

Planning Commission  
Regular Meeting  
May 25, 2010  
Martinez, CA

CALL TO ORDER

The meeting was called to order by Acting Chair Donna Allen at 7:10 p.m., with all members present except Chair Busby and Planning Commissioners Avila and Keller.

Staff present: Assistant City Manager Karen Majors, Assistant City Attorney Veronica Nebb, Planning Manager Terry Blount, and Senior Planner Corey Simon.

ROLL CALL

PRESENT: Vice Chair Allen, Commissioners Burt, Ford, Kelly, and Marchiano.

EXCUSED: Chair Busby, Commissioner Avila and Commissioner Keller.

ABSENT: None.

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of April 27, 2010, and May 11, 2010, meeting.*

On motion by Harriett Burt, Commissioner, seconded by Michael Marchiano, Commissioner, the Commission present voted to approve the Minutes of April 27, 2010 meeting. Motion unanimously passed 5 - 0 (Chair Busby, Commissioner Avila and Commissioner Keller absent).

The minutes of May 11th were continued until a quorum of those who attended are present.

REGULAR ITEMS

2. *Alhambra Valley Annexation Project Location: The proposed Alhambra Valley annexation and related Planning actions will impact an area located directly outside the current southwest jurisdictional boundary of the City of Martinez, but within the City's Sphere of Influence and the County Urban Limit Line. The proposed annexation area is comprised of approximately 150 parcels covering approximately 400 acres. It is generally bounded by the City's current jurisdictional boundary to the north; detached single family homes and undeveloped hills to the east; Alhambra Valley Road and Briones Regional Park to the south; and undeveloped hills and rangeland to the west. Existing Land Use Designations: General Plan: Contra Costa County Alhambra Valley Specific Plan - AL (Agricultural Lands); OS (Open Space); SV (Single-Family Residential - Very Low); and SL (Single Family Residential - Low). Zoning Districts: Contra Costa County A-2 General Agricultural District; R-20 Single Family Residential District; R-40 Single-Family*

*Residential District; and P-1 Planned Unit District.*

Assistant City Manager Karen Majors introduced Lynette Dias, CEQA consultant.

Ms. Majors presented the staff report, reviewing the background, action recommended by staff, map of the proposed annexation area, the reason why annexation is recommended and why now, and the LAFCO process.

Senior Planner Corey Simon continued with a review of the new regulatory framework established to implement the Alhambra Valley Specific Plan (AVSP), including a discussion of the current land use and development requirements, new land use categories, comparisons with the Contra Costa County General Plan, new zoning districts, list of prohibited uses, minor changes from the AVSP needed to be consistent with state law, removal of heavy agricultural uses, and unchanged development standards.

Planning Manager Terry Blount discussed the General Plan consistency and CEQA considerations, noting that staff has determined that the proposed annexation will not have a significant impact on the environment.

Ms. Majors concluded the report by summarizing the information already presented and the staff recommendation. She also reviewed the public comment received thus far; noting copies were included at the dais for each Commissioner.

Commissioner Burt asked about the Initial Study, specifically what the standard is for determining impacts. Consultant Lynette Dias said there is no simple answer that applies to every topic, but each one includes a description of the criteria involved.

Commissioner Burt noted there was a significant connection between the county's Alhambra Valley Specific Plan (AVSP) and the proposed new plan. She asked whether the City could later change the regulations prior to annexation. Assistant City Attorney Veronica Nebb said yes, but not without going through the pre-planning process all over again. She also noted that after annexation, nothing can be changed for 2 years.

In response to a further question, Ms. Nebb clarified that the Council could but if the changes were substantive it would have to go back through the Planning Commission for its recommendation.

Commissioner Burt noted that the City is currently revising the whole General Plan how it might be affected. Ms. Nebb acknowledged that it could potentially affect the rezonings.

Ms. Majors added that there will be two members of the Planning Commission on the General Plan task force. She also noted that the General Plan can only be changed 4 times a year and it is referend-able if the community does not support the changes.

Chair Allen asked for more clarification as to whether the rezoning of the AVSP area will prevent changes to the General Plan. Ms. Nebb said only for 2 years. Ms. Majors also noted the

decisions made on this issue will be based on current land use policies.

Commissioner Kelly asked what kind of net value the City will realize from the annexation, citing the costs of street maintenance, police services, and the grey-water sewer system at Stonehurst. Ms. Majors commented on the fiscal impact study, noting the City has a tax-sharing agreement with the county. She discussed each of the areas Commissioner Kelly had mentioned.

Chair Allen commented on the potential reductions in the level of service Citywide, including the annexed area. She asked whether the City will get money or lose money from the annexation. Ms. Majors said the annexation would be revenue-neutral to the City.

Commissioner Ford asked about the scenic corridor provisions in the AVSP, mentioned in a letter from the public, and whether it will carry over to the new Plan. Mr. Blount said staff could not find that reference in the AVSP.

Commissioner Ford asked about commercial uses, such as animal hospitals and wineries. Mr. Simon explained the county's A-2 zone includes a lot of conditional commercial uses, and since the conditions likely wouldn't be met anyway; removing those uses would not have much effect. Ms. Nebb also noted that additional annexations in the future may not even have the same zonings. Staff confirmed that the A-2 district being annexed includes residential uses only.

Commissioner Ford asked if the CEQA analysis included consideration of the trees. Mr. Simon confirmed the wording related to the scenic roadways was copied directly from the AVSP.

Commissioner Kelly asked why not start at John Swett and go to the Fry property for annexation. Ms. Majors said only those properties with deferred annexation agreements are required to be annexed by LAFCO.

Chair Allen asked why not just adopt the AVSP. Ms. Nebb explained it was considered but there were two impediments - 1) it was originally adopted with zoning requirements that the City doesn't have, and 2) the AVSP has references to county code, which would then have to be amended. She explained that all applicable sections were transferred.

Ms. Majors added that some of the policies were added to the zoning ordinance, and the law firm Gagen McCoy thought some of the goals of the AVSP were dropped. Staff will be bringing those back at a later meeting to satisfy public concerns.

Chair Allen asked about existing approved projects that will require an additional planning process from the City after annexation. Ms. Nebb said subdivisions come in at whatever status they are at the time of annexation.

Chair Allen asked if there are approved projects that have deferred annexation agreements with the City. Ms. Nebb said not yet, unless water service has been applied for. She also discussed LAFCO requirements for outside service agreements to include deferred annexation agreements.

Commissioner Burt asked for clarification from Ms. Nebb about the differences between the

AVSP and the proposed City regulations, since the Initial Study says they are virtually the same. Ms. Nebb explained that Martinez zoning regulations are in the Zoning Ordinance, but the county's AVSP includes allowable uses for different zones, which might cause a conflict. Commissioner Burt said she wants to be sure the City is adopting the intent of the AVSP. Ms. Nebb said the new AV zoning district includes virtually that is in the R-40 district from the AVSP. Commissioner Burt expressed concern about "unintended consequences."

Commissioner Burt also commented on the unusual shape of the area to be annexed, and whether the center narrow section was related to the urban limit line. Ms. Majors explained that adding those areas will violate the urban limit line and Measure J which will require the City to forfeit Measure J funds. She also noted that the City Council discussed and decided on the Urban Limit Line area after public discussion and vote.

Ms. Nebb noted that the areas outside of the urban limit line are not subject to annexation by the City.

Chair Allen opened the public hearing.

ERNEST LOMPA expressed concern about the annexation process - he purchased property in a rural area and wants to keep it that way. He was concerned about the freedom and rights of the landowners that might be violated.

NANCY MCMORROW, outside of the urban limit line, expressed concern about maintenance of the roads after annexation. She was opposed to annexation.

MERRILL JONES expressed concern about police services.

JOAN HOLMOI said she was opposed to City jurisdiction, citing increased traffic, less police service and concern that the area will lose in the balance.

MARIE OLSON, secretary of the Alhambra Valley Improvement Association commented on tax jurisdictions and neighborhood cohesiveness, also all new development required to annex to the City prior to development, and no water service unless mitigated (specifically what mitigation would be required). She was also concerned about the \$30 million bond issue and equity of services and access to parks, pool and library.

HAL OLSON, president of the Alhambra Valley Improvement Association said he was opposed to annexation because of increased taxes, poor road maintenance and police services, and because the City has violated their own specific plans and General Plan. He was also concerned about secondary housing units because of the potential size, and the allowance for retail firewood sales, golf and tennis clubs.

MIKE WEYMOUTH was also concerned about police services and the loss of CHP service.

BRIAN MULRY, Gagen McCoy representing the Alhambra Valley Improvement Association (AVIA), noted that p. 57 of the AVSP details the implementation plan for scenic preservation.

He also discussed the fundamentals of the legal opposition by AVIA - namely, that the City is creating a gerrymandered area by lopping off the section that opposes annexation. He further discussed government code related to annexation, noting that the City does not meet any of the factors stipulated there.

JIM HEIN, owner of property outside the urban limit line, said he is now unable to get water service because the changing of the urban limit line isolated them and created an island.

JAN GRIFFIN said her family has lived in the valley for over one hundred years. She was concerned about protection of the residents and preservation of the rural nature.

MARK ROLANDELLI said he also lives outside the urban limit line. He noted that the entire audience present at the Council meeting was told that would not happen. He indicated he was considering filing a lawsuit against the City and the county because he was not informed before he started development and now he cannot even get water service from the City.

TODD KILBOURN expressed concern about preserving the lifestyle and environment in the valley.

MARIE HOFFMANN, resident of the valley since 1968, expressed agreement with those opposed. She was also concerned about their water service. She asked the City to work with the residents toward a common goal.

KEN JORDAN, resident since 1976, expressed concern about changes to the valley and whether the police services will be adequate. He was opposed to annexation.

GENE ROSS was concerned whether existing uses might be illegal under City code regarding setbacks, structures, RVs, access to the creeks. He asked how residents would be able to prove legal nonconforming or grandfathered uses.

JIM HARTNEY asked about road maintenance and enforcement of existing road regulations when property lines go to the middle of the road.

FRANK DUNPHY expressed opposition to annexation and concern about the politics of the issue.

JENNIFER GARBARINO noted they moved to the valley for specific goals that might be lost if the area is annexed.

JAMES ROSENQUIST asked about the letter from Ms. Majors to the Council regarding a report that shows General Fund expenditures will exceed the revenue generated, but eventual development will increase revenues. He echoed other comments in opposition to annexation, especially when done piecemeal.

JIM HATCHELL expressed concern about the final decision being made by the Council. He questioned whether LAFCO should be making annexation a requirement. He also objected to

making smaller areas for annexation.

MARYLOU JOHNSON expressed concern about dividing road maintenance between the City and the county and how well the maintenance will be done. She questioned whether the City will take sufficient care of the annexed areas. She also expressed concern about future developments in the valley by the Busbys.

FORREST ROSENGREN expressed concern about the strange urban limit line gerrymandering. He asked whether that action was legal, ethical or moral. He was also concerned about the area excluded that would've created a large voting block opposed to annexation.

SCOTT BUSBY, Stonehurst developer, acknowledged that the sewer system was approved as a special district for Contra Costa County. He also noted that the water system for Stonehurst was paid for by him. He was concerned about the timing of this annexation, adding that the whole area should be annexed together.

TOM GRIFFIN questioned whether the Martinez Police Department will get to the area any faster than the sheriffs do now.

Seeing no further speakers, Chair Allen closed the public hearing.

Ms. Majors clarified that the urban limit line is already set, and the City cannot move to annex any area outside without risking the loss of Measure J funds. She acknowledged that the City has been trying to work with the County and CCTA and LAFCO to consider changes to the line.

Commissioner Burt commented on jurisdictional issues and frustrations expressed by the public regarding safety concerns. She noted she spoke with Supervisor Ulkema regarding LAFCO's push for annexation now, and Supervisor Ulkema quoted several horror stories regarding fire district conflicts on same sorts of things. She asked whether it was LAFCO's requirement or suggestion to annex now. She said questions raised by Mr. Ross related to setbacks and grandfathered uses need to be answered, as well as concerns about road maintenance.

Commissioner Burt also asked about Mr. Busby's statement that the Stonehurst special water district must stay in the county. She noted that park with the John Muir statue was originally put there to prevent some other use of the site and should be better maintained. She agreed with Mr. Rosengren's statement about the shape of the annexed area.

Ms. Nebb said there is no special district in the valley for water, only the Stonehurst sewer system. She indicated there was no ability to create a special water district due to the cost to build and create a public agency to manage it.

Ms. Majors noted there has been much back/forth regarding LAFCO's push for annexation. She noted that a letter from LAFCO in 2006 "requested" annexation, and Mayor Schroder was on the board of LAFCO at the time and asked staff to move forward with annexation of all areas with deferred annexation agreements. She said she will check with staff and report back on the status of the John Muir Park.

Ms. Nebb agreed staff will review the road maintenance line delineations, as well as addressing unique road maintenance situations. Regarding grandfathered uses, she indicated that any legal nonconforming status will continue. Anything built prior to annexation with different setbacks will be grandfathered in, but if built after the fact they must meet City requirements.

Mr. Simon clarified that staff is trying to ensure that these districts keep the same setbacks as currently. He also noted that the RV ordinance will not apply in the new zoning districts either.

Commissioner Ford asked what staff is seeking from the Commission tonight. Ms. Majors said it will be up to the Council to pursue annexation with LAFCO, and LAFCO will make the ultimate decision, but the Commission is asked to make recommendation on the land use and zoning requirements in the event that the area is eventually annexed. Ms. Nebb clarified that tonight staff is seeking recommendation from the Commission regarding changes or clarifications or questions. She indicated that the road maintenance issues will be brought back at a subsequent meeting for final action.

Commissioner Ford said she is very uncomfortable with the place that Commission is in - she has no issue with the recommendations made by staff, but she was concerned about how the annexation process is being pursued. Ms. Nebb clarified again that the findings as to whether annexation can be made will be up to LAFCO; the role for the Commission is to recommend land use and zoning regulations if annexation occurs.

Commissioner Marchiano acknowledged staff has answered everything very well, but he was concerned about the neighborhood opposition to annexation.

Chair Allen agreed, noting no one has asked the Commission if the annexation map looks logical or if the annexation should go forward, only whether environmental issues have been addressed and whether the rezonings and land use issues have been addressed. She said she also wants to be sure there is a comparison of service levels (for police, roads, parks) after annexation, preferably in chart form; and the financial impacts. Ms. Majors said staff will put it on the City website and make copies available, but it is not actually a CEQA issue.

Commissioner Burt noted there are very strict legal issues about jurisdictional authority, which has unfortunate consequences sometimes. She also commented on unintended consequences, noting that every effort has been made by staff to keep the AVSP elements in force. She questioned whether future annexations in the area will keep these requirements, since other areas have different settlement patterns (i.e. density, lot size, etc).

Commissioner Kelly asked if the urban limit lines were set by the City or the county. Ms. Majors said it was decided by the county with recommendation of the City Council and approved by the voters. She noted that a voluntary review could occur in 2011, and a mandatory review in 2015. Chair Allen said people should address their issues to LAFCO, and Ms. Majors said the county would be better. Ms. Majors said there could be a special ULL election, but the City cannot afford to put it on the ballot.

Chair Allen said she didn't like one house on a street being unannexed with all others annexed.

Commissioner Kelly said service should be given regardless of jurisdiction but he acknowledged there are budgetary issues. He commended the Martinez Police Department for doing the best job they can with what they have.

Ms. Majors responded to Commissioner Burt's question about other annexed areas in the future, saying staff would do the same as they are here, adopting the same zoning districts and land use requirements as the AVSP.

Chair Allen asked if Martinez is creating an "island" by LAFCO definition. Ms. Nebb said it depends on interpretation, but there is a contiguous boundary. Ms. Majors added that based on current annexation criteria, the City meets at least 85% of them in this instance.

Commissioner Ford recommended audience members pick up a staff report in advance and read what the Commission is being asked to recommend, to ensure the regulations meet the same standards as the AVSP.

Mr. Blount reviewed the next steps in the process, supplemented by Ms. Majors, as well as additional information being requested by the Commission.

Chair Allen asked if the comments by the public not related to what is Commission purview can be separated out. She also asked if the next staff report can be given to the Commission at least a week in advance of the next meeting. Mr. Blount said yes, noting that is staff's goal with all meeting materials.

On motion by Commissioner Burt, seconded by Commissioner Marchiano, the Commission voted to continue the item to a date uncertain (Chair Busby, Commissioner Avila and Commissioner Keller absent.).

#### COMMISSION ITEMS

The Commission expressed appreciation to Ms. Majors for a job well done and wished her well in her retirement.

#### STAFF ITEMS

None.

#### COMMUNICATIONS

None.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Approved by the Planning Commission Vice Chairperson

Transcribed by Mary Hougey

Donna Allen