms” – RCD Senior Apartments  
310 Berrellesa Street**

CONTRA COSTA FOR  
**EVERY** GENERATION  
MAKING OUR COMMUNITY AGING-FRIENDLY



**BOARD OFFICERS**

Barbara Smith  
*President*

Wesley Franklin  
*Vice President*

Gerald Richards  
*Secretary/Treasurer*

Martinez Planning Commission  
Martinez City Hall  
525 Henrietta Street  
Martinez, CA 94553-2394

Attention: Mr. Frank Kluber, Chair

Dear Mr. Kluber,

**DIRECTORS**

Kitty Barnes  
Trevor Evans-Young  
Gordon Freeman  
Gerhard Heinrich, M.D.  
Margaret Oliveri  
Anne Sanabria

We are writing to you in support of the Berrellesa Palms Senior Apartments for which hearings are scheduled on July 28, 2009.

As an organization dedicated to making all Contra Costa communities aging-friendly, we support this project for many reasons including our concern over the lack of sufficient affordable housing for seniors in Contra Costa County. This lack of senior housing is having devastating consequences for our seniors. Our review of available senior housing indicates that there are long waiting lists for seniors to obtain housing in the current environment. In many instances the waiting lists are over one hundred, and waiting times for available apartments are over one year, and in some instances, two years. Faced with a rapidly increasing number of seniors from the Baby Boom generation, this situation will only get worse. Gradually, Contra Costa communities are facing the reality that we must develop more senior-appropriate units county-wide. We urge Martinez to join the growing number of communities that are giving a high priority to developments that serve seniors.

**EXECUTIVE DIRECTOR**

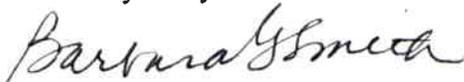
Elaine Welch

We attended a presentation of the Berrellesa Palms Senior Apartments in December of 2008, and found it to be an attractive, well thought-out project that would fit well in Martinez, especially near the downtown area near shopping and transportation. The proposed rental rates for the units are very reasonable and we believe can be afforded by most seniors.

Our board of directors reviewed the proposal and unanimously endorsed it.

We urge you to approve this project. The seniors of Martinez and Contra Costa County will be very grateful to you for it.

Yours very truly,

A handwritten signature in cursive script that reads "Barbara G. Smith".

Barbara G. Smith  
President

cc: Honorable Rob Schroeder, Mayor, City of Martinez



Thursday, July 16, 2009

Chair Frank Kluber  
And Martinez Planning Commissioners  
525 Henrietta Street  
Martinez, CA 94553

**RE: Berrellesa Palms Development Proposal - SUPPORT**

Dear Chair Kluber and Commissioners,

For over 50 years, Greenbelt Alliance has protected the Bay Area's open spaces in part by promoting smart infill development in our existing cities and towns. Our Compact Development Team (CDT) endorses and advocates for livable, transit-accessible communities with a wide range of housing options for families of all sizes and income levels. The Compact Development Team evaluated the Berrellesa Palms project, proposed by Resources for Community Development (RCD), using an established set of endorsement criteria. We have endorsed the project for a variety of reasons: first and foremost, due to its compactness and affordability, in addition to its superb infill location. Secondly, we believe the project will enliven downtown Martinez and contribute to ongoing revitalization efforts. Finally, the developer's decision to pursue green building practices is evidence of a strong commitment to the health of the residents, the community, and our environment. We urge the Planning Commission's support of this project. Providing new homes, jobs, and shops along transit corridors is one of our best tools in limiting greenhouse gas emissions and combating climate change.

With 49 homes situated on slightly more than 1 acre, Berrellesa Palms translates into 47 homes per square acre, the maximum allowable density under both the City's local zoning ordinances as well as under state law. New compact homes, within the city's existing urban footprint, not only help to alleviate development pressure on the Bay Area's open spaces, but also use land and infrastructure more efficiently. In this case, the development's proximity to the bus hub and Amtrak station will increase ridership on both the local and regional lines, thereby helping to ensure continued access to quality public transportation for all of the City's residents, as well as enhance the likelihood of more extensive transit service here in the future. Furthermore, the superior infill location of the development, within walking distance of downtown's Main Street, as well as regional parks and open space, means that Berrellesa Palms residents will have access to daily needs without having to use a car.

Greenbelt Alliance also strongly applauds RCD's decision to pursue 100 percent affordable housing here, with 48 homes—minus one manager's unit—slated to rent for an average of around 49 percent of the area median income (AMI). Affordable housing is an essential component of a community's housing stock, and attractively designed, high-quality affordable homes are a vital element in the revitalization efforts of neighborhoods and communities. Such developments help communities fulfill development objectives for underutilized sites, such as the project site, and often increase the property values of the surrounding area.

MAIN OFFICE • 631 Howard Street, Suite 510, San Francisco, CA 94105 • (415) 543-6771 • Fax (415) 543-6781  
SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • Fax (408) 983-1001  
EAST BAY OFFICE • 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • Fax (925) 932-1970  
SONOMA OFFICE • 555 5th Street, Suite 300B, Santa Rosa, CA 95401 • (707) 575-3661 • Fax (707) 575-4275  
MARIN OFFICE • 30 North Pedro Road, Suite 285, San Rafael, CA 94903 • (415) 491-4993 • Fax (415) 491-4734

INFO@GREENBELT.ORG • WWW.GREENBELT.ORG

A121

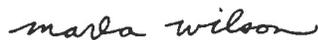
Greenbelt Alliance believes that the Berrellesa Palms will positively contribute to the City of Martinez, as a well-designed development that fits the residential character and scale of the neighborhood and site and helps the City meet its inclusionary housing goals. By blending the project into the neighborhood in terms of form, scale, and architecture, RCD has worked hard to ensure that the building will become an attractive part of the area's urban fabric. As residents of the building utilize the parks, walk along the sidewalks, shop at local stores, and participate in community and civic events they will increase the vitality and energy of the neighborhood, contributing to a diverse, healthy, and prosperous city.

RCD has committed to employing green building practices in this project. As proposed, the project will attain either Build It Green or the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification. Efficient building practices and environmentally-friendly products help preserve vital energy and water resources, minimize construction waste, and reduce the greenhouse gas emissions that cause climate change. A green building is a healthier home for residents and helps create a more livable and sustainable city for everyone. Greenbelt Alliance strongly encourages the developer to attain the high standard of LEED certification.

In conclusion, Greenbelt Alliance is aware that this project is not without controversy; debates exist as to whether or not the project is the best development to catalyze economic revitalization under the Downtown Specific Plan, as well as what degree of parking is appropriate. To address the first of these concerns, Greenbelt Alliance believes that affordable housing is perhaps the *most* appropriate form of development to kick-start economic development efforts, as affordable housing residents—particularly seniors—are very likely to spend the vast majority of their discretionary income within the local community, rather than traveling to surrounding cities. In regard to parking, Greenbelt Alliance feels RCD has gone above and beyond the call of duty in addressing community concerns over insufficient parking: RCD has not only granted a public easement on their property for additional surface parking, but they are also providing nearly *double* the minimum of 0.35 spaces per dwelling unit called for in Chapter 23.36.030 of the City's zoning requirements, a type of concession Greenbelt Alliance does not generally support.

We encourage the Planning Commission to support Berrellesa Palms. Doing so will mean taking a stand for high-quality, affordable infill development that will help protect the region's open spaces and contribute to a vibrant, diverse community.

Sincerely,



Marla Wilson  
Sustainable Development Associate

July 19, 2009

**City of Martinez Planning Commission  
For the Public Record.**



What follows, are reasons for the Planning Commission to DENY the request for a Conditional Use Permit (CUP) to RCD. Both density and height increases create a structure which not only fails to comply with the mandates of The Downtown Specific Plan – DSP, it fails to adhere to the “vision” of the future put forth by the citizens of Martinez it and would deprive the adjacent homeowners and residents of their views of the Carquinez Straits, the Franklin Hills and even the Open Spaces which have been enjoyed by some residents and their families for more than 100 years.

The CUP should be denied as the density is far too great for the acre, resulting in the concomitant request to reduce by 50% the requisite open space per unit – a decrease by almost half of the 450 ft ( required by R-2.5 zoning) to 226 sq ft per unit.(Diagrams attached)

**According to ZONING 22.23.010 the proposed project fails to meet the intent of the Downtown Shoreline District as it is stated in the DSP:**

***“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.”***

**Sr. Planner, Mr. Corey Simon, in his MEMO (bottom p.3) Quotes the DSP:**

***“The immediately adjacent neighborhood is defined by its existing historic residential buildings. The overall look of the area should remain that of a historic residential neighborhood. More contemporary construction that does not conform to this vision should not be approved....New construction, where warranted, should respect and complement the district’s historic residences in design, scale and placement.”***

**The scale and placement are not compatible.**

**Placing a structure the size of the County Recorder Building in no way suits this neighborhood—you only need to walk there to compare the size of the existing homes to the story poles depicting the height. (erection of story poles delayed)**

### **Deprivation of VIEWS**

First and foremost, the view of the Straits from my property is the primary reason I chose to purchase 320 Buckley St.in1989. Please find attached are many of the ads I have placed in the Contra Costa Times over the past 20 years. You will note, without exception, that each and every one mentions the VIEW. Each and every tenant has rented on Buckley because of the view.

A123 1/27

.Further, Mayor Rob Schroder, in an interview (attached) in the March 2008 , Business Times says that **our waterfront location** is our city's biggest asset—yet the proposed project would deprive current and future residents of their most prized property asset-- The view of the Carquinez Straits.

This project, in its current rendition, is a distinct detriment to **my property values** and to that of many of my neighbors.

After consulting with an appraiser, a Martinez resident, I was assured that **my property value without the view** would be valued at 5-15% less than it is today. (In addition to that reflected by the downturn in the economy)

We are justified in resisting further deterioration of our property values.

A 36+ foot building in front of my house will obliterate my views, and that of many of my neighbors as far as Green Street. (see photos attached)

Mr. Simon, in the Memorandum, agrees.

**"even at the 2 story, 30' height limit, it would block SOME VIEWS CURRENTLY ENJOYED BY THE PROPERTY OWNERS ON BUCKLEY STREET .—(AND RICHARDSON, FOSTER, TALBART, MARINA VISTA, GREEN AND BERRELLESA TO NAME SOME OF THE OTHERS.)** Pictures attached

Section "L", 22.34.045 states "*the project should SUBSTANTIALLY PRESERVE VIEWS FROM NEARBY PROPERTIES where this can be done without severe or undue restriction on the use of the site, balancing the property rights of the applicant and the affected property owner(s)..*"

**Chapter 8.13.010 of the MMC was written for protection of views: and shall**

"Establish a person's right to preserve or restore the view or sunlight which existed at the time of that person's purchase or 30 year's prior, from unreasonable obstruction --by the growth of a tree; and , if I might add , a structure, which is noncompliant with the DSP.

And 8.13.021 establishes the right to preserve and seek restoration of such view or sunlight when unreasonably obstructed by the growth of trees. And, I add, the building of a STRUCTURE.

**"Granting the Density CUP would require, among other criteria, to preserve or create view corridors from public streets such as Talbart, Buckley, Marina Vista, Carquinez Scenic, Castro and Berrellesa. (This is a direct quote from Ch 9 of the DSP) This huge structure does none of that, and in fact resembles in size, the new County Recorder Building, and blocks rather than creates views.**

### DENSITY

The request, for increased density, should be denied because it mandates the egregious height . If the density variance/use permit is denied, then the project need not be so tall, and would be welcomed into the community.

In a letter dated March 30, 2009, RCD asks for a variance of density.

Yes, 35 instead of 17 units may be allowed because the residents will be either "old or poor"—and with bonus units granted by state law, bringing possible units to 49—but that is most disingenuous when separated from the rest of the code, which includes the allowed square footage per unit for each zoning requirement.

The zoning density standards of the MMC, 22.23.050, states the minimum site area per residential unit shall be 2,500 feet or 17 units per acre, or the Planning Commission by CONDITIONAL USE PERMIT, can reduce (the required footage), to 1,250 square feet or 35 units per acre.

RCD fails to include in their request, the fact that each of the 17 units has a square footage relation of 2500 feet tied to it. A granted deviation to 1250 square feet or 35 units, plus bonus units to 49 does not compute. Extending the computation, it follows that the proposed density is just like "70 units" per acre, because RCD units are only 600 sq ft or less. Even though they purport to build 49 plus one.

17 units @ 2,500 = 42,500 sq feet of total units and at  
 35 units @ 1,250 = 43,750 sq feet of total units.  
 Average of 43,125 of unit space per acre.

The units as shown are all under 600 square feet, and therefore, the actual density is as if built to 72 units per acre. (see attached)

There is also a request for a CUP for the reduction of open space per unit, the end result is small hotel room like quarters for the "poor and elderly" which RCD names "Section 8 Senior Housing".

**USABLE OPEN SPACE. 22.12.250**

RCD is also asking permission to reduce open space. Not merely a reduction, but a reduction by nearly half—43%—226 feet per unit where zone R- 2.5, calls for 450 sq ft per unit, is less than 19X12 sq ft per unit— including patios.

Limited, insignificant open space affects quality of life, mental health and well being. Please see the standards below.

The minimum usable open space per dwelling unit for multifamily residential structures in residential districts shall comply with the provisions in Table I.

TABLE I

District	Minimum Usable Open Space Per Dwelling Unit
R-1.5	400 square feet
<b>R-2.5</b>	<b>450 square feet</b>
R-3.5	500 square feet

(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,103.14.)

A125 3/2-

**The project becomes not only twice as dense as allowed, even by CUP, but the structure has the potential with 49 units, to treble the neighborhood, which is presently 70% senior citizens of modest income.**

**I respectfully request the Planning Commission to deny increased density.**

**HEIGHT : Mr. Simon assures me that**

**(Chapter 22.13), FOR ALLOWED HEIGHT, THE DS HAS ITS OWN RULES; 22.23.050.B; 2 STORIES, MAXIMUM 30 FEET, unless 40 feet and 3 stories by Use Permitt**

**Even though the DSP might allow to the above, it is not *respectful and complementary* to this Historic residential neighborhood. Viewing the attached photos, it is evident that a building this proposed size will punctuate the landscape, in a way feared by those who spoke at the Planning Commission Meeting of 4/25/2006 (attached) and those who worked for years on the DSP and the "vision".**

**I SUBMIT THIS IS NOT A GOOD LOCATION FOR THIS PROJECT.**

**The proposed height of the building exceeds by 6 feet that which is permitted—even after the excavation of 3000 cubic yards of soil at the Richardson side. (Now it computes to 36 feet, plus the HVAC on the roof.) This is a full 20-25% greater height than permitted. (Actually similar, but WIDER than the County Building at 555 Escobar)**

***The height would not be required, if the first floor were not 4 feet above grade, and the grade not elevated an additional 2 feet. (Where are the story poles?)***

**Obviously problematic is the historic flooding at this location.**

**Mayor Schroder, in the 3/38/08 Business Times article (attached) says that flooding is our main problem in this area.**

I am advised to "state the facts", to be brief, to know my audience. I write with the sincere hope that the "decision makers" will remember what is good for the citizens of our city, for the future, and support the vision of all the people.

Attachment:

Classifieds for 320-324 Buckley

Minutes from April 25, 2006, which goes to the sense of the community—who forged the consensus which vision became the Downtown Specific Plan.

March 28, 2008 Business Times

Photos showing actual deprivation of views from various homes.

Density comparison with representation of number and size of units per acre.

DSP Downtown Shoreline Zone Criteria

Request for variance

Respectfully,

Beth Eisman

320 Buckley, Martinez, CA

A126 4/27



\$795  
-15%  
write

NO DEBIT  
\$1.00 PER LINE  
with purchase of  
year regular ad

3 BEDROOM, 2.5 BA - 2  
STORY, newer, \$1495 mo.  
Sinking/pe/s/acc. 8.  
925-757-8665 RE/MAX PP

1RD CHAMBERLING Cabin on  
Mt. Diablo, no dogs  
\$895, 925-672-5225  
4RD 2.5BA, Remod, views,  
3800 sq yd w/3/4 ac, order.  
\$300, mo. (925) 859-4258

SPECTACULAR 3 BR 2.5 BA  
Over 1900 sq ft, new  
carpets, hardwood, paint &  
flooring, pool, dbl.  
staircase, 1517 Point  
Spring, Irvine, CA 92614  
\$698,000

FREE! 925-638-5704  
3RD/2BA, new prtl, cprt,  
1100 sq ft, 4157 Sequoia Dr,  
\$1800 + dep 709-605-1879  
New Cpl. Art 10-13-106  
11250 925-777-0664

Regol. Mark 510-376-2069  
BEAUTIFUL, new htm, 4RD  
2158A, \$240,000, 7-53  
Chancellor & St. 925-364-9222  
CLASSIFIED =  
RESULTS

updated BA, floor, applis,  
computers, Easy FM, or  
cable, Nr 7 BART station, in  
100% of light, Vacant for  
150 w/100 sq ft, 1st flr  
survey for potential future  
merit, 1st flr, call cleaning  
dep. \$1300, Call Alfred,  
Owner, Apt. 925-788-8800

925-874-1400  
2 LARREL, 100% brick, 1 car  
gar, all amenities, 100%  
fin. \$1290, 925-496-9333  
LARGE 2RD/2BA  
private balcony, washer  
& dryer, central AC,  
fireplace, 2 car garage.  
925-932-1700

sty., \$1700 925-938-1741  
STUNNING THE KEYS  
2RD/2BA, GREENWOOD  
\$1295, A double row,  
shown by apt. ST SVEST  
925-943-2488/787-3061

*Bill & Barbara  
new carpet, carpet  
\$1850 + dep. 925-932666*

**VU**

**7/03**  
**What are**

**QUIL**  
doing this



A128 6/27

**FAB VW**

**F12**

**C**

**Saturday, November 1, 2003**

**CLASSIFIED**

ENGLISH Bulldog, C reg., 9 mo., fav. w/wh neutered male, show microchip, hse. brok crate trained. SO

ENGLISH Springer Spaniel pups. AKC. Liver/wh Blk/wht. champ. lin \$500. 99-827-0640

FK Trifier Toy pups. C. 1 shot. adorab \$295. 375. 925-281-43

GERMAN SHEPHERD Puppies. AKC/SV/US. hip/health guar. www.parkerhaus.com (707) 451-7753. parkit@aol.com.

GERMAN Shepherd pup. No papers. 1st. shot. 4 fem. 1 male. \$550. 925-363-1993

GERMAN SHEP Pups/Ad Pups - \$500/JP Adult \$150/\$500 925 463-9609

GOLDEN Ret. pups/adul' AKC. champ line. vet cl \$400-\$700. 925-676-4201

GOLDEN Retriever pup. Ig. male AKC 1st shot \$700 925-370-0188

GOLDEN Retriever pups. OFA health guar. all s/ Incl. Obed. trained/ broke \$450+ 925-349-4

GORDON SETTER pups. wks. bird dogs/pets. 1 Males. \$400. 510-236-2.

GREAT DANE Pups, Haquin AKC. champ lin Call for info 925-864-2

HIMALAYAN KITTENS

**Ad Debut Announcements**

**ATTENTION!!!**

Looking For Housekeeping & Computer Services?

Please Look At Their New Location In Personal Services

LOST BEAGLE 10yr Fem., brown & wnt. in Danville on 10/25. 925-820-1068

**Ad Debut Automotive**

2003 Bayliner Classic, new 210 Cuddy 12 hrs. \$19,500 bo Must sell 707-208-8119

FORD 1992 Taurus GL, 76k, auto, loaded, good condit. \$3200. 925-671-0105

HARLEY 2000 Softtail classic custom. 1200 ml like new, new pipes, \$19,750 obo 510-209-7031

MERCURY 983 300SD 1997 \$3300

CHARGE AND REPLY

**Ad Debut Employment**

ADMINISTRATIVE ASST. FT. Data entry/printing, Orinda. Fax resume 510-704-0351 WEB ID CC1101484446

AUTOMOTIVE: Fun, busy w/c. shop is seeking highly skilled tech. to fill out team. Grt. pay & benefits. Call 925-682-5112

AUTOMOTIVE SALES Rare opportunity! Fastest growing Porsche dealership seeks sales professional. Experience a plus, but willing to train the right person. Full benefits. High income potential. Fax resume to Mike at 925-932-3246.

STEAD PORSCHÉ Web ID 1031484961

AUTOMOTIVE: 5mog techs. New shop in Concord. Fax info, qualification & sal. reg. 916-415-1119 Web ID 1101484333

BOOKKEEPER, ETIC Engineering, establish environmental engineering firm. Is seeking a bookkeeper. Exp. w/quickbooks and/or timeslips a plus. Resumes; email to staffing@eticeeng.com

COLLECTOR - Exp. req. 1st placement/consumer. Lg. volume. Salary + comm. Call Larry 925-305-2667

**Ad Debut Employment**

DENTAL ASST., F/T-P/T. Sal. DOE. Res: 2008 Colium-bus Prkwy, Benicia 94516 Web ID CC1101486062

DENTAL Ceramist, Waxers & Finishers needed. Awesome Lab! Move to beautiful Chico, CA. Fax Resume 530-343-0312 Call 530-343-6087 Web ID CC1101485723

DENTAL, front ofc. Mgr., W.C. Computer literate. F/T. Fax res. 925-939-3687 IV. m50. 925-933-8026

DENTAL/ORTHO F/T treatment-coordinating needed for quali. oriented Danville ortho ofc. Nancy 925-837-1333, fax resume to 925-837-7652 Web ID CC 1101485927

LANDSCAPE Maint Mgr. 5 yr. exp. in res. & comm'l. Crew mgmt. & sales. Nds. strong people skills, hort. PAL & CDI, sal/bnfts. Grt oppy. Call Scott at Lazar Landsc. 510-444-5195 or fax resume 510-444-5198 Web ID CC1101486077

LANDSCAPE POSITIONS. Maintenance Foreman, well organized, starting \$17+/hr. Irrigation Repair \$18+/hr. Labor positions \$9+/hr. Benefits. Growing co. seeks detail oriented people. Brentwood, Livermore, CA. 925-333-3333

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MORTGAGE BANKING OPERATIONS MANAGER San Ramon based, whole sale mtg. bank is looking for a seasoned Operations Mgr. who has a solid bkgrnd. in Escrow, Cust. Servc., funding & well versed in regulatory compliance. Fax resume 925-909-1990 E. Web ID CC11014859

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End Your Commute Great starter home 2 bd, #den, 1 ba. move in condition. Only \$325000 Call Agent 925-864-6698

LAFAYETTE 4BD/2 1/2 BA 1/2 acre. View.. Fixer.

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**Ad Debut Real Estate**

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LAFAYETTE 4BD/2 1/2 BA 1/2 acre. View.. Fixer.

**1103**

A129 7/27

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MARTINEZ 1BD. Great loc., sz, view, w/d hkup, yd, carport, wtr. pd, fresh paint, nr. w. apps, \$800+ dep. 925-932-1616 call to see - Iv. msg.

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WALNUT CREEK 2 BD/1 BA Nr. downtown, Lindry, 1-car gar, fp \$1250 925-906-0681

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view

\$1000

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4/84

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\$800 deposit to move in by October 1st. Minimum 1 year lease, please. msg to Beth 925-932-1616 or respond via email.

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GET ~~FAB~~: Vu, loc, size, gated. carport fresh, clean  
WTR Pd. \$185 + dep. new carpet floors.

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A132 10/28

CITY OF MARTINEZ  
PLANNING COMMISSION

April 25, 2006

4/25/06



A regular meeting of the Martinez Planning Commission was called to order by Chair Burt at 7:00 P.M. on Tuesday, April 25, 2006, at City Hall Council Chambers, 525 Henrietta Street, Martinez, CA.

**PRESENT:** Burt, Hughes, Korbmacher, Kluber, Allen (alternate)

**ABSENT:** Avila, Busby, Glover

**STAFF:** Deputy Director, Community Development Albert Lopez  
Community Development Director Richard Pearson

**AGENDA CHANGES**

None.

**PUBLIC COMMENT**

JIM SMITHWICK, 1321 Tina Court, confirmed generally that any project that comes to the City has to come to Planning Commission first. He discussed an ongoing dispute he has had with Santos Ranch developers, asked for clarification about a letter he received from the City regarding the rebuilding of his workshop.

Community Development Director Richard Pearson said the previous structure was nonconforming, and with demolition there are deadlines by which the structure can be rebuilt with the same standards. Mr. Smithwick said that was not what the letter said, and commented on his interactions with staff regarding the Santos Ranch conditions of approval. He indicated that the dispute with developer regarding the fence may be close to resolution.

Mr. Pearson said he will provide copies of the letter to the Commission, but since the item was not on the agenda for this meeting, the Planning Commission cannot act on it at this point. Mr. Smithwick expressed frustration with staff's handling of his situation. Chair Burt said she would arrange for a meeting with staff to make efforts to resolve the issues. Mr. Pearson said the Commission will get a copy of the letter, and staff will continue to meet with Mr. Smithwick.

JULIAN FRAZER expressed sympathy for Mr. Smithwick's plight and explained the background of the issue further. He asked for City support for Mr. Smithwick in requiring the developer to do what he promised. Chair Burt asked that copies of the conditions and agreements promised by the developer also be provided for Commission review.

**CONSENT ITEMS**

None.

A133 11/27

## MINUTES

Chair Burt asked staff whether the EIR prepared in October still applies to the area north of the tracks, even though the area has been removed from the Specific Plan. Mr. Pearson confirmed the EIR will be applicable to the area if it is proposed for development in the future.

KRISTEN HENDERSON discussed knowledge she gained from attendance at a workshop on environmental issues and historic preservation. She was concerned about the loss of protection for the City's historic/cultural resources, and said the proposed Downtown Overlay district offers no real protection. She questioned whether the EIR is valid, since new information is now available. She also questioned the proposed mitigation, specifically whether advisory guidelines are strong enough. She asked whether establishing a redevelopment plan will remove the requirement for further environmental review.

Mr. Pearson said redevelopment is not related to this specific plan. If redevelopment happens, an additional EIR will be required. He explained the difference between a program EIR and a project EIR, indicating that the one for the Specific Plan is a program EIR and individual projects will still need environmental review at some level. He also discussed the 1982 City resolution regarding historic structures and explained applicable provisions under the state historic building code.

SARAH ALBANO, lifetime Martinez resident, commented on the need for more activities in the downtown to draw younger people. She suggested more transit-oriented residential development in the downtown, in view of the new intermodal station. She said she believes this Plan will allow for change while still preserving historic elements.

JULIAN FRAZER reiterated Ms. Rainsford's question about allowable densities in the Downtown Neighborhood district. Mr. Pearson explained again that the City is not changing the zoning in the Downtown Neighborhood district, but is changing the General Plan to be consistent with the current zoning. Mr. Frazer expressed that smart growth and small town character cannot mix, and the City should strive for consistency. He agreed with other speakers that the historic overlay district has no real protection for the historic character of the downtown. He suggested that the City should create its own historic register, and the General Plan should include language that says, "Any historic feature in the City of Martinez needs to be looked at and preserved."

Mr. Frazer also noted that increasing density to 43 units per acre will have further environmental impacts. He asked that specific language be added saying what the people of Martinez want the area north of the tracks to be. He also discussed visual impacts from proposed taller buildings, the need to protect open space and the regional shoreline. He indicated that any building built before 1955 should be considered historic, or any building that someone says should be historic, at least should be discussed. He recommended that the historic areas should be expanded.

Mr. Frazer expressed concern about General Plan amendments that would apply city-wide, he agreed building heights should be limited to 30', and he asked whether the zoning amendments would be applicable to the whole city or just for the downtown. Mr. Pearson said they were aimed at the downtown, but theoretically could be applied elsewhere.

MINUTES

Mr. Frazer concluded by discussing his concern that quality materials be required in new buildings.

CRAIG MARLER, 315 Talbart Street, expressed concern that taller buildings will block the view from his house.



HARLAN STRICKLAND, Arlington Way, expressed concern about new uses allowed in the Civic district. He agreed 30' should be the height limit. He asked how the density can be increasing, even though the zoning is not. He noted that Martinez has one of the densest downtowns, and adding more high density rentals will increase parking difficulties, with less community involvement and more crime. He questioned the ABAG housing allocations and the lack of equity among similarly-sized cities. He also was concerned about the historic district, impacts on schools from increased population, and whether the City was trying to eliminate light industrial use. He commented on possible ways to attract people to the downtown.

HT Limi

Seeing no further speakers, Chair Burt thanked the community for their input into the process. She acknowledged issues of concern with historic preservation.

Commission comment

The Commission recessed for 10 minutes.

VIEW PROTECTION

Chair Burt noted there is protection of visual corridors in the Downtown Shoreline Residential district. She also noted that the Planning Commission is very concerned about view preservation. Mr. Pearson said design review criteria deals with the issue also.

Chair Burt asked for clarification of the requirement for low-income housing and ABAG allocations. Mr. Pearson said not all high-density housing is low-income housing, but he acknowledged that the formula for allocations is complicated, and partly based on current population.

Mr. Pearson also corrected p. 2.1 where language related to residential use near the shoreline was inadvertently left out. Regarding density, he suggested restricting 43 allowable units per acre to the downtown only. Commissioner Korbmacher asked and Mr. Pearson confirmed the Council could change it again.

Mr. Pearson clarified that even with the change in height limits, they will still be lower or the same than that analyzed by the EIR. He noted that county parking lots and decking are provided for on page 5-2 and 5-4, including the area mentioned by Commissioner Allen. He also indicated that the requirement to match the existing street grid has been removed. He also corrected language for the Zoning Ordinance text amendment 22.16.200, Height of Structures, noting that the general rule is 30', with the exception being 40' in the Central Commercial district.

At the request of Chair Burt, Mr. Pearson reviewed the requests by Mr. Morris, Mr. Christensen and Mr. Lewis, and staff's recommendation for each, as well as Commissioner Allen's suggestions.

## MINUTES

Vice Chair Hughes commented on the improved product achieved through staff input and community concerns. He said he would rather keep the lesser height of 30', but agreed that a parking in-lieu fee would be a good addition. He also agreed with staff's recommendations regarding Mr. Lawrence's concerns and Mr. Morris's concerns. He indicated he was not sure about Commissioner Allen's recommendation that buildings built before 1955 should automatically be protected, but he agreed with her suggestion regarding maximizing usage in the downtown.

Commissioner Korbmacher also thanked staff for the suggestion to not rezone existing single-family residential areas. He recommended a parking in-lieu fee be charged for conversion of commercial uses to housing. Regarding the historic preservation issue, he was concerned about making it too difficult for owners of historic buildings, indicating they should be offered the choice of designating them historic or not. He commented on the need for more people living downtown, which will help bring more businesses, saying there should be some way to attract those who work in the downtown to stay after work hours. He echoed Vice Chair Hughes' recommendations.

Commissioner Allen was concerned about the lack of protection for demolition of historic buildings, but said her suggestion should not affect remodels. She indicated creating a list of historic buildings and a specific ordinance will help. She agreed an in-lieu parking fee is a good idea. She was pleased to see new faces at this hearing, especially those in support of doing something downtown. She also said she was very glad Martinez is not Orinda, Walnut Creek or Pleasant Hill. She agreed that high density housing does not equal low income housing, and she noted that historic preservation has been and is important to her. She was supportive of the 40' height limit.

Chair Burt also thanked staff for their work in response to questions and comments from the Commission and the public. She agreed with Vice Chair Hughes that the Plan is a far better document now. She noted that Martinez is a wonderful town but it does need to move ahead somehow, and she commented on differences over the last 50 years in society and the community. She expressed confidence that the public's values are taken seriously, especially concerns over environmental issues and open space in the long run. She also noted that a strong statement has been made that historical values that are cherished, but there is lots of work still to be done to ensure preservation. She agreed there should be some language about the process for demolition of older buildings. She expressed confidence as well that the final product will work to improve the City, not to tear it down. She commended the citizens for expressing valid concerns. She also agreed there should be a 30' height limit, with special consideration for 40'.

Commissioner Korbmacher asked staff about the current process for building demolition. Mr. Pearson said there is no ordinance currently to prevent demolition, although CEQA might have some effect. He noted that Commissioner Allen's recommendation applies to demolition only, in the historic district.

Mr. Pearson noted that height exceptions in the Shoreline district are tied to density, which could also be done in the Central Commercial Downtown Core district. 

MINUTES

Commissioner Allen asked whether a 3-story building could be built to 30'. Mr. Pearson said it was technically possible, but not easy. Mr. Pearson confirmed a subgarage with 2-stories above would meet the requirements for 30' height. Chair Burt said she was particularly concerned about commercial buildings. Mr. Pearson noted that the Planning Commission has approved height variances when appropriate, and the Council may accept the Planning Commission's reasoning.

> 2 stor

Commissioner Allen said she recommended the 40' height because she saw it as the limit, not a beginning point. She could agree with the rest of the Commission, as long as there is also language about maximizing usage.

On motion of Vice Chair Hughes, seconded by Commissioner Korbmacher, the Commission present voted to certify the addendum to the EIR, recommend final adoption of the Specific Plan with amendments, General Plan map and text amendments (except height limits kept at 30'), together with Zoning Ordinance text amendments and proposed rezoning, with exceptions as requested by Mr. Morris and Mr. Lawrence, and additional language from Commissioner Allen regarding demolition of buildings and maximizing usage in the downtown core and the addition of parking in-lieu fees, Citywide General Plan maximum density to be at 29 units per acre, and the downtown density 43 units per acre (Avila, Busby, Glover, Kluber absent).

COMMISSION ITEMS

None.

STAFF ITEMS

None.

COMMUNICATIONS

None.

ADJOURNMENT

Chair Burt adjourned the meeting at 10:00 P.M. to the next regular meeting scheduled for May 9, 2006.

Respectfully submitted,

Approved by the Planning Commission

Chairperson

Transcribed by, Mary Hougey

Harriett Burt

A137 15/27

Members:

East Bay Business Times - March 31, 2008  
/eastbay/stories/2008/03/31/newscolumn1.html

# SAN FRANCISCO Business Times

Friday, March 28, 2008

## City spotlight: Martinez

East Bay Business Times - by East Bay Business Times

**What excites you the most about Martinez's future?** The unlocked potential for revitalization is exciting. Martinez is very historic and scenic and those attributes will help to enhance the revitalization of the town.

**What troubles you the most about Martinez's future?** The tendency for some residents and property owners to live in the past and not look toward the future. The only constant in life is change and you can either control it or ignore, but it does not go away by ignoring it.

**What is the biggest opportunity in Martinez?** To be a member of a family-oriented community that is at the beginning of its renaissance. We have built the foundation and are poised for the economic and cultural growth to come. Martinez offers business and housing opportunities not affordable in neighboring communities.

**What is Martinez's biggest asset?** Its location. Martinez is situated between the Franklin Hills, Alhambra Valley and the Carquinez Strait. We are the only waterfront community in central Contra Costa County.

**What is its biggest liability?** Flooding in our downtown. Because downtown Martinez was established at almost sea level in a flat flood plain, the downtown floods every few years. We are constantly working on solutions to eliminate this liability.

**What is the most important development project going or to come soon?** Martinez recently adopted its Downtown Specific Plan which rezoned underutilized in-fill and brownfield parcels in our downtown core and adjacent to the waterfront to higher density, smart growth residential and mixed-use occupancies. These future projects will attract new residents to downtown which is the key to our revitalization.

**What is something people don't know about Martinez?** Most people probably know that Martinez is the home of John Muir, the birthplace of Joe DiMaggio and the martini. Most probably don't know that Martinez is the home of the Martinez Bocce Federation, the largest

*Biggest Asset*

MEDIA



A138  
7/12/2009  
11/27

bocce league in the United States.

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**Population:** 36,179

**Biggest private employer:** Kaiser Permanente

**No. of Kaiser employees:** 1,097

**No. 2 private employer:** Shell Oil

**No. of Shell employees:** 715

**Biggest employer:** Martinez is the Contra Costa County seat; the county employs the most workers

**No. of county employees:** 5,079

**No. of business licenses:** 4,210

**Jobs in Martinez:** 19,920

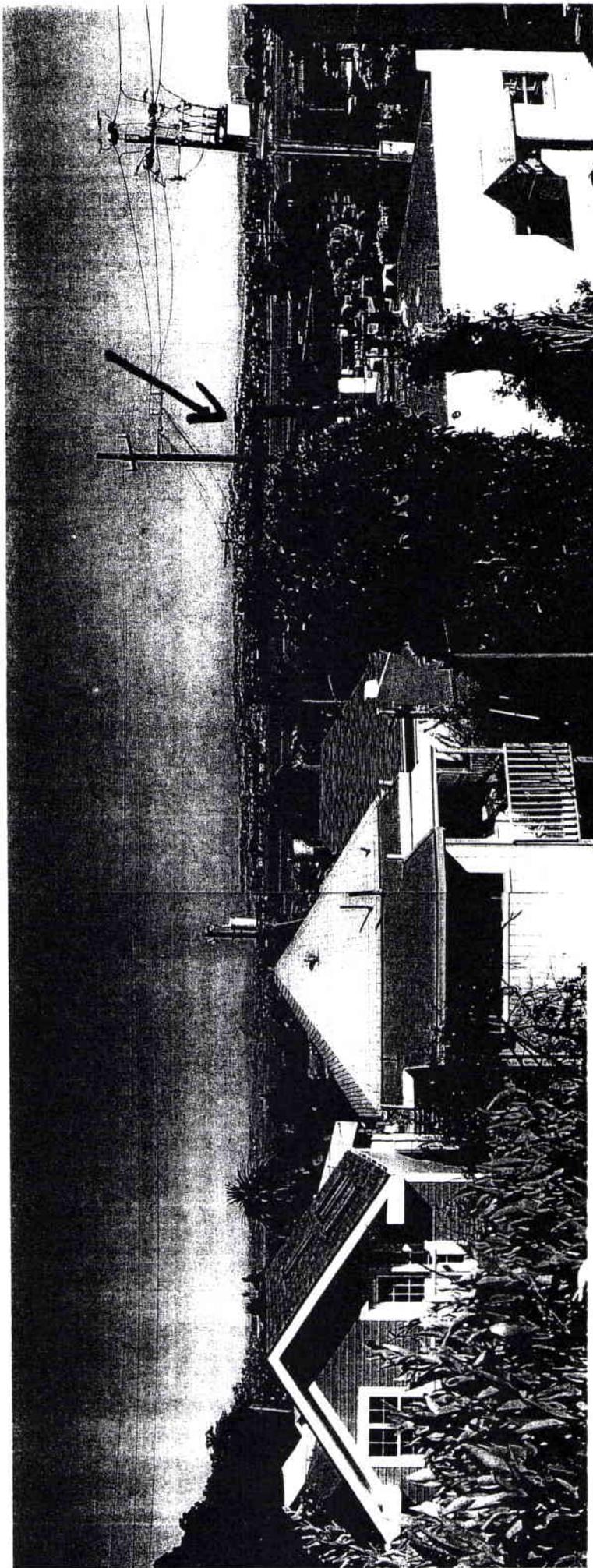
**Median home price, February 2008:** \$460,000

**Median household income:** \$74,782

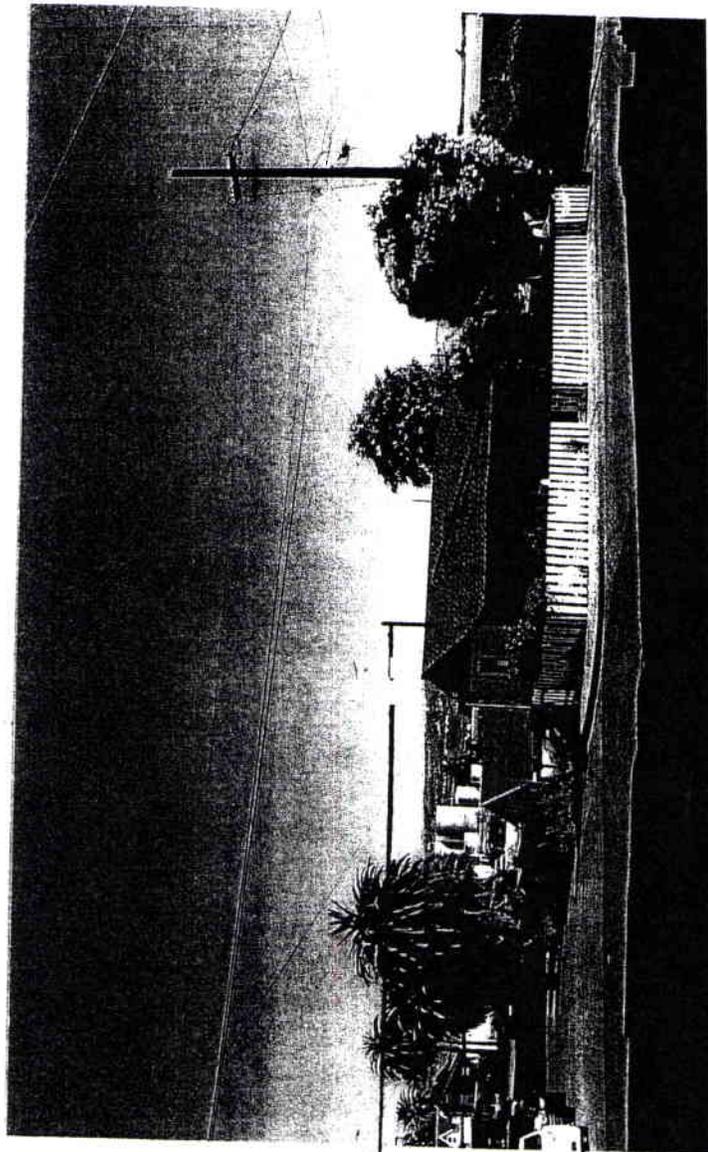
*Source: City of Martinez, DataQuick Information Systems Inc.*

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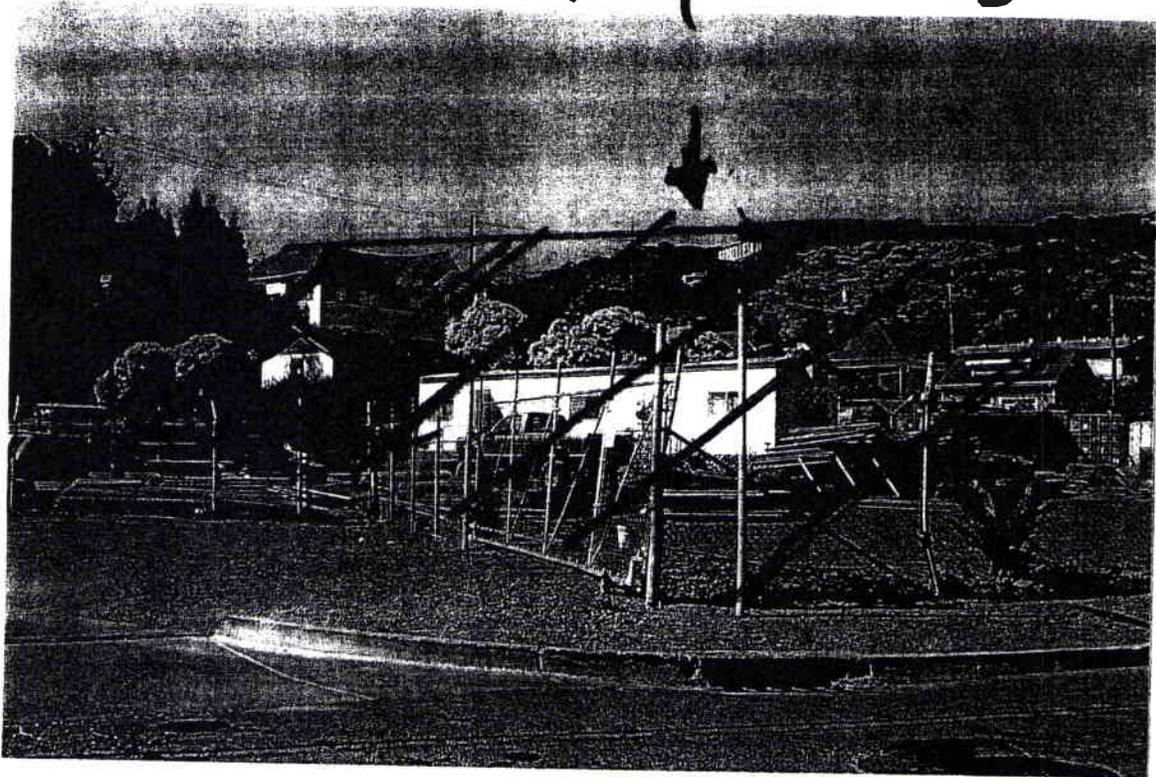
FROM 25 MARINA VISTA -



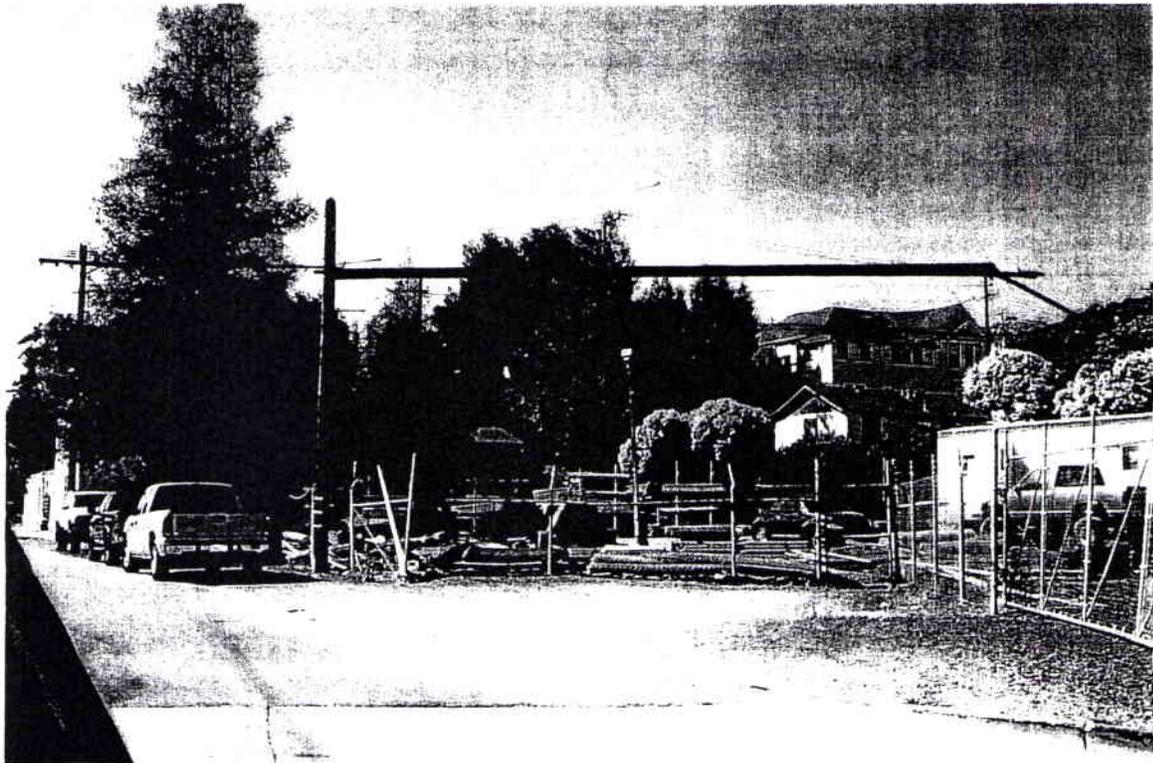
20 FT AT  
RICHARDSON  
BLOCKS  
VIEW  
OF WATER

A 140 18/27

# TOTALLY BLOCKED



HEIGHT  
FROM  
FOSTER  
LOOKING  
BACK @  
RICHARDS  
  
HILLS  
BLOCKED  
FROM  
VIEW

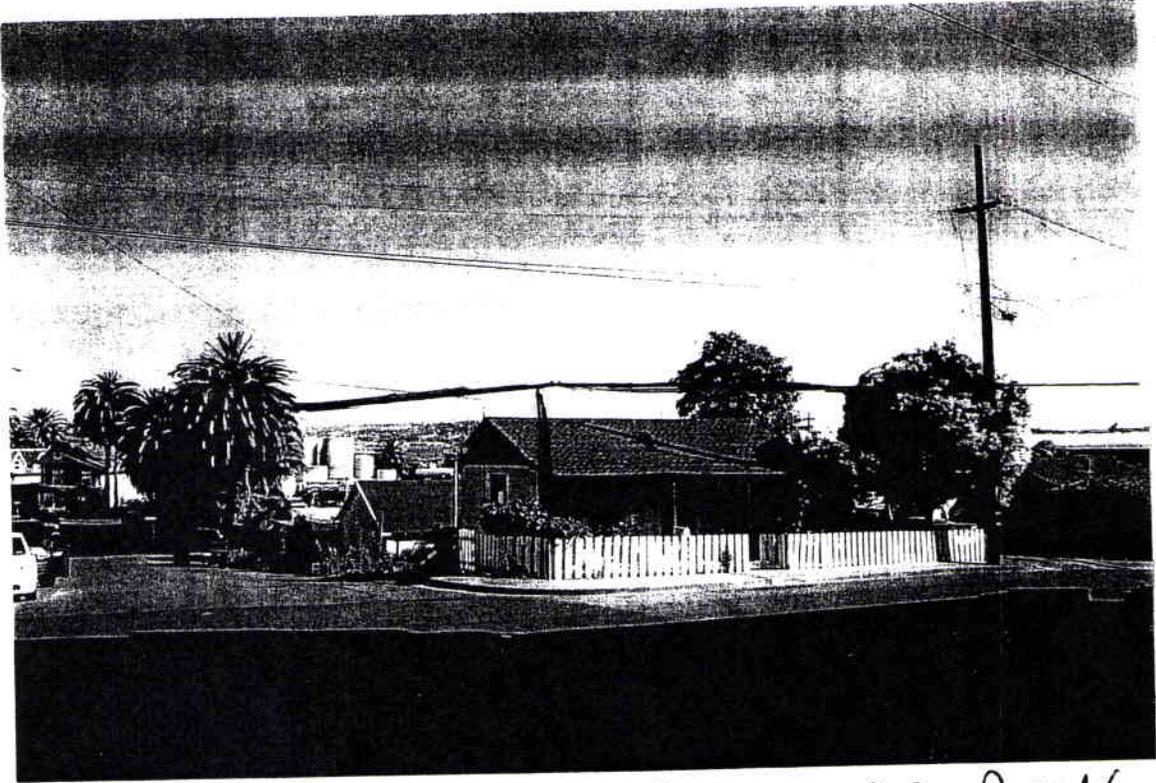


PROPOSED  
HEIGHT  
AT  
BUCKLEY

BERRELUSA + FOSTER

A141 19/27

20  
FT



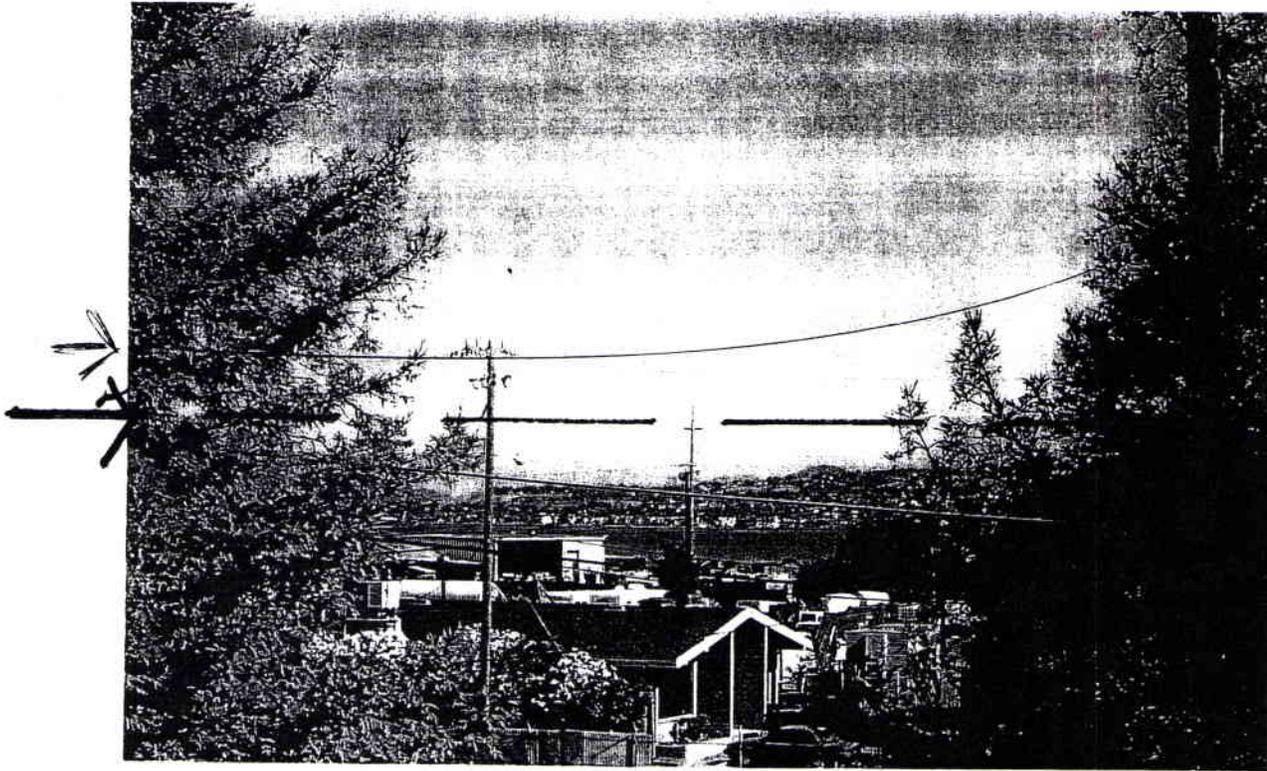
BLOCKED VIEW FROM RICHARDSON & Buckley  
236 BUCKLEY



20FT

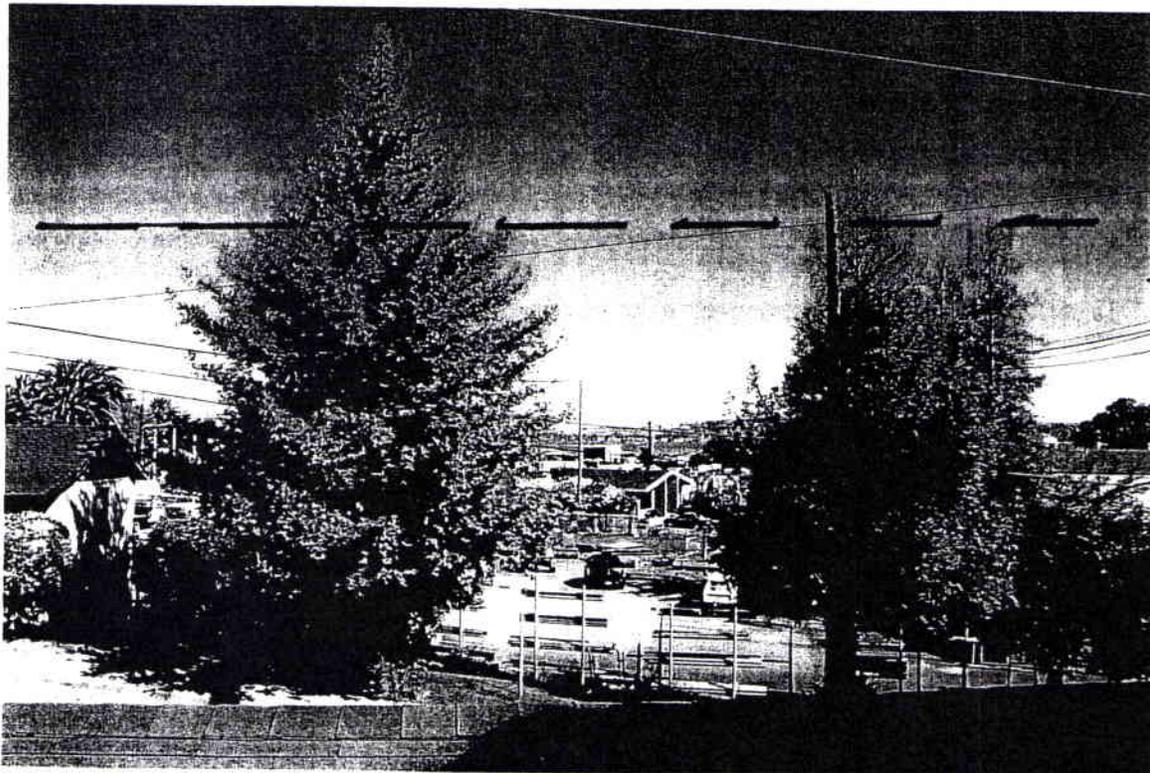
AT 20FT, OBLITERATES WATER VIEW FROM  
330 RICHARDSON

A142 20/27



36 FT  
ALL  
VIEW  
BLOCKED

TOTALLY BLOCKED FROM 320 BUCKLEY



BLOCKED  
BELOW  
LINE

36 FT  
FROM  
PRESENT  
GRADE  
ON BUCK

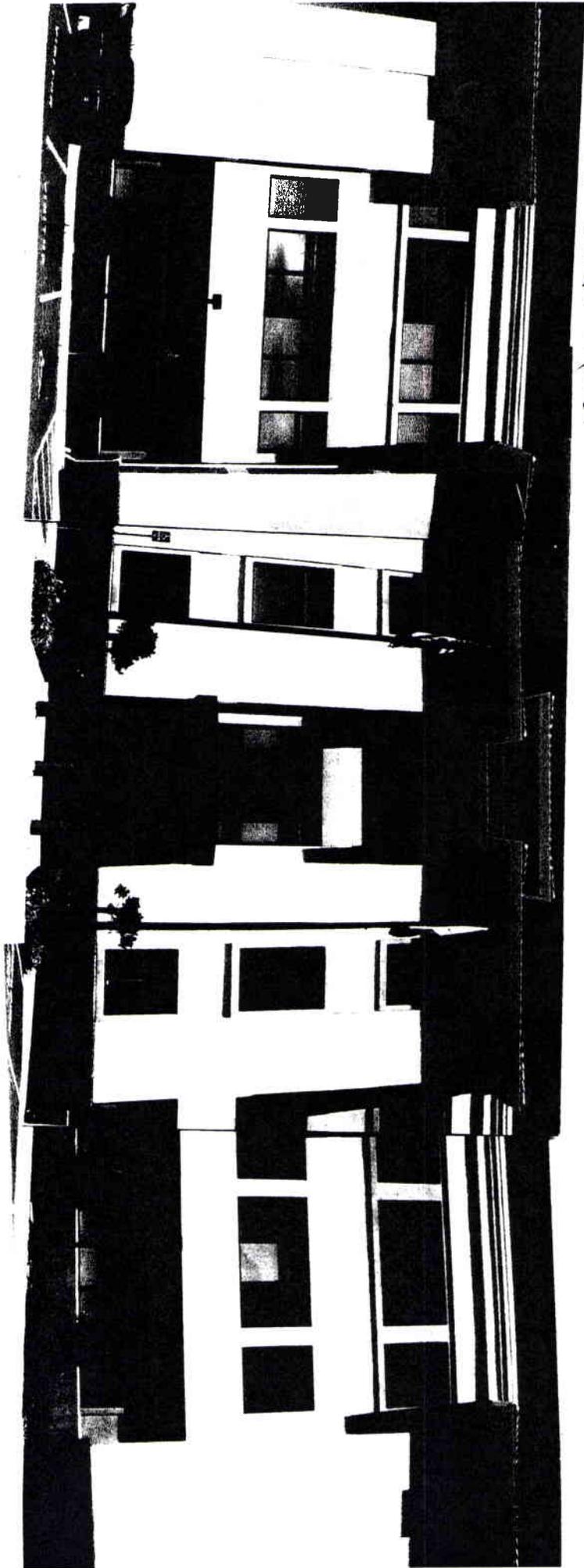
24

12 FT FREE  
STREET

VIEW FROM 320 BUCKLEY  
FOREST

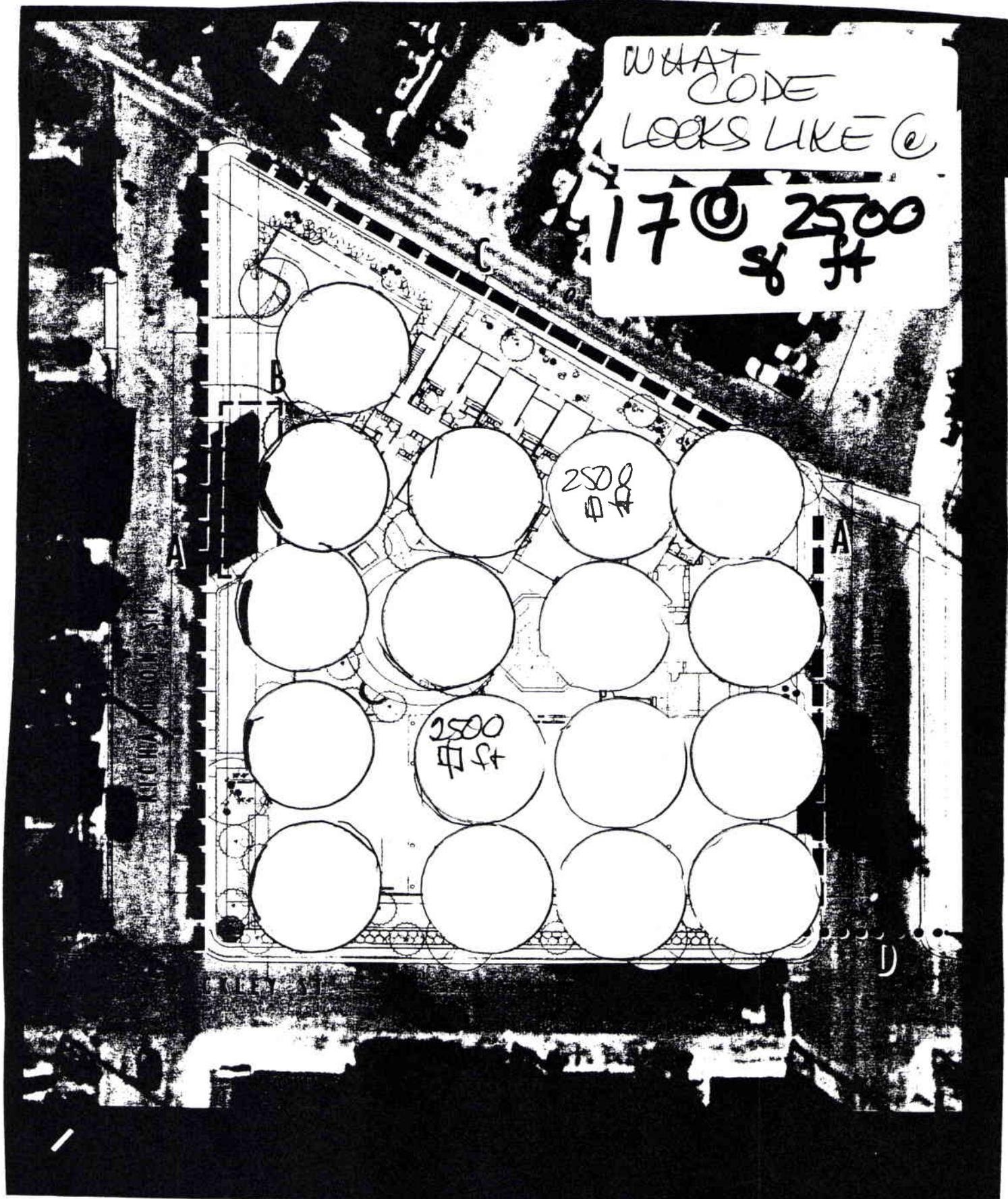
A 143 2/27

COUNTY CLERK RECORDER  
555 ESCOBAR



30 FT TALL  
150 FT WIDE

A144  
22/12



WHAT  
CODE  
LOOKS LIKE @  
17 @ 2500  
sq ft

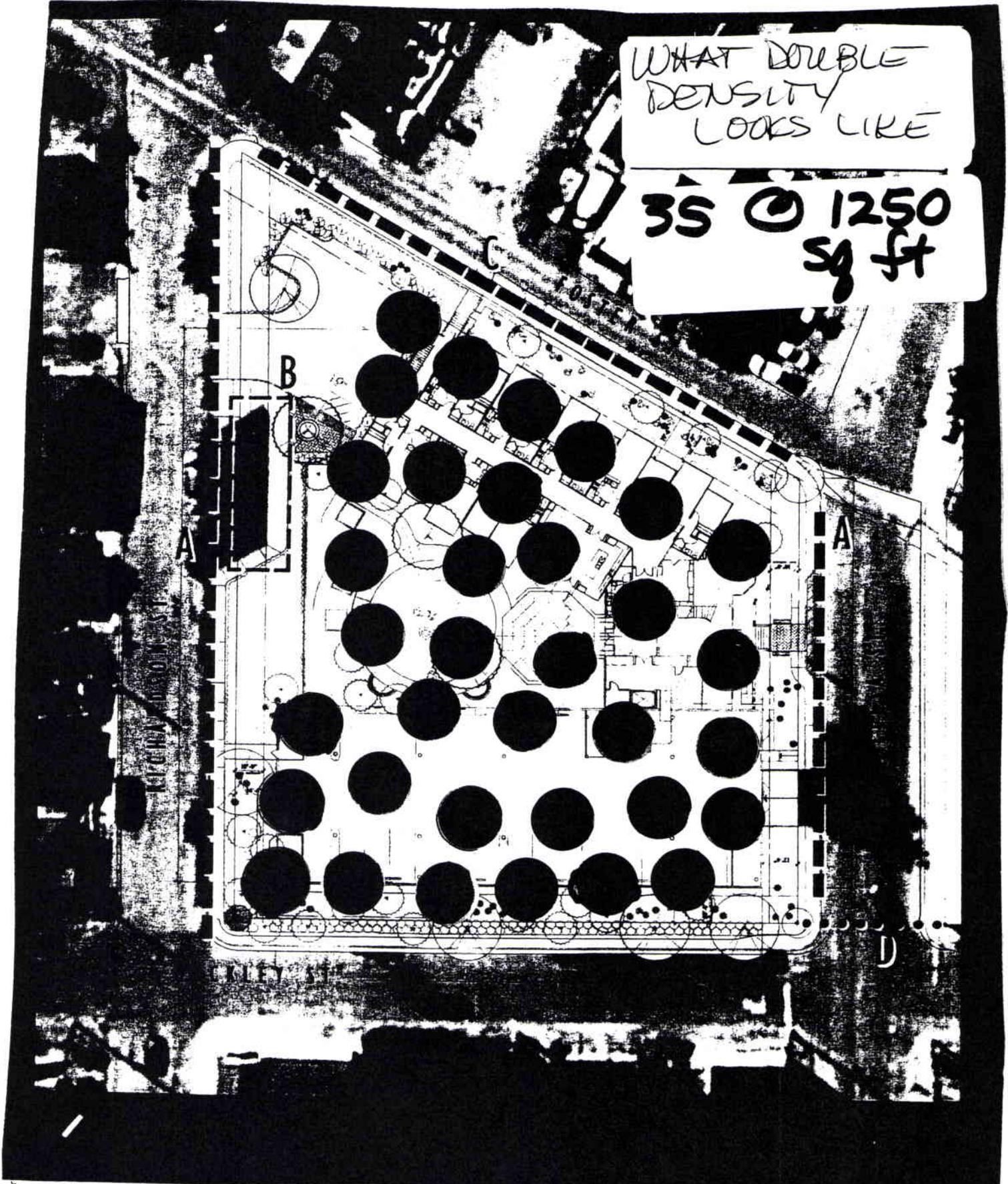
BERRELLESA PALMS FOR DRG J

rcc

A145 23/27

WHAT DOUBLE  
DENSITY  
LOOKS LIKE

35 @ 1250  
sq ft



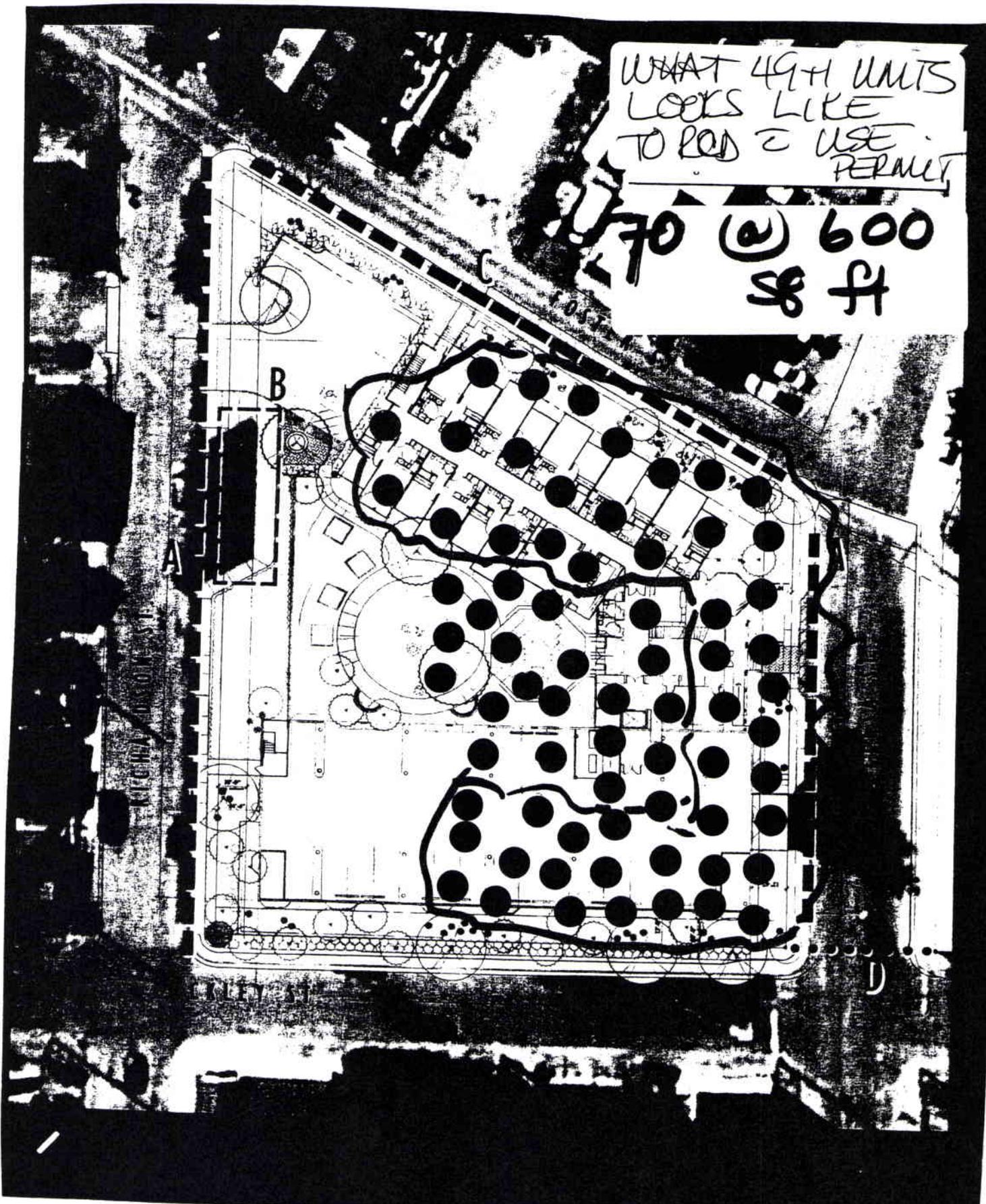
BERRELLESA PALMS FOR DRC J

rcc

A144 24/27

WHAT 49+1 UNITS  
LOOKS LIKE  
TO RED & USE  
PERMIT

70 @ 600  
SF FT



BERRELLESA PALMS FOR DRC

rcc

A147 25/7-

**MMC** ZONE CODE

22.34.045 Criteria and Standards.

The Community Development Director shall not approve any Design Review application unless the proposed design and use conforms with the following criteria and standards by:

- A. Complying with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions;
- B. Providing desirable surroundings for occupants as well as for neighbors. Emphasis is placed upon exterior design with regard to height, bulk, and area openings; breaks in the facade facing on a public or private street; line and pitch of the roof; and arrangement of structures on the parcel;
- C. Having a harmonious relationship with existing and proposed neighboring developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;
- D. Using a limited palette of exterior colors; those colors must be harmonious and architecturally compatible with their surrounding environment;
- E. Using a limited number of materials on the exterior face of the building or structure.
- F. In addition, all interior surfaces normally visible from public property shall be finished;
- G. Having exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors;
- H. Effectively concealing work areas, both inside and outside of buildings, in the case of non-residential facilities;
- I. Undergrounding all utility boxes unless it can be shown that they can be effectively screened from the view of the general public.
- J. Designing the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting;
- K. Establishing a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered;
- L. Ensuring that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same;

**L. Substantially preserving views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the affected property owner(s).**

**M.**

The Community Development Director may attach conditions, including requirements for dedications and offsite improvements, to the approval of any Design Review application when necessary to assure compliance with this section. Approval of Design Review shall expire in one year, in the same manner as set forth in Section 22.40.120 for use permits.





March 30, 2009

Karen Majors  
Assistant City Manager  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94553

Corey Simon  
Senior Planner  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94553

Re: Proposed Berrellesa Palms Senior Apartments, 310 Berrellesa Street

Dear Ms. Majors and Mr. Simon:

We are writing this letter in connection with our proposed development of the Berrellesa Palms affordable housing development. This project would include 49 residential rental units to serve low-income senior citizens. One unit would be occupied by a resident manager, and the remaining 48 units would be rented to households earning between 20% and 50% of area median income. The development will be restricted by a recorded covenant to maintain the project as affordable rental housing for seniors for at least 55 years.

Based on the these affordability levels, the project is entitled to receive a density bonus and certain concessions and waivers of development standards as required under California Government Code Section 65915:

1. Density Bonus. We are entitled to a development density bonus of 35% under Section 65915(g)(1) or (g)(2), which would result in 49 units for this 1.03 acre site. This density bonus would be in addition to the development density that could be allowed by the City's granting of a use permit under Section 22.23.050(C) of the Martinez Municipal Code (increasing the base density allowed in the Downtown Shoreline District from 17 units/acre to 35 units/acre). The density for the site would be calculated as follows:

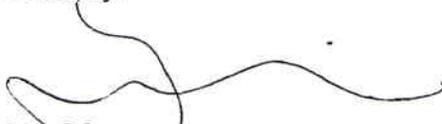
- Lot size: 1.03 acres
- Maximum permitted density with Use Permit approval: 35 units/acre
- Total permitted density for this site based on Use Permit approval: 36 units (35 units/acre x 1.03 acres)

- Additional units to be permitted with application of Density bonus under State law =  $35\% \times 36 \text{ units} = 12.6 \text{ units}$
  - Total requested density with density bonus: 49 units (35 + 12.6, rounded up to the next whole number, as required under Section 65915)
2. Concessions. We are requesting the following two concessions under Section 65915(d)(2)(B):
- (i) Permitting site coverage of 49% rather than the 46% described in Section 22.13.060 of the MMC; and
  - (ii) Permitting a reduction of "Usable Open Space" to 226 square feet per unit rather than the 400 square feet per unit described in Section 22.12.250 of the MMC.  $\sqrt{450} = 2.5$  NOT 400
3. Waiver of Development Standards. Under Section 65915(e), we are requesting that the City waive development standards that would require this project to be developed and sold as condominiums. Those standards are in Section 9.5.1 of the Martinez Downtown Specific Plan and in Chapter 21.54 of the MMC.

-10%  
2.5  
NOT 400

We look forward to working with the City of Martinez to create high quality and permanently affordable housing for seniors and simultaneously redevelop the 310 Berrellesa Street parcel and aid in the revitalization of Downtown Martinez. Should you have any questions about this development, please contact Deni Adaniya at 510/ 841-4410, ext. 19, or [dadaniya@rcdev.org](mailto:dadaniya@rcdev.org). Thank you.

Sincerely,



Lisa Motoyama  
Director of Housing Development

A 150  
27/27  
A

To be entered into the Public Record

City of Martinez  
Planning Commission, July 14, 2009



This is, among other things, a rebuttal to the statements and directives of the Memorandum from Corey Simon, Senior Planner to the Design Review Committee. I have lived in the project area for twenty years and with others, created the plaques on the old houses here.

Corey states on the first page of above referenced memo, that both Planning Commission and Design Review Committee, (DRC), recommended reducing the massing scale of the project as it is out of scale to the existing neighborhood. Downtown Specific Plan stated objective: "...this is primarily a district ...which would include **small** multi family structures.." and "the overall look of the area should remain that of a historic residential neighborhood. **More contemporary construction that does not conform to this vision should not be approved**". "New buildings should have a traditional residential style reminiscent of ADJACENT downtown Neighborhood district" Not just any architecture which appears somewhere in the neighborhood, but specifically adjacent.

Yet, the applicant has declined to follow these recommendations and Corey states that the number of units, which can not be separated from the massing scale, be taken as a given. His recommendation to Design Review Committee to approve the project anyway because "fiscal requirements and ongoing operations of the project would make such changes unfeasible if the project is to remain viable" is unethical. The fiscal concerns of the applicant should not prevail over the city's master and specific planning documents or the rights of property owners in the neighborhood to protect their views and quality of life. In fact, the planning documents, which were conceived of by the entire community, should prevail. We also have a right to due process, which is being circumvented.

Staff analysis statement that the project is consistent with the specific plan, which states projects should be of a similar massing scale, admits to "the relative higher density and larger building mass of the proposal" immediately contradicting itself. It can not be higher

density and larger and yet the same density and massing. It is WAY bigger, as a point of reference the new county clerk/recorders building on Escobar at Alhambra is smaller than the proposed project by 50' width but the same height. I literally dwarfs the little houses adjacent. Please note the the developer's renderings of the project avoid showing the surrounding homes relative to the mass of their project. In another paragraph of staff analysis, the project is referred to as "a block-sized senior apartment building". That is certainly NOT the massing scale of the adjacent homes in this neighborhood. In the Specific Plan there is a possibility that 3 stories or 40' heights may be approved by conditional use permit but that the city must find that the project is substantially consistent with the specific plan guidelines. Cited is attachment B which clearly states project: "should have a traditional residential stye (it does not).....should respect overall massing scale of the neighborhood (it does not) typical roof should be pitched design reflective of nearby residences(it does not)...parking areas should not be visible from the street..(open air parking lot is the view from my house)....small multi family (it is not). Construction **should respect and complement the districts historic residences in DESIGN, SCALE AND PLACEMENT (it does not)**" The conditional use permit should be denied as the project has NOT met the demand to be substantially consistent with the specific plan guidelines. The staff opinion that the project is superior is subjective and not based on the facts.

Staff analysis claims the project uses design elements from Victorian/Edwardian era and should be considered to be in compliance. The adjacent neighborhood is craftsman (or folk victorian). Staff analysis re massing scale states that: changes in the facade plane and significant break changes in the roof and detailing for the lobby echo the massing of how smaller lots "would have" developed individually and serves to establish the project as the same massing pattern of the neighborhood. This is simply a lie built on speculation. The applicant was given a specific direction, claims the staff analysis, "to lower the building height to the greatest extent possible while preserving the integrity of the projects affordable housing objective" This is NOT true. I was in attendance at that meeting and the directive to lower the height was given. It did not include the directive to preserve the affordable housing objective.

I further object to the applicant's submission of a report which states that there is no historical significance adjacent to the project area. They have ignored another report, (Knapp Report), which state the opposite and the fact the City of Martinez' own inventory includes properties in this neighborhood. The truth is that many of these homes are in excess of 100 years old and have visitors touring them on a daily basis (please read included letter) as well as book written about them. Our neighborhood is regularly visited by tour groups who come to read the plaques, see the birthplace of Joe Dimaggio (which is immediately adjacent and has a plaque). A great deal of research has gone into this district and it certainly does qualify as a historic resource by local state and federal standards, though the applicant claims it does not, this is untrue.

The project, because of height variances 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.

I object to the applicants intent to remove 21 of the 24 trees on the parcel. The Canary Palms are one of the elements which define this neighborhood and destroying them is not respectful to either the trees or the historic aspect of the neighborhood. My view right now is of the bay and the wonderful Canary Palms, housing nesting owls. If this project is built as drawn, my view will become the Telfer asphalt tanks and RCD's parking lot.

The staff feels that even a 30' height, allowable without a conditional use permit would block views, so 40' wouldn't matter. This is blatantly untrue. Buckley, Talbart, Marina Vista, Foster, Berrellesa and Richardson properties would still have views at 30' but not at 40'. DSP stated objective to "substantially preserve views from nearby properties where this can be achieved without severe or undue restrictions on the use of site", does not have to take into account a "given" 49 units per acre, or even a 30' height approval. A smaller scale project would be acceptable to all the neighbors and should be what is proposed.

The statement under Discussion: Issue 1 "As outlined below the proposal is consistent with the type of project envisioned by the specific plan...." is a dishonest interpretation of the intent of the specific plan document for the reasons outlined above. I do not appreciate the city giving the county a letter of approval of the project and an offer of funding through Housing Trust Fund prior to the due process which is the legal right of the public. The actions of this city have been to deny this right by not making available quorums for their committee activities, ignoring the parameters of their own master and specific plan documents as well as their zoning regulations in order to offer a privileged opportunity to one individual land owner, Earl Dunivan, which is not afforded to the rest of the residents.

Finally, The city of Martinez is blatantly ignoring the danger inherent in developing housing in this proximity to the railroad tracks. On a daily basis, tankers full of hydrochloric acid, liquid petroleum and nuclear rods are pass through this neighborhood exactly 436 feet from the proposed project site. The railroad has informed the city that it is not advisable to build there. A recent accident this July in Italy killed 16 people in their homes when a tanker full of liquid petroleum ruptured and exploded 400 YARDS away. Three pedestrians have been hit and killed by trains in the last four days here in the East Bay alone. It is the height of irresponsibility to house people this close to the railroad switching yard which has had 5 derailments in the last two years. It is only by luck that nothing exploded. The mayor is quoted in the times as saying: "We have rezoned quite a bit of land along the waterfront for housing, for transit oriented development, which is supposed to be a good thing....." " Every once in a while we think about and talk about safety.. we know how much of a potential for a very bad incident there could be... it's almost as if we don't want to think about it" You are the planners of the future of Martinez. Please don't allow more poor planning choices to prevail just because one property owner wants to dump his blighted industrial property any way he can in a recession. Please understand that the Specific Plan was the outcome of this community's desires for a planned and controlled development and this project does not conform in any way to the people's vision. It is, after all, the people's city, and their will should prevail. I again state that the intent of this statement is that it be included in the administrative record.

Hope Savage Martinez, CA



**UNION PACIFIC RAILROAD COMPANY**

WAYNE K. HORIUCHI  
Special Representative



915 L Street, Suite 1180  
Sacramento, CA 95814  
(916) 442-2800  
Fax (916) 442-4073

January 5, 2005

City of Martinez Community Development Department  
Attn: Dina Tasini  
525 Henrietta Street  
Martinez, CA 94553

RE: Downtown Martinez Specific Plan and Draft Environmental Impact Report

Dear Ms. Tasini:

On behalf of Union Pacific Railroad I am writing to oppose the Downtown Martinez Specific Plan and the Community Workshop Plan. We object to the proposed projects for several reasons.

First and foremost is the issue of public safety. The proximity of the project to our rail lines will expose citizens, as well as Union Pacific, to additional incidents of trespass/fatalities. Unfortunately, California has experienced dramatic increases of fatalities by trespass and car/train accidents and is the only state in the nation to record an increase in fatalities.

Second, the project will be subject to noise and other environmental considerations. This office receives numerous telephone calls and letters from citizens objecting to the train whistles. The law, however, requires train whistles to be executed at every crossing at all times of the day and night. The regulations require the whistles to sound 1300 feet before each crossing at 96 decibels 100 feet from the nose of the locomotive with a 2 longs, 1 short, and 1 long blast pattern. The whistle may also be executed for stray pets or transients. The whistle, used to warn motorists, pedestrians, and trespassers of the

oncoming train, could blast at all hours since Union Pacific is a 24/7 operation.  
There is also operational noise and vibration to consider.

Finally, thought should be given to traffic flow and subsequent congestion when our trains pass through crossings. Blocked crossings are a chronic complaint of the public whenever residential or commercial interests about our right of way and ingress/egress is prevented.

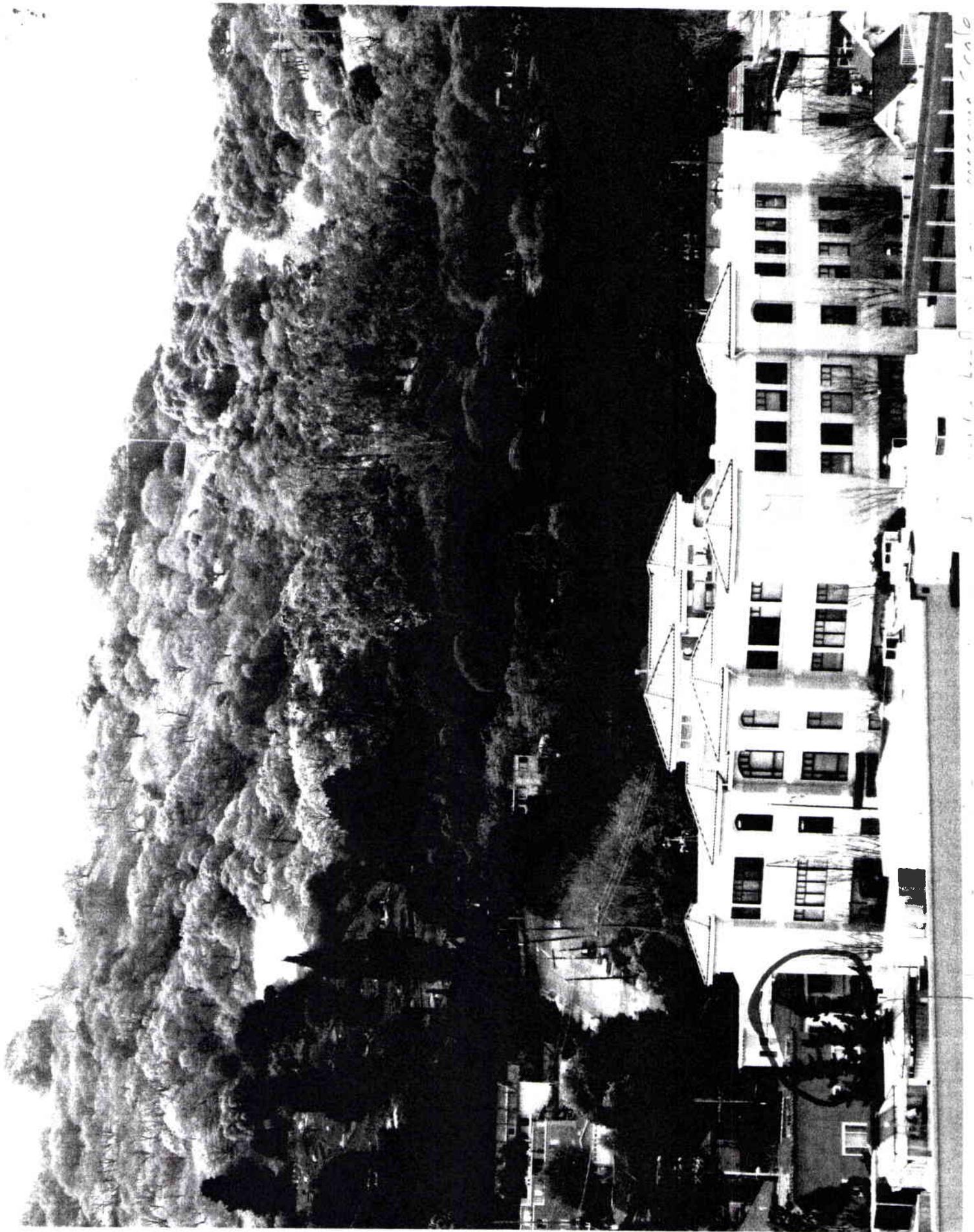
Please accept this letter as documentation of our opposition in the event future litigation should occur.

I am,

A handwritten signature in black ink, appearing to read 'Wayne K. Horiuchi', with a long horizontal flourish extending to the right.

Sincerely,

WAYNE K. HORIUCHI  
Special Representative



1. 1910s. 2. 1920s. 3. 1930s. 4. 1940s. 5. 1950s. 6. 1960s. 7. 1970s. 8. 1980s. 9. 1990s. 10. 2000s. 11. 2010s. 12. 2020s.

From: Nesbitt Phyllis <phylclaire@citcom.net>  
Subject: **Preserve Martinez...**  
Date: July 4, 2009 12:41:08 PM PDT  
To: Hope Savage <hopesavage@gmail.com>

From: Phyllis Steinman Nesbitt---784 Deerlake Road, Brevard, NC 28712

Re the town of Martinez:

Last month I had the pleasure of walking around Martinez ---between trains. I met some very friendly people as I was looking for a place to eat. They told me the story of how the Martini got its name---they also informed me that Joe DiMaggio had lived in Martinez. I loved walking around the town photographing the excellent placques on the houses---what treasures.

I was told that there were plans for construction of a large building ---I feel that that would be a negative addition -- taking away from the charm of the town and it's so special history.

I plan to return to Martinez in the future---please preserve its special character for others to enjoy.

Yours truly,

Phyllis Steinman Nesbitt