



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
October 6, 2010**

**TO:** Mayor and City Council

**FROM:** Terry Blount, AICP, Planning Manager  
Corey Simon, Senior Planner  
Anjana Mepani, Associate Planner

**SUBJECT:** Memorialization of Changes to the City’s General Plan and Associated Land Use Maps

**DATE:** September 30, 2010

**RECOMMENDATION:**

Adopt the proposed General Plan Land Use Map and approve the proposed General Plan text amendment (GPA #10-02).

**BACKGROUND:**

The City’s existing General Plan and Land Use Maps were adopted in 1973. Attachment 1 outlines the City’s General Plan and its associated components. The General Plan Land Use Map is actually a collection of maps. The General Plan’s Land Use Element contains the document’s primary map, entitled *Land Use Policy*, which as stated in the purpose section of the Land Use Element “designates the location of the major land use components” of the entire City. In addition to this map, the General Plan contains a series of four other Land Use Maps that correspond to the four Specific Area Plans (Central Martinez, Alhambra Hills, Hidden Lakes, and John Muir) that were adopted as part of the General Plan. Regarding the Specific Area Plans, the preface to the General Plan states, “this section (the one that contains the Specific Area Plans) treats selected areas of the city in greater depth.” Thus, the Land Use Maps associated with the Specific Area Plans contain more detail and specificity. The more detailed Specific Area Plan land use designations contained in the Specific Area Plans are the City’s General Plan land use designations for the areas of the City covered by these Plans.

Since 1973, the General Plan and its associated Land Use Maps have been amended numerous times through legislative actions by the City Council upon recommendations of the Planning Commission. It is general practice in most local jurisdictions to maintain an updated General Plan and associated Land Use Map that reflects these amendments. This has not been the case for the City of Martinez. Text amendments have been made to the General Plan and the Land Use Maps have been amended without the comprehensive, memorialization of the changes to the actual documents.

The Planning Commission reviewed a request at its meeting of August 10, 2010 to approve the following:

1. General Plan Land Use Map memorializing changes made to the existing Land Use Maps by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010; and
2. General Plan text amendment replacing each and every instance of the reference to the existing General Plan Land Use Maps with “Land Use Map 1 (LU – 1).”

At that meeting the Commission listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter and based on the record as a whole voted to recommend that the Council approve the request.

## **DISCUSSION:**

### **General Plan Land Use Map**

Staff has recently completed a single General Plan Land Use Map that incorporates all of the Land Use Maps associated with the General Plan and reflects all of the changes made to them since their original adoption in 1973. The City is currently in the process of updating its General Plan and having an up-to-date Land Use Map is important for this effort. The process of compiling a single Land Use Map that memorialized all of the amendments made to the existing ones was fairly straightforward in most instances. There were only a few cases where staff was required to apply some interpretation in order to map an amendment. These are discussed in the Planning Commission staff report (see Attachment 3, pp. 2-4).

At the Planning Commission meeting the Commissioners asked questions of clarification, discussed the proposed Land Use Map, and requested that some additional research be conducted for Sunnyside Terrace, one of the areas where staff was required to apply some interpretation. One of the Commissioners noted that there were several long-term property owners who knew the area well and could verify if staff’s interpretations were accurate. Staff contacted them and after discussing the specific interpretations in question made one correction. The Commission indicated at the public hearing that any corrections made using this course of action would be acceptable to them. Thus, the Land Use Map proposed for adoption is that recommended by the Commission with the one correction.

### **General Plan Text**

In addition to compiling an updated General Plan Land Use Map, staff has done the same for the text of the General Plan. A new document has been assembled that represents the General Plan as amended since its adoption. This is strictly a housekeeping effort with one exception. Since the proposed General Plan Land Use Map will have a new title and since all of the City’s Specific Area Plans are proposed to be depicted on one map, all of the references in the text of the General Plan to the different maps need to be changed. Therefore, each and every instance in the General Plan of the reference to the existing Land Use Maps that collectively make up the General Plan Land Use Map will be replaced with “Land Use Map 1 (LU – 1).”

**FISCAL IMPACT:**

None.

**ACTION:**

Adopt the proposed General Plan Land Use Map and approve the proposed General Plan text amendment (GPA #10-02).



**APPROVED BY:** City Manager

**ATTACHMENTS:**

- 1: Existing General Plan and Associated Components
- 2: Proposed General Plan Land Use Map (memorializing changes made from adoption of the General Plan in 1973 to January 20, 2010)
- 3: Planning Commission Staff Report (with attach B-E)
- 4: Planning Commission August 10, 2010 Meeting Minutes
- 5: Resolution No. PC 10-06 (Planning Commission Resolution)
- 6: Draft City Council Resolution No. -10

**EXISTING GENERAL PLAN  
AND  
ASSOCIATED COMPONENTS**

<b>General Plan Elements</b>	<b>Adoption Date</b>	<b>Major Amendments</b>
• Land Use	1973	
• Open Space	1973	
• Parks and Recreation	1973	
• Safety	1973	
• Housing	1973	2005
• Circulation (Transportation)	1973	1992
• Scenic Roadways	1973	
• Noise	1985	
• Community Facilities (Child Care and Drainage Components)	1990	
• Growth Management	1992	
 <b>Specific Area Plans (Part of the General Plan)</b>		
• Central Martinez	1973	
• Alhambra Hills	1973	
• Hidden Lakes	1973	
• John Muir Parkway	1973	1985*, 1991

The City has adopted the following specific plans, which are considered tools for implementing the General Plan but are not part of the Plan. They are:

- |                                  |      |
|----------------------------------|------|
| • Alhambra Hills Specific Plan** | 1987 |
| • Downtown Specific Plan         | 2006 |

\*Includes Franklin Hills Sub-Area (1987)

\*\*The planning area covered by the Alhambra Hills Specific Plan supersedes that covered by the Alhambra Hills Specific Area Plan with the exception of three areas, as noted on the adopted plan map associated with the Specific Plan.



# CITY OF MARTINEZ

## Land Use Map 1

ATTACHMENT 2

### Specific Area Plan Boundaries

Land Use Designations Specified for Each Area Plan

- Central Martinez Specific Area Plan
- Franklin Hills Subarea
- Hidden Lakes Specific Area Plan
- John Muir Parkway Specific Area Plan
- Alhambra Hills Specific Area Plan

### Specific Plan Boundaries

- Downtown Specific Plan
- Alhambra Hills Specific Plan

### City and County Boundaries

- City Limits
- Sphere of Influence
- Areas Outside Urban Limit Line

Community & Economic Development Department  
August 10, 2010 - Planning Commission Review

### General Plan Land Use Policy

Areas Outside Specific Area Plans

- R 0-6: 0 to 6 Units/Gross Acre
- R 6-12: 6 to 12 Units/Gross Acre
- R 12+: 12 and Over Units/Gross Acre
- SDO: Slope Density Ordinance
- C-R&S: Commercial, Retail and Services
- C-P&A: Commercial, Professional & Administrative
- I: Industrial
- G, H/E, JH, HS: Public Institutions/Schools
- CUL: Open Space/Conservation Use Land
- P&R: Parks and Recreation
- PPOS: Permanent Open Space
- SSA: Special Study Area

### Central Martinez Specific Area Plan

- Group 1: Residential, Group 1
- Group 2: Residential, Group 2
- Group 3: Residential, Group 3
- Group 4: Residential, Group 4
- C: Commercial
- MUb: Commercial and Group 2
- I: Industrial
- G, H/E, JH, HS: Public Institutions/Schools
- ESL: Environmentally Sensitive Land
- OS/P&R: Open Space, Parks & Recreation
- PPOS: Public Permanent Open Space
- SSA: Special Study Area

### Alhambra Hills Specific Area Plan

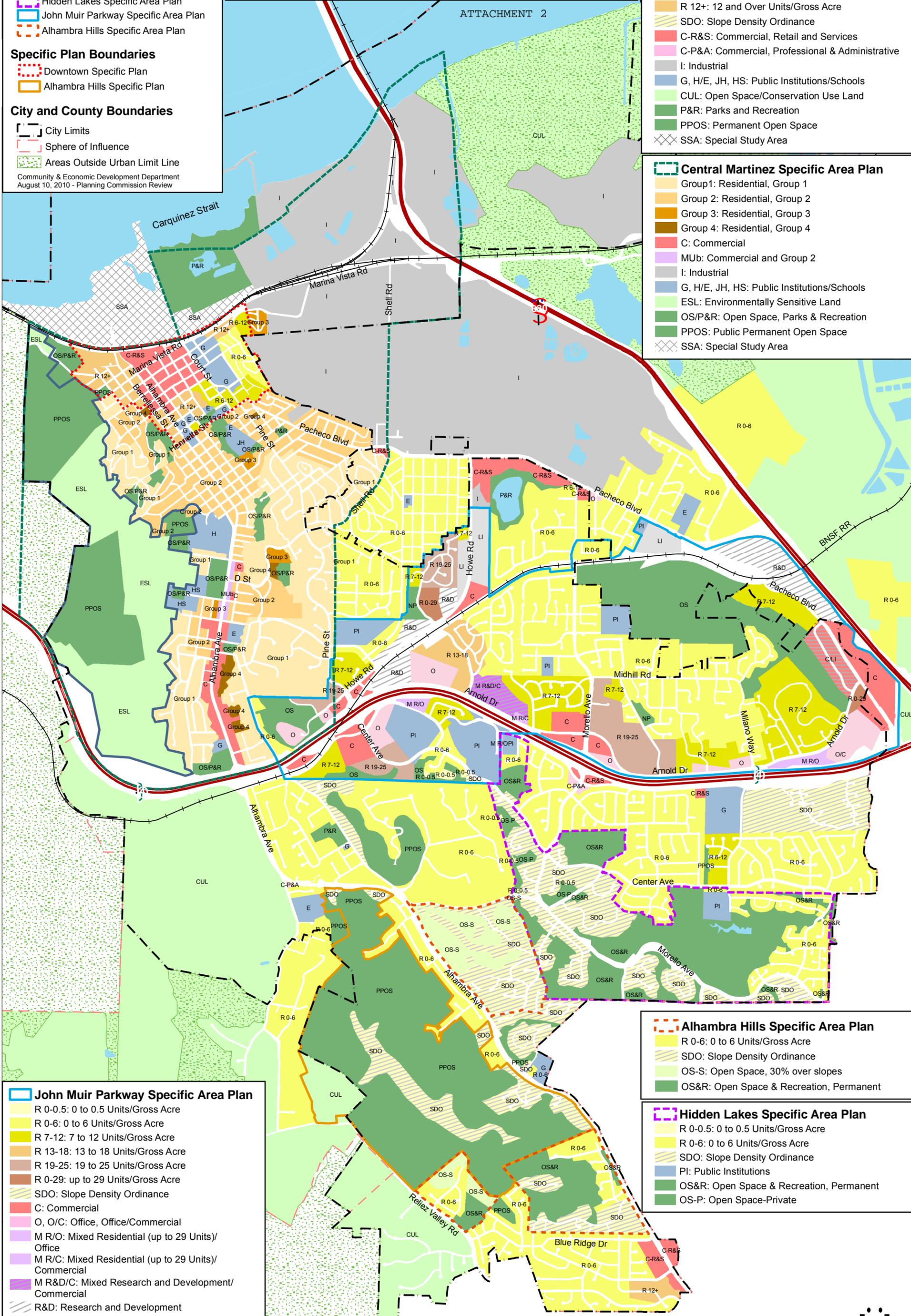
- R 0-6: 0 to 6 Units/Gross Acre
- SDO: Slope Density Ordinance
- OS-S: Open Space, 30% over slopes
- OS&R: Open Space & Recreation, Permanent

### Hidden Lakes Specific Area Plan

- R 0-0.5: 0 to 0.5 Units/Gross Acre
- R 0-6: 0 to 6 Units/Gross Acre
- SDO: Slope Density Ordinance
- PI: Public Institutions
- OS&R: Open Space & Recreation, Permanent
- OS-P: Open Space-Private

### John Muir Parkway Specific Area Plan

- R 0-0.5: 0 to 0.5 Units/Gross Acre
- R 0-6: 0 to 6 Units/Gross Acre
- R 7-12: 7 to 12 Units/Gross Acre
- R 13-18: 13 to 18 Units/Gross Acre
- R 19-25: 19 to 25 Units/Gross Acre
- R 0-29: up to 29 Units/Gross Acre
- SDO: Slope Density Ordinance
- C: Commercial
- O, O/C: Office, Office/Commercial
- M R/O: Mixed Residential (up to 29 Units)/ Office
- M R/C: Mixed Residential (up to 29 Units)/ Commercial
- M R&D/C: Mixed Research and Development/ Commercial
- R&D: Research and Development
- LI: Light Industrial
- PI: Public Institutions
- NP, OS: Neighborhood Park, Open Space



0 0.25 0.5 0.75 1 Miles





# STAFF REPORT

**TO: PLANNING COMMISSION**

**MEETING DATE:** August 10, 2010

**PREPARED BY:** Terry Blount, AICP, Planning Manager  
Corey Simon, Senior Planner  
Anjana Mepani, Associate Planner

**RE: Memorialization of Changes to the City’s General Plan and Associated Land Use Maps**

## GENERAL INFORMATION

**APPLICANT:** City of Martinez

**LOCATION:** City-wide

**ENVIRONMENTAL REVIEW:** The proposed project is exempt from the California Environmental Quality Act (CEQA) as there is no possibility that it may have a significant effect on the environment and is therefore not subject to CEQA (CEQA Guidelines 15061.b.3).

**PROPOSAL:** Adoption of a General Plan Land Use Map that memorializes the changes made to the existing Land Use Maps from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010 and adoption of a General Plan text amendment replacing each and every instance of the reference to the existing General Plan Land Use Maps with “Land Use Map 1 (LU – 1).” The Planning Commission will make its recommendation to the City Council, which will consider the proposal at a future date to be announced.

**APPROVALS REQUESTED:**

- a) General Plan Land Use Map memorializing changes to the existing Land Use Maps by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010; and
- b) General Plan text amendment replacing each and every instance of the reference to the existing General Plan Land Use Maps with “Land Use Map 1 (LU – 1).”

## **RECOMMENDATION**

Adopt draft resolution, recommending that the City Council adopt the proposed General Plan Land Use Map and approve GPA #10-02.

## **BACKGROUND**

The City's existing General Plan was adopted in 1973. Attachment A outlines the City's General Plan and its associated components. The General Plan Land Use Map is actually a collection of maps. The General Plan's Land Use Element contains the document's primary map, entitled *Land Use Policy*, which as stated in the purpose section of the Land Use Element "designates the location of the major land use components" of the entire City. In addition to this map, the General Plan contains a series of four other Land Use Maps that correspond to the four Specific Area Plans that were adopted as part of the General Plan. Regarding the Specific Area Plans (Central Martinez, Alhambra Hills, Hidden Lakes, and John Muir) the preface to the General Plan states, "this section (the one that contains the Specific Area Plans) treats selected areas of the city in greater depth." Thus, the Land Use Maps associated with the Specific Area Plans contain more detail and specificity. The more detailed Specific Area Plan land use designations contained in the Specific Area Plans are the City's General Plan land use designations for the areas of the City covered by these Plans.

Since 1973, the General Plan and its associated Land Use Maps have been amended numerous times through legislative actions by the City Council upon recommendations of the Planning Commission. It is general practice in most local jurisdictions to maintain an updated General Plan and associated Land Use Map that reflects these amendments. This has not been the case for the City of Martinez. Text amendments have been made to the General Plan and the Land Use Maps have been amended without the comprehensive, memorialization of the changes to the actual documents.

## **DISCUSSION**

### **General Plan Land Use Map**

Staff has recently completed a single General Plan Land Use Map that incorporates all of the Land Use Maps associated with the General Plan and reflects all of the changes made to them since their original adoption in 1973. The City is currently in the process of updating its General Plan and having an up-to-date Land Use Map is important for this effort. The process of compiling a single Land Use Map that memorialized all of the amendments made to the existing ones was fairly straightforward in most instances. There were only a few cases where staff was required to apply some interpretation in order to map an amendment. These are discussed here.

In addition to the incorporation of the dozens of property specific General Plan amendments since 1973, the proposed Land Use Map contains staff's recommended interpretation of how the existing General Plan Land Use Maps were amended in those instances where subdivisions have been approved since the General Plan was adopted. These interpretations were necessary because these subdivisions were approved without specific documentation attached that precisely mapped how the General Plan Land Use Maps were being amended. In these instances the original General Plan Land Use Maps contain boundaries between open space and residential General Plan

designations that were drawn prior to the subdivision of the land. In general, the line delineating the boundary was intended to act as a guide for the review and approval of subdivision applications made after adoption of the General Plan. Slight anomalies between the open space and residential areas were inevitable, as the subdivision mapping process was far more precise than was the broad General Plan process. The approval of the Land Use Map affords the opportunity to clarify that the residential properties developed within these subdivisions approved over the past 37 years are clearly conforming to the intended residential designations. And conversely, the Land Use Map will better clarify that development of the publically and privately owned open space areas within these subdivisions is precluded by the General Plan.

Given that most of the City's growth from 1973 to the present has been along its southern boundary, the subdivisions in question are within the General Plan's two Specific Area Plans for the southerly portion of the City: Hidden Lakes Specific Area Plan and Alhambra Hills Specific Area Plan. The subdivisions covered under the Hidden Lakes Specific Area Plan, which are generally alongside Morello Drive and Chilpancingo Parkway, include Hidden Lakes, Chateau Ridge, and Quiet Hills. The subdivisions within the part of the City covered by the Alhambra Hills Specific Area Plan are generally located north of the Virginia Hills neighborhood (which were built prior to 1973) and south of the part of the City covered by the Alhambra Hills Specific Plan;\* they include the Foothills (at Benham Drive), Valley Ridge (at Skyline Drive), and Quail Creek (at Horizon Drive). Comparative illustrations of the existing (unamended) and proposed (amended) land use designations for the parts of the City covered by these two Specific Area Plans are provided as Attachments B and C.

Another area where staff has made similar interpretations in the drafting of the proposed Land Use Map is that portion of the hillside area close to downtown often referred to as Sunnyside Terrace. The larger Sunnyside Terrace area is generally located east of Berrellesa Street, north of Warren Street, and south of the City's Thomas Hill Reservoir (at Panoramic and Thomas Drives). The subject area was subdivided in the 1910s, but streets and utilities were not installed throughout the entire subdivision. The lack of public improvements has generally prevented the development of residential units at the area's higher elevations immediately adjacent and to the southwest of the Reservoir. The Central Martinez Specific Area Plan placed approximately two dozen of these unimproved lots within the Sunnyside Terrace area within the Open Space, Parks, and Recreation land use designation. However, these lots are located within a residential zoning district, and since 1973, approximately four single-family homes have been built within the area designated in the Plan as open space. Three more have Design Review approval but have not yet been built. Two more lots at the end of Park Street were the subject of a lot line adjustment, with the understanding that the lots were within a residentially designated area.

The delineation between the open space and residential areas now being put forth on the proposed Land Use Map acknowledges the existence of these single-family homes and entitlements, and gives these lots residential designations. Comparative illustrations of the existing (unamended) and proposed (amended) land use

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\* The part of the City covered by the Alhambra Hills Specific Area Plan was reduced in size when the Alhambra Hills Specific Plan was adopted in 1987. Only those portions of the Specific Area Plan that are outside the part of the City covered by Alhambra Hills Specific Plan are still covered by the Specific Area Plan.

designations of the Sunnyside Terrace area are provided as Attachment D. Staff is well aware of the complex history and issues of the possible further development of this area, and anticipates that the area will be a focus of the pending discussions regarding the update to the General Plan.

### **General Plan Text**

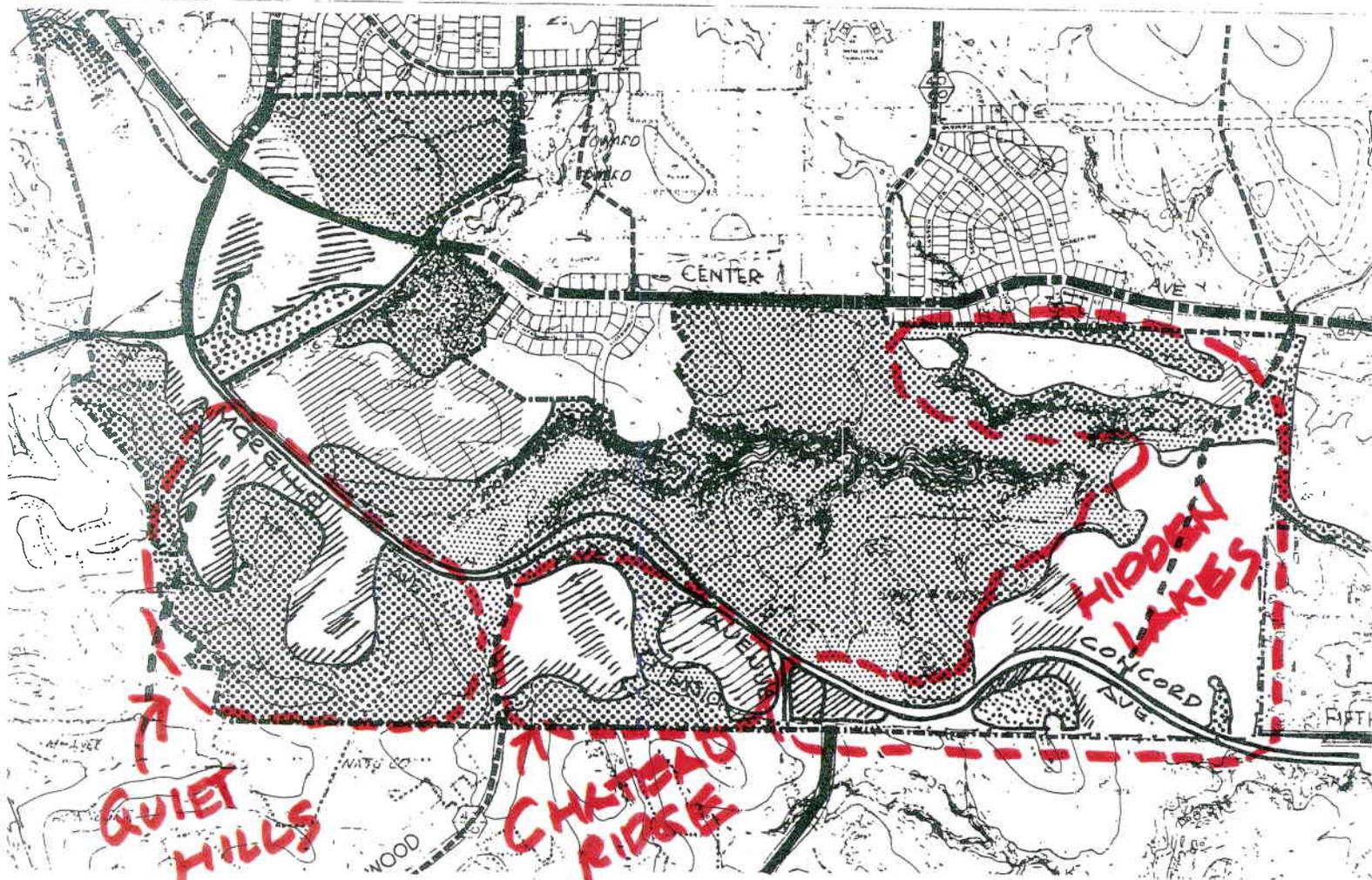
In addition to compiling an updated General Plan Land Use Map, staff has done the same for the text of the General Plan. A new document has been assembled that represents the General Plan as amended since its adoption. This is strictly a housekeeping effort with one exception. Since the proposed General Plan Land Use Map will have a new title and since all of the City's Specific Area Plans are proposed to be depicted on one map, all of the references in the text of the General Plan to the different maps need to be changed. Therefore, staff proposes that each and every instance in the General Plan of the reference to the existing Land Use Maps that collectively make up the General Plan Land Use Map be replaced with "Land Use Map 1 (LU – 1)."

### **ATTACHMENTS**

- A: Existing General Plan and Associated Components
- B: Hidden Lakes Specific Area Plan (1973 General Plan Land Use Map and proposed Land Use Map with changes memorialized)
- C: Alhambra Hills Specific Area Plan (1973 General Plan Land Use Map and proposed Land Use Map with changes memorialized)
- D: Sunnyside Terrace Area (1973 General Plan Land Use Map and proposed Land Use Map with changes memorialized)
- E: Proposed General Plan Land Use Map (memorializing changes made from adoption of the General Plan in 1973 to January 20, 2010)

Planning Commission Resolution No. PC 10-06 (Draft)

# HIDDEN LAKES SPECIFIC AREA PLAN (1973)



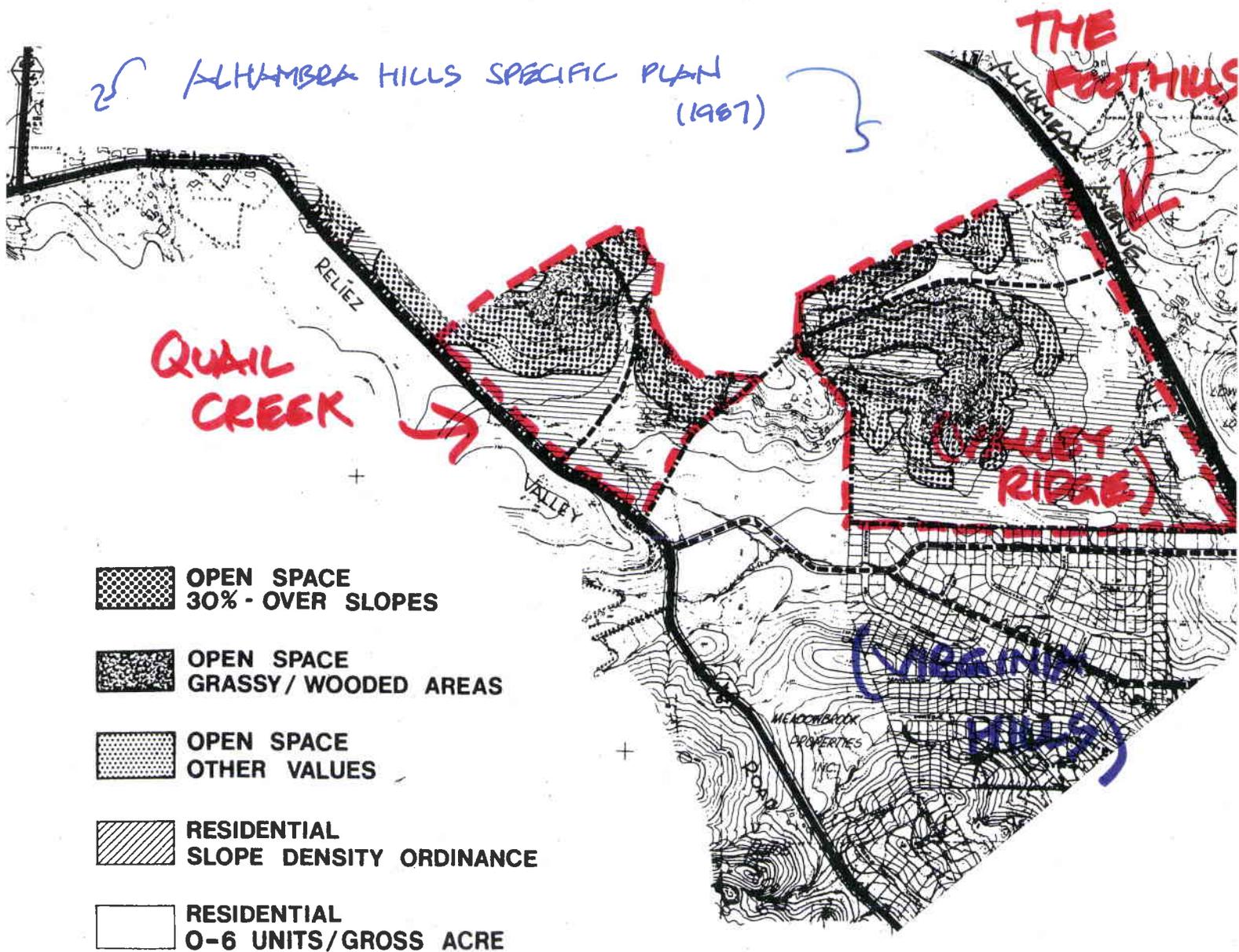
-  OPEN SPACE  
30% - OVER SLOPES
-  OPEN SPACE  
GRASSY/ WOODED AREAS
-  OPEN SPACE  
OTHER VALUES
-  RESIDENTIAL  
SLOPE DENSITY ORDINANCE
-  RESIDENTIAL  
0-6 UNITS/ GROSS ACRE
-  4 LANES / MEDIAN
-  4 LANES / PARKING
-  2 LANES
-  2 LANES / PARKING
-  SPECIFIC AREA BOUNDARY
-  2 LANES / MEDIAN

THE CITY OF  
**MARTINEZ**  
CALIFORNIA

# LAND USE MAP 1 (AS PROPOSED)

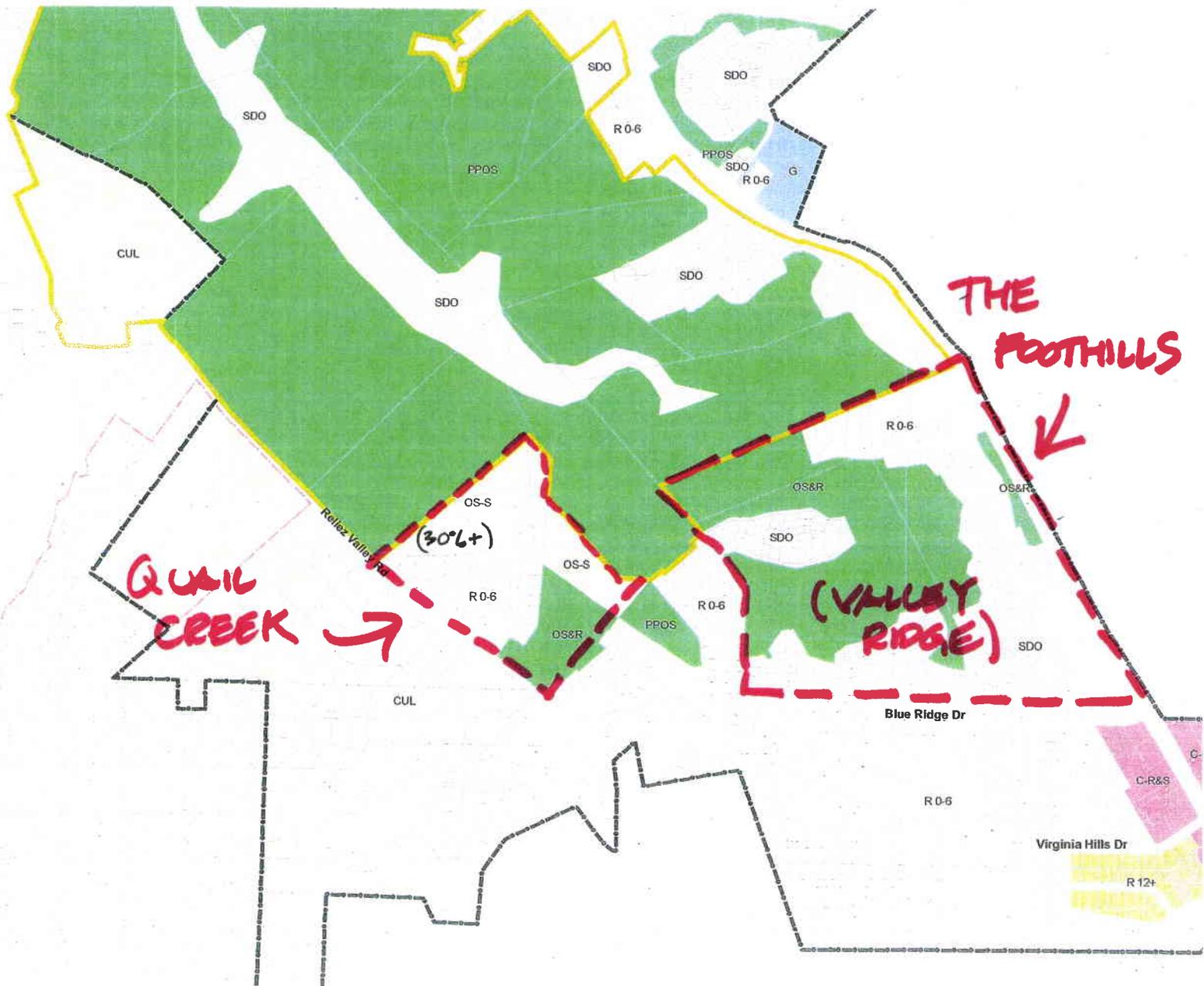


# ALHAMBRA HILLS SPECIFIC AREA PLAN (1973)

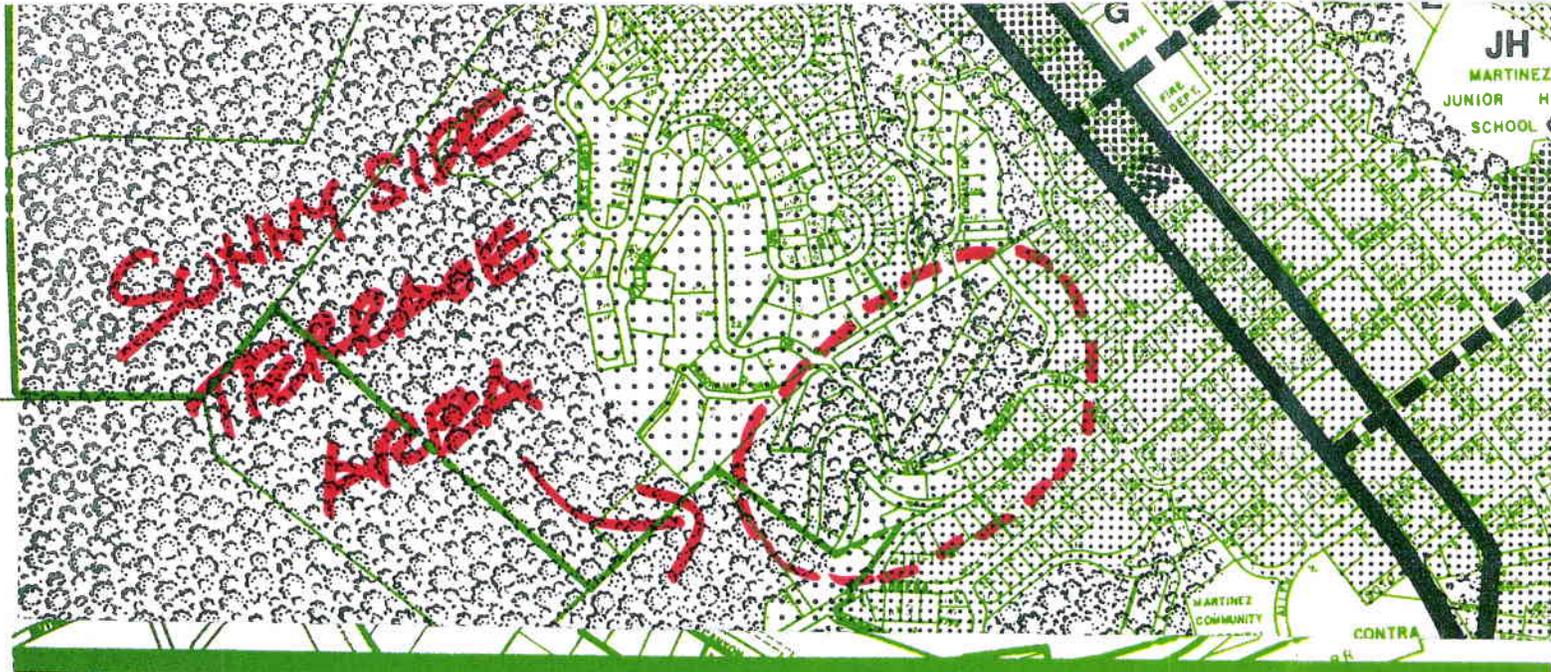


-  OPEN SPACE  
30% - OVER SLOPES
-  OPEN SPACE  
GRASSY / WOODED AREAS
-  OPEN SPACE  
OTHER VALUES
-  RESIDENTIAL  
SLOPE DENSITY ORDINANCE
-  RESIDENTIAL  
0-6 UNITS/GROSS ACRE

# LAND USE MAP 1 (AS PROPOSED)



# CENTRAL MARTINEZ SPECIFIC AREA PLAN (1973)

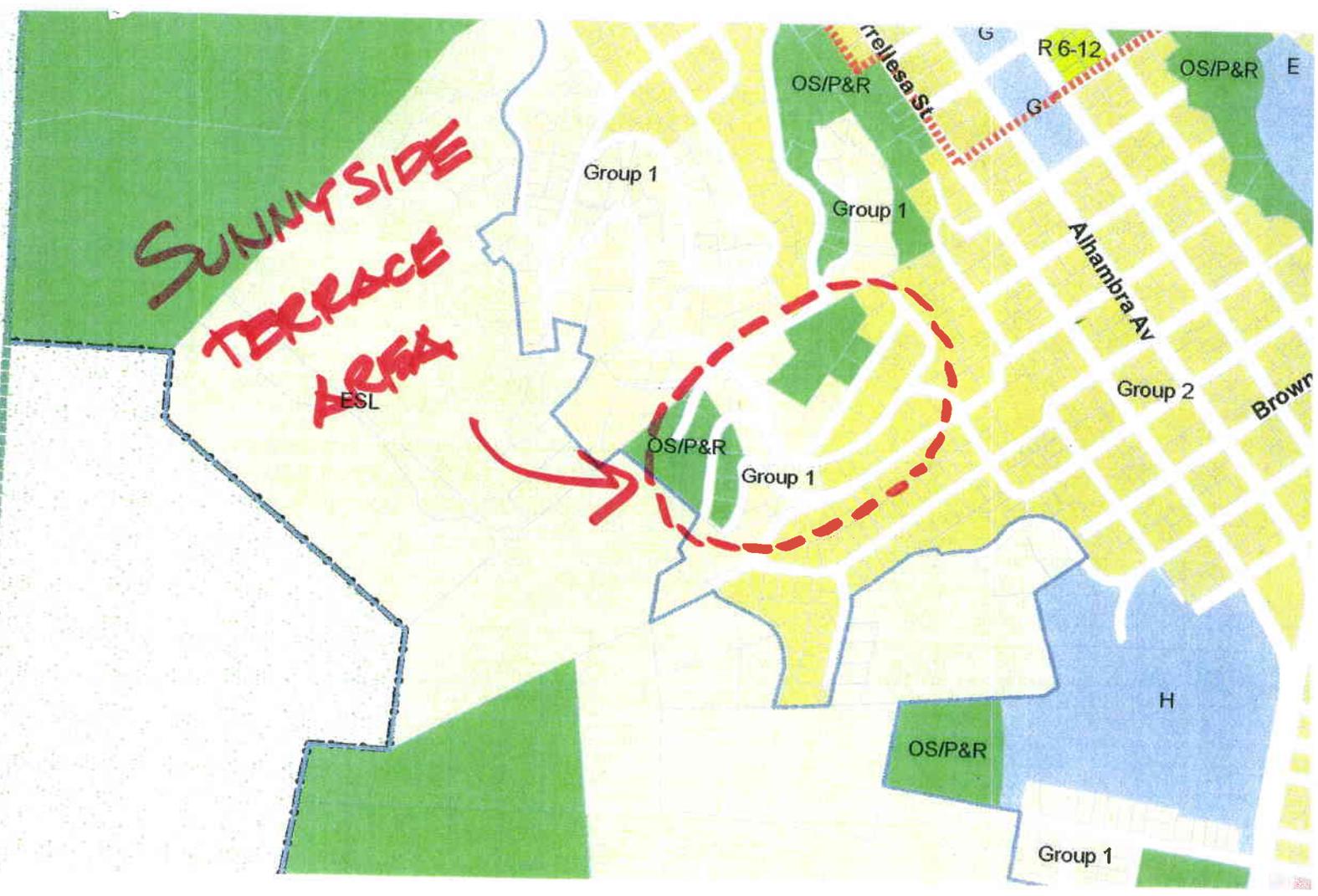


## CENTRAL MARTINEZ GENERAL PLAN

AS ADOPTED BY RESOLUTION 120  
SEPTEMBER 19, 1973

RESIDENTIAL		COMMERCIAL
Group 1		
Group 2		
Group 3		
Group 4		

# LAND USE MAP 1 (AS PROPOSED)



Planning Commission Minutes  
Regular Meeting  
August 10, 2010  
Martinez, CA

APPROVED

CALL TO ORDER

Acting Chair Donna Allen called the meeting to order at 7:05 p.m.

Staff Present: City Attorney Veronica Nebb  
City Engineer Tim Tucker  
Planning Manager Terry Blount  
Senior Planner Corey Simon  
Associate Planner Anjana Mepani

ROLL CALL

PRESENT: Vice Chair Donna Allen, Commissioners Harriett Burt, Rachael Ford, Jeffrey Keller, and Paul Kelly, Commission Alternate.

EXCUSED: Chair Lynette Busby, Commissioners AnaMarie Avila-Farias and Michael Marchiano.

ABSENT: None.

AGENDA CHANGES

None.

PUBLIC COMMENT

Mike Alford encouraged the Commission to making its decisions independently, not pressured by City staff or the City Attorney.

CONSENT ITEMS

1. *Minutes of May 11, 2010, and June 29, 2010, meeting.*

The minutes of May 11, 2010 were continued to another meeting since there was not a quorum of those present on May 11<sup>th</sup> in attendance.

Chair Allen corrected page 2 of the June 29<sup>th</sup> minutes to say "the minutes of May 11<sup>th</sup> were continued due to a lack of quorum of those present at the May 11<sup>th</sup> meeting."

*On motion by Commissioner Kelly, seconded by Commissioner Burt, the Commission present voted to approve the Minutes of the June 29, 2010, meeting, as amended by Chair Allen.*

Motion unanimously passed 3 - 0. (Commissioners Ford and Kelley abstained; Chair Busby, Commissioners Avila and Marchiano excused.)

REGULAR ITEMS

2. *Ralls Residence UP #09-05, VAR #09-03, DR #09-24 Public hearing to consider a*

*proposal to construct a new single-family residence on a vacant hillside parcel. The applicant is requesting Design Review approval; exception to building height limitations to allow a building height of 33 feet, where a maximum of 25 feet is permitted; and a variance to allow retaining walls within minimum front and side yards greater than 6 feet high. This project is located at 100 Lynn Darr Drive. Applicant: Matthew Ralls (AM)*

Commissioner Keller recused himself from the item since he lives within 300' of the project. He left the dais and the room.

Associate Planner Anjana Mepani presented the staff report, discussing the project details, background, changes from the original design, building footprint, lot configuration and challenges, and input from the Design Review Committee meeting. Staff recommends approval.

Commissioner Burt asked about the references in the staff report regarding retaining walls that exceed the 6' limit. The applicant's architect said the highest was 8', adjacent to the garage.

Commissioner Burt also asked about the Slope Density/Hillside Ordinance requirements. Ms. Mepani said the Ordinance specifies the allowable FAR, which the application meets.

Chair Allen asked about elimination of the roof-top solar panels, and whether it was due to the additional height they would have created. Ms. Mepani said the neighbors at the Design Review meeting asked that they be removed.

Chair Allen asked about the guidelines for requiring the solar panels. Planning Manager Terry Blount said state law now prohibits the City from using discretionary permits, but a building permit is required.

Chair Allen asked about the property's boundaries. Mr. Blount said they could be discussed after the applicant's presentation or now. Chair Allen said she would rather discuss them now.

Chair Allen explained her original concern as to whether a legal lot exists, noting that the boundaries don't match what is on the deed or the assessor's parcel map. She reviewed her understanding of where the boundaries are and asked if this project will eventually prevent Richardson from intersecting Jones Road. She questioned why the City is requiring a variance for a setback when the actual property line is somewhere else.

City Engineer Tim Tucker reviewed the property boundaries on the site map, including easements for the upper property.

JIM MILLER, architect, showed a model for the project, discussing early design efforts, the slope of the lot, efforts to minimize the building footprint, eventual removal of the third floor from the plans, the garage recessed into the hillside, the simple floor plan, rooftop terrace, aesthetics, green elements, and privacy issues.

Chair Allen opened the public hearing.

CICELY BRIANT commented that access to the project needs to be from Jones Road and Lynn Darr, rather than from Richardson, for preservation of existing wildlife and protection of her children. Mr. Tucker said there is no reference on the title to the dirt road shown on the parcel map. Ms. Briant said that is the road they have used to access their property.

Commissioner Burt asked if staff has considered using the dirt road. Mr. Tucker said no, staff recommends using access from Jones. Commissioner Kelly confirmed with Mr. Tucker that tying Richardson in is not a condition of the project.

MICHAEL BRIANT discussed numerous times he came to the City regarding the dirt road that had been represented to him as part of Richardson Street when he purchased his property. He also discussed the history of the property and the project, including a "no through street" sign that used to be on the road and lack of maintenance by the City. He reiterated his opposition to extending Richardson on and around his property.

BILL WEINER expressed support for the Briants position regarding Richardson Street and protection of their parking needs.

DENISE DEBETA, Richardson Street resident, agreed with the Briants and protection of wildlife in the area.

Rebuttal:

Mr. Ralls said he never intended to make Richardson a through road, just a private drive up to his house. Commissioner Burt asked for confirmation as to whether his plans include using Richardson as any entrance to the property. Mr. Ralls said no.

Mr. Ralls asked about conditions 4E-H and the requirement to "hold harmless" City employees, etc. He thought it was an onerous and burdensome requirement. City Attorney Veronica Nebb said there would only be 90 days allowing for claims against the project. She added that this is now a standard requirement for all projects in the City.

MIKE ALFORD asked if there is a plan to extend Richardson. Chair Allen said she would explain how the question came up under Commission discussion.

Commissioner Burt asked about a baby squirrel she saw in the street. The neighbors said it was sent to Lindsay Wildlife for care.

Seeing no further speakers, Chair Allen closed public hearing.

Chair Allen expressed appreciation to the architect for a great job with a difficult lot. Her original concern was whether it was a legal lot to build on, which led to the discoveries about the property boundaries regarding the applicant's ownership of part Jones Street and the dirt section of Richardson. She suggested the applicant offer the street frontage portion to the City so the Briants are not legally landlocked. She confirmed no one is suggesting that Richardson go through and connect with Jones, but the City might want to ask for a section of the dirt road only for emergency access. She thought now would be a good time to clean up the right of way

issues. She also noted that the applicant is planning to use Lynn Darr Drive for his access, but she was unsure whether there was enough room for a hammerhead turnaround.

Mr. Tucker said staff had seen the Lynn Darr access as only a two-lane driveway, not a City street. He also noted that doing what Chair Allen is suggesting would be quite complicated.

Commissioner Burt asked if Lynn Darr is a City street. Mr. Tucker said no, it is on Mr. Ralls' property, but there is an 18' right-of-way for the neighboring property.

Commissioner Ford asked if the applicant would consider what Chair Allen is proposing. Ms. Nebb said the Jones Street dedication makes sense, but the City might not want to accept at this time the gravel roadway that is a continuation of Richardson.

Commissioner Kelly asked how the Briants access their property. The Briants said it used to be off Jones but once their garage fell down, they began using Richardson.

Chair Allen suggested continuing the item to allow the Briants and Mr. Ralls to meet with staff to resolve the access issues.

Commissioner Ford asked if 30 years of access becomes a proscriptive easement. Mr. Tucker said only if a court certifies it as such.

Commissioner Ford expressed concern that the project details are not being discussed, noting that these easement issues are not part of the Planning Commission action requested. She indicated she thought the applicant has done a good job meeting the requirements for the lot.

The Commission recessed for 2 minutes, and reconvened with all members present as indicated, except Commissioner Keller, who had recused himself.

Chair Allen asked the applicant what he thought of her suggestion.

Mr. Ralls discussed conditions on the section of Jones that is on his property. He did not think emergency vehicle access could happen from Jones. He indicated willingness to consider dedicating portions of Jones Street and Richardson, if that will help.

Commissioner Ford said she didn't think now was a good time to discuss or decide this issue. She thought the Commission should only be discussing the design, setbacks and other details of the application as presented.

Ms. Nebb said there are already encroachments into that portion of Jones. She would not recommend asking for or accepting the dedications right now. She expressed concern that it could create more problems than it resolves.

Commissioner Burt noted these issues often arise with projects in the older parts of town. She agreed with Commissioner Ford that this is not an issue the Commission can or should resolve at this meeting. She recommended that Mr. Ralls and the Briants meet together and work out a

solution. She also asked that a condition of approval be added: that Richardson Street not be left open for potential connection to Jones Street in the future. She was confident that emergency vehicles will find a way to get through when needed.

Chair Allen said she would not want to be in Mr. Ralls' position to own property along the frontage of a neighbor's property. She thought it would be irresponsible for the Commission to approve building a house including driveway and sidewalks that leaves a land-locked parcel.

Commissioner Burt asked if Mr. Ralls could make that decision without it being a condition of approval. Mr. Tucker said it could also be done at the building permit stage.

Ms. Nebb said she thought the only area the City would likely want would be the paved and improved areas, not the frontage along Mr. Ralls' neighbors' properties. She also indicated that Mr. Ralls and his neighbors could work together privately to discuss a lot-line adjustment or some other solution to the issue.

Chair Allen said "Parcel A" and "Parcel B" show some subdivision was done, and a survey or parcel map should be on record.

Mr. Tucker said staff would be happy to work with the applicant outside of this forum to clear up right-of-way issues, not including the extension of Richardson. Chair Allen said she would like to clear up Jones Road out to Berrellesa and for the neighbors to have legal access to their property.

Commissioner Ford indicated she would not support adding that as a condition of approval. She asked for input from other Commissioners about whether the Commission should try to settle this issue or focus on the application at hand.

Commissioner Burt asked about the hydrology of the area and the potential for slides. Mr. Ralls said two geotechnical reports have been done, indicating there is some slide potential, but the ground underneath is bedrock.

*On motion by Commissioner Kelly, seconded by Commissioner Burt, the Commission present voted to approve UP #09-05 and DR #09-24. (Chair Allen noted that the VAR #09-03 is no longer needed.) Motion unanimously passed 4 - 0. (Commissioner Keller abstained, Chair Busby and Commissioners Avila and Marchiano excused.)*

Commissioner Keller returned to the meeting and was re-seated at the dais.

3. *Alhambra Valley Annexation GPA #10-01, ZA #10-01, RZ #10-01 Public hearing to consider adopting either:*
  1. *A resolution recommending to the City Council denial of the land use regulations proposed for the Alhambra Valley annexation area, as identified below, and recommending that the City Council not submit an application to the Contra Costa*

*Local Agency Formation Commission (LAFCO), as directed by the Commission at its meeting of June 29, 2010 or;*

2. *An alternative resolution recommending to the City Council approval of the land use regulations proposed for the Alhambra Valley annexation area, as identified below, but recommending that the City Council not submit an application to LAFCO. The Project consists of: Adoption of a Negative Declaration - General Plan Amendment to create new general plan land use designations and amendment of Land Use Map to apply those designations to property within the annexation area - General Plan Amendments (Land Use Element, Scenic Roadways Element, Parks and Recreation Element, and Transportation Element) regarding policies applicable to the annexation area - Zoning Ordinance Amendment to create new zoning districts and pre-zoning of properties within the annexation area - Adoption of Alhambra Valley Design Guidelines. (Continued from June 29, 2010, meeting) Applicant: City of Martinez (TB)*

Planning Manager Terry Blount presented the staff report, discussing the background history of the proposal,

Commissioner Burt asked if the second alternative resolution changes what the City Council will do. Mr. Blount said no, because the Council is not required to act in agreement with the Commission's recommendation.

In response to a further question, City Attorney Veronica Nebb said even with the first alternative, Council still has the option to choose either action. Commissioner Burt asked if the Commission's input and comments on the record are minimized with the second alternative. Ms. Nebb said no, the Council will have the Commission minutes with the staff report.

Commissioner Burt noted that she was asked (as the oldest Planning Commissioner and a former Councilmember) whether prezonings had been done in the area in the past, and she confirmed with others that it has not been done.

Ms. Nebb clarified that the Planning Commission cannot do prezonings; only the City Council.

Commissioner Kelly noted the job of the Commission on this is to approve the zoning regulations proposed to be enacted if annexation were to occur. He thought the Commission should stand with its earlier preference for a negative recommendation.

Chair Allen agreed, noting staff has done a phenomenal job, but she is concerned about the future General Plan update so she would not want to recommend any amendments to the General Plan in the meantime.

Mr. Blount noted that the wording in the draft resolutions includes a reference to General Plan update issues.

Commissioner Burt commended staff for their professionalism, but she acknowledged some

concern that the strength of some of the Commission's thoughts on the matter were minimized. She agreed with Commissioner Kelly that the role of the Commission is to review and make a recommendation on the proposed land use regulations.

Commissioner Burt expressed concern that the annexation areas presented to the Commission were based only on preventing a protest from affected property owners. She did not think piecemeal annexation was a good idea. She recommended staying with the original resolution.

Chair Allen asked why the Commission would approve the second resolution without opening the public hearing again. Staff said that's why the noticing included a public hearing.

Commissioner Ford asked for confirmation that the City Council will make the decision regarding annexation, and the role of the Planning Commission is to consider land use designations to ensure that the regulations under the City are the same as the current regulations.

Mr. Blount confirmed that the land use regulatory framework recommended is nearly identical to that currently under county regulations.

Commissioner Ford asked if the residents and association were concerned that the land use regulations stay in effect as long as possible, shouldn't the Commission protect their wishes even if the Commission is opposed to the annexation itself.

Chair Allen opened the public hearing.

HAL OLSEN said the Association attorneys have elected not to attend this meeting; their position is the same as before. They recommended approval of the first resolution: denial of the land use recommendations and asking that the Council not submit an application for annexation.

ERNEST LOMPA agreed with Mr. Olsen, noting the whole community supports their recommendation. He urged the Commission to stick to its guns. He also expressed concern about potential misdirection and underlying currents, and asked that the Commission listen to the people's wishes.

MARIE OLSEN expressed concern with the staff report, page 3, that indicated the Commission did not have an issue with the proposed land use regulations. That was not her impression from the previous meeting. She was also concerned that the "feelings" of the Commission are being ignored.

MIKE ALFORD said he appreciated that the Commission is not being coerced by staff or the City Attorney. He reminded them that the Commission should be answerable to the citizens. He thought the Commission was clear at the last meeting about what they thought, and staff should uphold their decision.

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

Commissioner Keller indicated he would abstain from this vote since he wasn't at the last

meeting.

Commissioner Ford asked for clarification from Ms. Nebb as to how a negative recommendation will impact the Council. Ms. Nebb said the Council will have an opportunity to make the final decision on all items that are now before the Commission. She also confirmed that the Council will make decisions on the rezonings if they decide to pursue annexation.

Commissioner Ford reiterated her concern that taking no action on the land use regulations could result in a negative impact in the long run. She noted that staff takes a lot of bashing from members of the public, but she never feels coerced by them, the Council, the Mayor or the City Attorney.

Commissioner Burt said the report that Council will get should reflect praise for the staff reports and clarity as to the Commission's objections. She was confident that City Council will be able to make a decision with adequate protections for the annexed properties. However, she still had substantive issues with recommending approval and would rather reiterate the earlier resolution.

Chair Allen agreed, noting that the second resolution does not reflect what happened at the last meeting, in her opinion.

Commissioner Kelly responded to Commissioner Ford that there should be enough information available to the Council to safeguard the resident's issues.

*On motion by Commissioner Burt, seconded by Commissioner Kelly, the Commission present to approve a resolution recommending to the City Council denial of the land use regulations proposed for the Alhambra Valley annexation area, as identified below, and recommending that the City Council not submit an application to the Contra Costa Local Agency Formation Commission (LAFCO), as directed by the Commission at its meeting of June 29, 2010.*

Motion passed 3 - 1. (Commissioner Ford voted no, Commissioner Keller abstained, Chair Busby and Commissioners Avila and Marchiano Excused.)

Commissioner Ford asked that the record be clear that the reason she voted against the resolution is because she thought the alternative resolution would have better protected the interests of the property owners.

4. *General Plan Map and Text Revisions GPA #10-02 Public hearing to consider and make a recommendation to the City Council on:*

1. *Adoption of a General Plan Land Use Map memorializing changes to the existing Land Use Maps by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010; and*

2. *Adoption of a General Plan text amendment replacing each and every instance of*

*the reference to the existing General Plan Land Use Maps with "Land Use Map 1 (LU - 1)." Applicant: City of Martinez (TB)*

Planning Manager Terry Blount presented the staff report, discussing that the normal practice is to update the General Plan map whenever changes are made and the need to combine existing maps into one. He expressed the importance of having a useable General Plan Map that is available to the public.

City Attorney Veronica Nebb added that the current situation means that if someone is trying to find out what the General Plan designation is, he/she would have to go through each amendment that has occurred since 1973 to see what has changed.

Commissioner Burt asked about Sunnyside and Franklin Hills issues. She asked if further corrections can be made to the map if there is additional information that comes to light. Mr. Blount said that since this is a recommendation to the Council, he saw no reason that corrections couldn't be made if more information becomes available.

Mr. Blount continued the report, noting that staff did the same with the General Plan text to bring it current and to ensure it reflects changes that have been made.

Chair Allen said it is a fabulous map, but she noted that the Downtown Specific Plan (DSP) is not reflected accurately on the General Plan map. She discovered no categories in the General Plan for some of the things that were adopted with the DSP. She questioned the need to adopt this map while the General Plan revision is in process.

Ms. Nebb reiterated it is necessary to have an updated accurate map, but there is no need to revise the land use designations based on the DSP. She indicated the function of the map is to memorialize existing land use designations, and any mapping errors will be addressed by the General Plan review committee process.

Chair Allen expressed concern about "unintended consequences" if the Commission approves the map without a thorough review.

Senior Planner Corey Simon commented on open space areas in the Sunnyside Terrace area that have since been used for homes and the need to make an accurate General Plan map based on current uses.

Commissioner Kelly asked about homes proposed for the area near Arriba and Duncan Drive. Mr. Simon discussed the Franklin Hills Plan and open space designations.

Commissioner Burt asked if this map fulfills the purpose of cataloguing all the areas that have been designated open space with past projects. Mr. Simon said an inventory was done, and that was used to create this map. Ms. Nebb clarified that those open spaces were not designated on this map; this map is usually updated annually to reflect General Plan updates and changes. It is not intended to fix anything out of sync - that is part of the General Plan update process.

Commissioner Keller asked if changes were made to the General Plan as part of the DSP. Ms. Nebb clarified the difference between General Plan nomenclature and that in the DSP.

Commissioner Ford confirmed that these updates will not interfere with the General Plan update process.

Chair Allen said she could not approve the map without verifying each change, to avoid future conflicts.

Commissioner Keller agreed with Commissioner Ford that this map will make the General Plan revision process easier.

Commissioner Burt said she was okay with the map, as long as it can be modified when errors are discovered.

*On motion by Commissioner Burt, seconded by Commissioner Ford, the Commission present voted to approve Adoption of a General Plan text amendment memorializing changes to the existing Land Use Maps by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010, and*

*Adoption of a General Plan text amendment replacing each and every instance of the reference to the existing General Plan Land Use Maps with "Land Use Map 1 (LU - 1)."*

Motion passed 4 - 1. (Commissioner Allen voted no, Chair Busby and Commissioners Avila and Marchiano Excused.)

#### COMMISSION ITEMS

Commissioner Burt asked about the Davidon project at Elderwood Glen and Wildcroft, near the Alhambra Highlands project. Mr. Simon said staff's opinion is that the Davidon map has expired. He also indicated there has been no communication since they told the City to hold off on the application 9 years ago. He said they will be notified of the entire process required to approve another project there.

Commissioner Burt expressed concern about slides in the area.

Commissioner Ford asked about the Commission's absenteeism policy. She expressed concern that interested people could replace those who routinely do not show up for meetings. She asked if and how the Commission can establish a policy. Mr. Blount said only Council can establish that policy, and existing policy does not address the issue. He indicated the Commission could request a review by the Council.

Mr. Blount also noted that the particular commissioner who has not attended recently has an expired term, but under the ordinance she continues to serve until a successor is appointed. He said anyone who wants to apply can, with or without an existing opening.

STAFF ITEMS

Chair Allen asked about upcoming Commission items, which staff reviewed. Mr. Blount confirmed there would likely be no items for the second meeting in August or the first meeting in September, but the Pacheco annexation project will probably be ready for the 2nd meeting in September.

Commissioner Burt asked about the Ridgeland project, and Mr. Blount updated the Commission.

Commissioner Burt commented that a new homeowner on Degnan Drive was having considerable drainage installed to deal with water coming down from the property up above, and City staff had told him the City will do nothing until the debris fence fails.

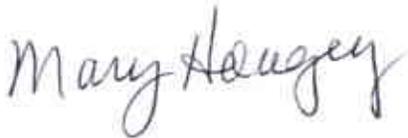
COMMUNICATIONS

None.

*On motion by Commissioner Kelly, seconded by Commissioner Keller, the Commission present voted unanimously to adjourn at 10:10 p.m. (Chair Busby, Commissioners Avila and Marchiano Excused.)*

Respectfully submitted,

Approved by the Planning Commission  
Vice Chairperson



Transcribed by Mary Hougey



Donna Allen

## RESOLUTION NO. PC 10-06

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ,  
RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN LAND  
USE MAP MEMORIALIZING CHANGES PREVIOUSLY MADE TO THE MAP BY THE  
CITY BY SEPARATE RESOLUTIONS SINCE 1973 AND AMENDING THE GENERAL  
PLAN REFERENCES TO SAID LAND USE MAP, GPA #10-02**

**WHEREAS**, the City of Martinez adopted the existing General Plan in 1973, which contains five maps that collectively constitute the Land Use Map. These five maps include the primary map, entitled *Land Use Policy*, and the four Land Use Maps associated with each of the Specific Area Plans (Central Martinez, Alhambra Hills, Hidden Lakes, and John Muir); and

**WHEREAS**, the City has amended the Land Use Maps from time-to-time since the General Plan was first adopted by numerous approved land use map amendments adopted by resolution since 1973. However, the administrative task of memorializing these already approved amendments through the updating of the Land Use Maps has not occurred since 1973; and

**WHEREAS**, the proposed Land Use Map 1 (LU – 1) incorporates all of the changes to all of the existing General Plan Land Use Maps already approved by the City into one map showing all of the same information that was previously depicted in the various Land Use Maps and showing all of the amendments that have occurred to said Maps since 1973; and

**WHEREAS**, the proposed text corrections do not result in any change to the General Plan but merely correct the references in the General Plan to now reference the updated and consolidated Land Use Map 1 (LU – 1); and

**WHEREAS**, the memorialization and consolidation of the existing General Plan Land Use Maps does not permit any new or differing development to occur or change any existing land use designation in a manner which would permit any new or differing development to take place that does not exist or could not exist pursuant to the existing General Plan; and

**WHEREAS**, pursuant to California Environmental Quality Act (CEQA) the City finds that the proposed project is exempt from CEQA as there is no possibility that it may have a significant effect on the environment due to the fact that there are no actual land use changes which are being undertaken by this General Plan action in that the amendment recommended hereby is merely an administrative task of memorializing these already approved amendments and existing land uses through the updating of the Maps and is therefore not subject to CEQA (CEQA Guidelines 15061.b.3); and

**WHEREAS**, the Planning Commission of the City of Martinez held a duly noticed public hearing on August 10, 2010, listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter; and

**WHEREAS**, the record of proceedings ("Record") upon which this decision is based includes, but is not limited to: (1) the project staff report, City and other documents, prepared for and/or submitted to the City relating to the project; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) the City of Martinez General Plan, its related EIR and the Martinez Municipal Code; (5) all documentary and oral evidence received at the public hearing or submitted to the City during the comment period relating to the project; and (6) all other matters of common knowledge to the Planning Commission including, but not limited to, city, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Martinez and its surrounding areas.

The location and custodian of the records is the Martinez Community and Economic Development Department, 525 Henrietta Street, Martinez, California.

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

1. That, the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. That, the Project and each and every action which is a part thereof is consistent with the Martinez General Plan, the Downtown Specific Plan, and the Alhambra Hills Specific Plan, and notes that the changes were approved previously and were determined to be consistent with said Plans at that time.
3. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt a General Plan Land Use Map that memorializes and consolidates all the changes made to the existing General Plan Land Use Maps by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010, as set forth in Exhibit A, attached hereto and incorporated herein by reference.
4. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council approve the requested General Plan Amendment to amend the Martinez General Plan replacing each and every instance of reference to the existing General Plan Land Use Maps with "Land Use Map 1 (LU – 1)."

\*\*\*\*\*

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly

adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 10<sup>th</sup> day of August, 2010:

AYES: Burt, Ford, Keller & Kelly

NOES: Allen

ABSENT: Busby, Avila-Farias & Marchiano

ABSTAINED:

BY: Donna Allen

Donna Allen  
Planning Commission Vice Chair

Terry Blount

Terry Blount  
Planning Manager

**ADOPTING A GENERAL PLAN LAND USE MAP MEMORIALIZING CHANGES  
PREVIOUSLY MADE TO THE MAP BY THE CITY BY SEPARATE RESOLUTIONS  
SINCE 1973 AND AMENDING THE GENERAL PLAN REFERENCES TO SAID  
LAND USE MAP, GPA #10-02**

**WHEREAS**, the City of Martinez adopted the existing General Plan in 1973, which contains five maps that collectively constitute the Land Use Map. These five maps include the primary map, entitled *Land Use Policy*, and the four Land Use Maps associated with each of the Specific Area Plans (Central Martinez, Alhambra Hills, Hidden Lakes, and John Muir); and

**WHEREAS**, the City has amended the Land Use Maps from time-to-time since the General Plan was first adopted by numerous approved land use map amendments adopted by resolution since 1973. However, the administrative task of memorializing these already approved amendments through the updating of the Land Use Maps has not occurred since 1973; and

**WHEREAS**, the proposed Land Use Map 1 (LU-1) incorporates all of the changes to all of the existing General Plan Land Use Maps already approved by the City into one map showing all of the same information that was previously depicted on the various Land Use Maps and showing all of the amendments that have occurred to said Maps since 1973; and

**WHEREAS**, the proposed text corrections do not result in any change to the General Plan but merely correct the references in the General Plan to now reference the updated and consolidated Land Use Map 1 (LU-1); and

**WHEREAS**, the memorialization and consolidation of the existing General Plan Land Use Maps does not permit any new or differing development to occur or change any existing land use designation in a manner which would permit any new or differing development to take place that does not exist or could not exist pursuant to the existing General Plan; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) the City finds that the proposed project is exempt from CEQA as there is no possibility that it may have a significant effect on the environment due to the fact that there are no actual land use changes which are being undertaken by this General Plan action in that the amendment recommended hereby is

merely an administrative task of memorializing these already approved amendments and existing land uses through the updating of the Maps and is therefore not subject to CEQA (CEQA Guidelines 15061.b.3); and

**WHEREAS**, the Planning Commission of the City of Martinez held a duly noticed public hearing on August 10, 2010, listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter, and adopted a resolution recommending approval of the request to the City Council; and

**WHEREAS**, the City Council of the City of Martinez held a duly noticed public hearing on October 6, 2010, listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter; and

**WHEREAS**, the record of proceedings ("Record") upon which this decision is based includes, but is not limited to: (1) the project staff report, City and other documents, prepared for and/or submitted to the City relating to the project; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) the City of Martinez General Plan, its related EIR and the Martinez Municipal Code; (5) all documentary and oral evidence received at the public hearing or submitted to the City during the comment period relating to the project; and (6) all other matters of common knowledge to the Planning Commission including, but not limited to, city, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Martinez and its surrounding areas.

The location and custodian of the records is the Martinez Community and Economic Development Department, 525 Henrietta Street, Martinez, California.

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

1. The above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. The Project and each and every action which is a part thereof is consistent with the Martinez General Plan, the Downtown Specific Plan, and the Alhambra Hills Specific Plan, and notes that the changes were approved previously and were determined to be consistent with said Plans at that time.

3. Based on the Record and the findings set forth herein, the City Council adopts a General Plan Land Use Map that memorializes and consolidates all the changes made to the existing General Plan Land Use Maps by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010, as set forth in Exhibit A, attached hereto and incorporated herein by reference.
4. Based on the Record and the findings set forth herein, the City Council approves the requested General Plan Amendment to amend the Martinez General Plan replacing each and every instance of reference to the existing General Plan Land Use Maps with "Land Use Map 1 (LU-1)."

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 6<sup>th</sup> day of October 2010, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ