

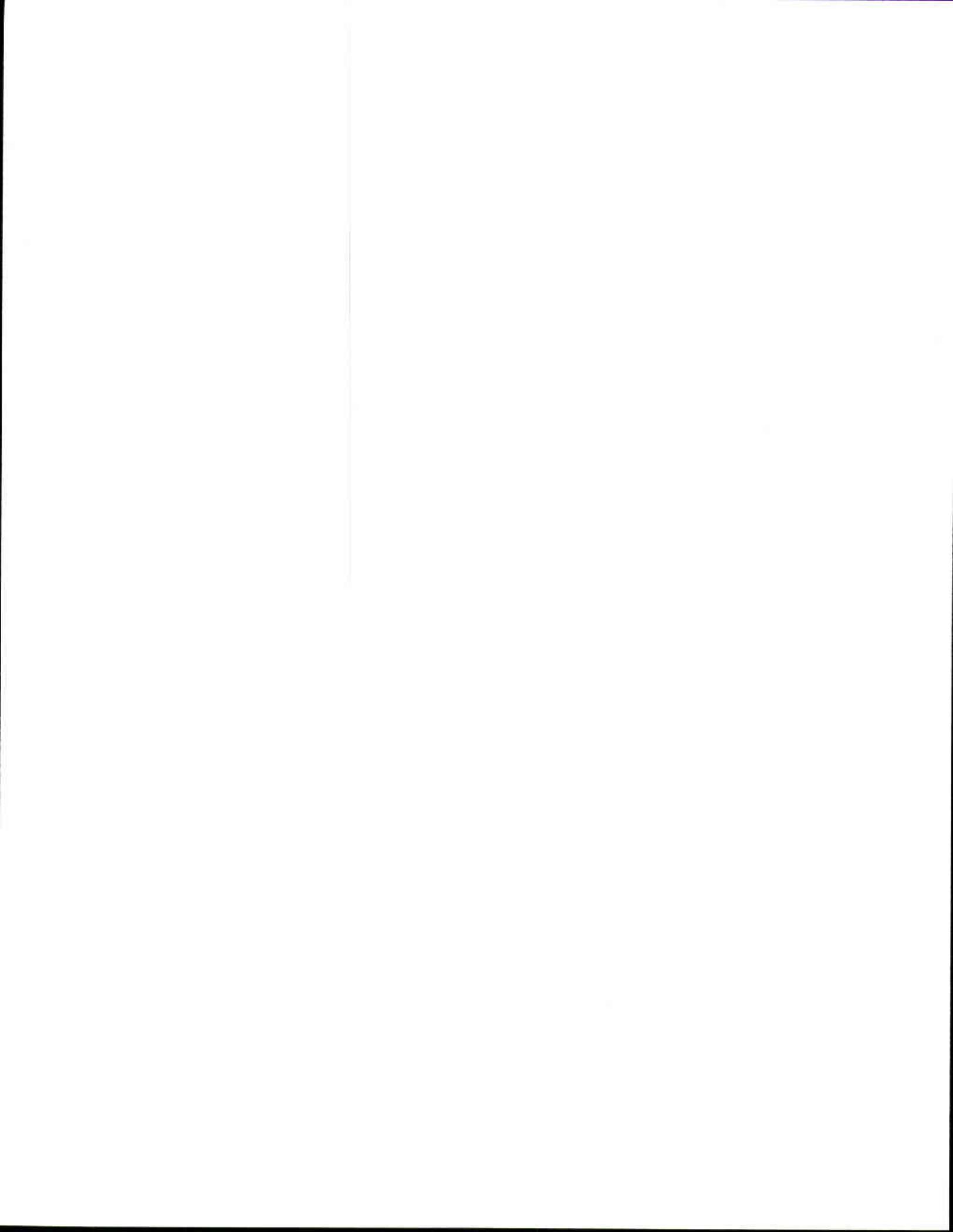
RESOLUTION NO. PC 10-04

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING THAT THE CITY COUNCIL NOT ADOPT A NEGATIVE
DECLARATION, NOT APPROVE THE LAND USE REGULATIONS PROPOSED FOR
THE ALHAMBRA VALLEY ANNEXATION AREA, AND NOT SUBMIT AN
APPLICATION TO THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION (LAFCO), GPA #10-01, ZA #10-01, AND RZ #10-01**

WHEREAS, the City of Martinez has initiated the process to annex a portion of Contra Costa County that is subject to the Alhambra Valley Specific Plan. The process is collectively known as the Alhambra Valley Annexation Project and includes an area located in the central portion of Contra Costa County, 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 155 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; and

WHEREAS, in order for the City of Martinez to annex the area into the City, it will need to take the planning and policy actions listed below that collectively make up the Alhambra Valley Annexation Project ("Project"):

- Adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA);
- Amend the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations;
- Amend the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks and Recreation Element and Transportation Element to add new policies relating to the Alhambra Valley annexation area;
- Amend the Martinez Zoning Ordinance to include a new chapter: the Alhambra Valley Districts which will contain four new zoning districts and regulations applicable thereto;
- Amend the Martinez Zoning Map to show the annexation area and the new Zoning Districts for the annexation area;
- Approve Pre-Zonings and General Plan Land Use designations for the properties to be annexed;
- Amend the Zoning Ordinance to incorporate approval of and approve the Alhambra Valley Design Guidelines;
- Approve a City-Initiated Contra Costa Local Agency Formation Commission (LAFCO) application; and



WHEREAS, in addition, in order to complete the annexation of the area into the City of Martinez, LAFCO will need to take the planning and policy actions listed below:

- LAFCO processing and approval of City's annexation application; and

WHEREAS, pursuant to CEQA the City has conducted an Initial Study to evaluate the Project's potential impacts on the environment. The Initial Study is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, on the basis of said Initial Study, a Negative Declaration has been prepared; and

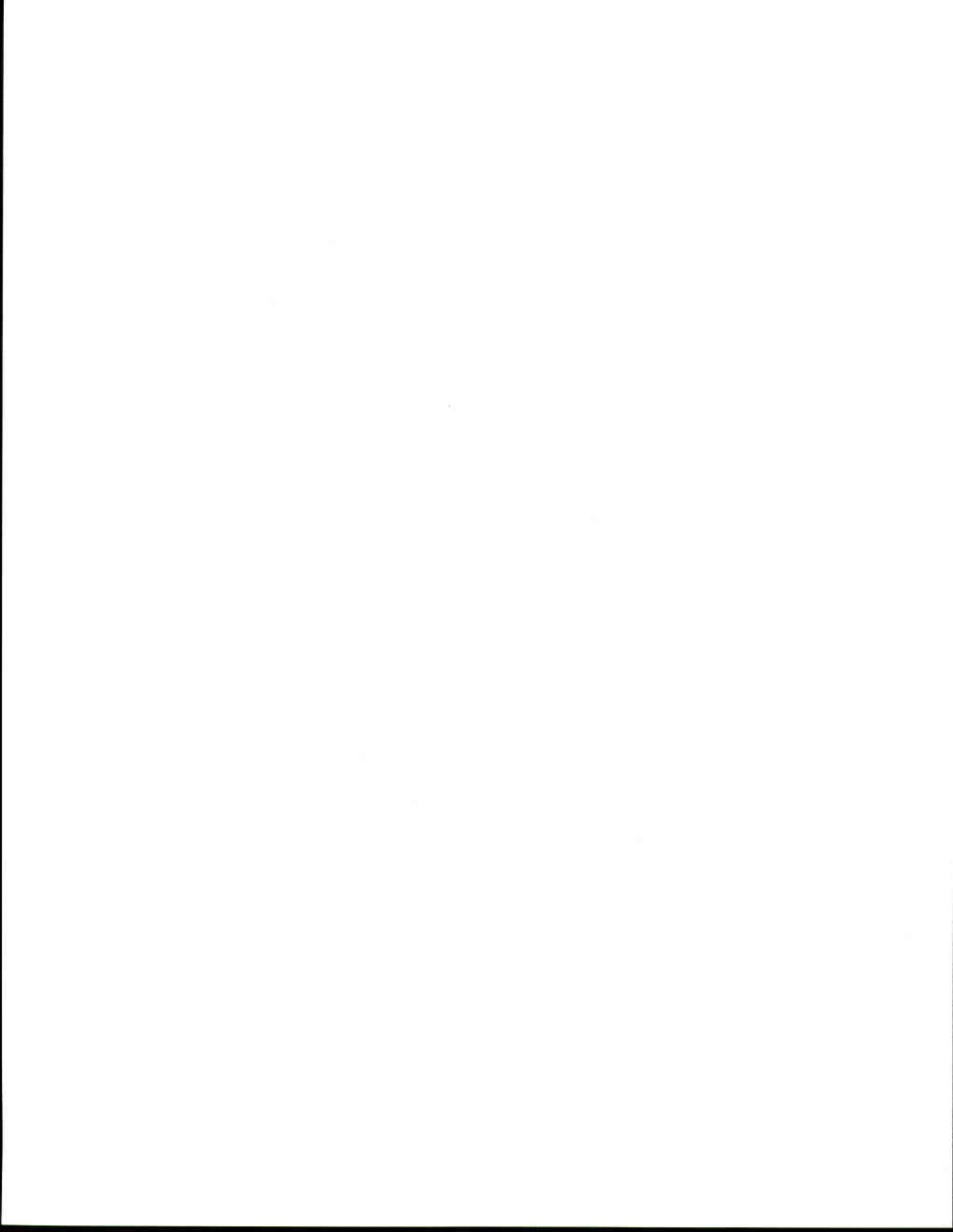
WHEREAS, on April 16, 2010 the City provided a Notice of Intent to adopt a Negative Declaration to the public, responsible agencies, trustee agencies, and the county clerk in which the Project is located as well as all persons requesting notice, and published said notice in a newspaper of general circulation as required by law; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on May 25, 2010, listened to testimony from the public, and continued the item to a date uncertain; and

WHEREAS, the Planning Commission held the continued duly noticed public hearing on June 29, 2010 and considered all oral and written comments received at or prior to the public hearings on the matter and directed staff to return with a resolution; and

WHEREAS, the Planning Commission held a continued duly noticed public hearing on August 10, 2010 to consider draft resolutions, and considered all oral and written comments received at or prior to the public hearings on the matter; and

WHEREAS, the Record of Proceedings ("Record") upon which the Planning Commission bases its decision regarding the Initial Study and Negative Declaration and the Project includes, but is not limited to: (1) the Initial Study and Negative Declaration, and the technical reports cited in and/or relied upon in preparing the Initial Study and Negative Declaration, (2) all staff reports, City files and records and other documents prepared for and/or submitted to the Planning Commission relating to the Initial Study and Negative Declaration, (3) the City of Martinez General Plan, its related EIR and the Martinez Municipal Code, (4) all documents, designs, plans, studies, data and correspondence submitted in connection with the Initial Study, Negative Declaration or the Project, (5) all documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Initial Study, Negative Declaration or the Project, (6) prior CEQA documents prepared relating to the Project site, and (7) all other matters of common knowledge to the Planning Commission, and the City, including, but not limited to, City, State and Federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas. The location and custodian of the Record is the City of Martinez Planning Manager, 525 Henrietta Street, Martinez, CA.



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, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council not adopt the negative declaration as set forth in Exhibit B, attached hereto, not approve the land use regulations proposed for the Alhambra Valley annexation area as set forth in Exhibits C through I, attached hereto, and not submit an application to the Contra Costa Local Agency Formation Commission (LAFCO). The Planning Commission bases its recommendation on the following further findings: The Alhambra Valley annexation area as proposed does not include all of the area covered by the County's Alhambra Valley Specific Plan. The Commission believes that there are land use types outside of the annexation area but within the Specific Plan area that may not be covered by the proposed land use regulations and as such render the proposed land use regulations incomplete. The Commission also believes that it is premature to approve General Plan land use designations for the annexation area as the City is updating its General Plan at this time. If the annexation is approved by LAFCO, the General Plan land use designations will be locked in for a period of two years following approval of the application to LAFCO. This would preclude any possibility of changing the land use designations for this area if deemed necessary during the Update process. Based upon these further findings, the Planning Commission finds and recommends that the proposed land use regulations are not consistent with the General Plan.

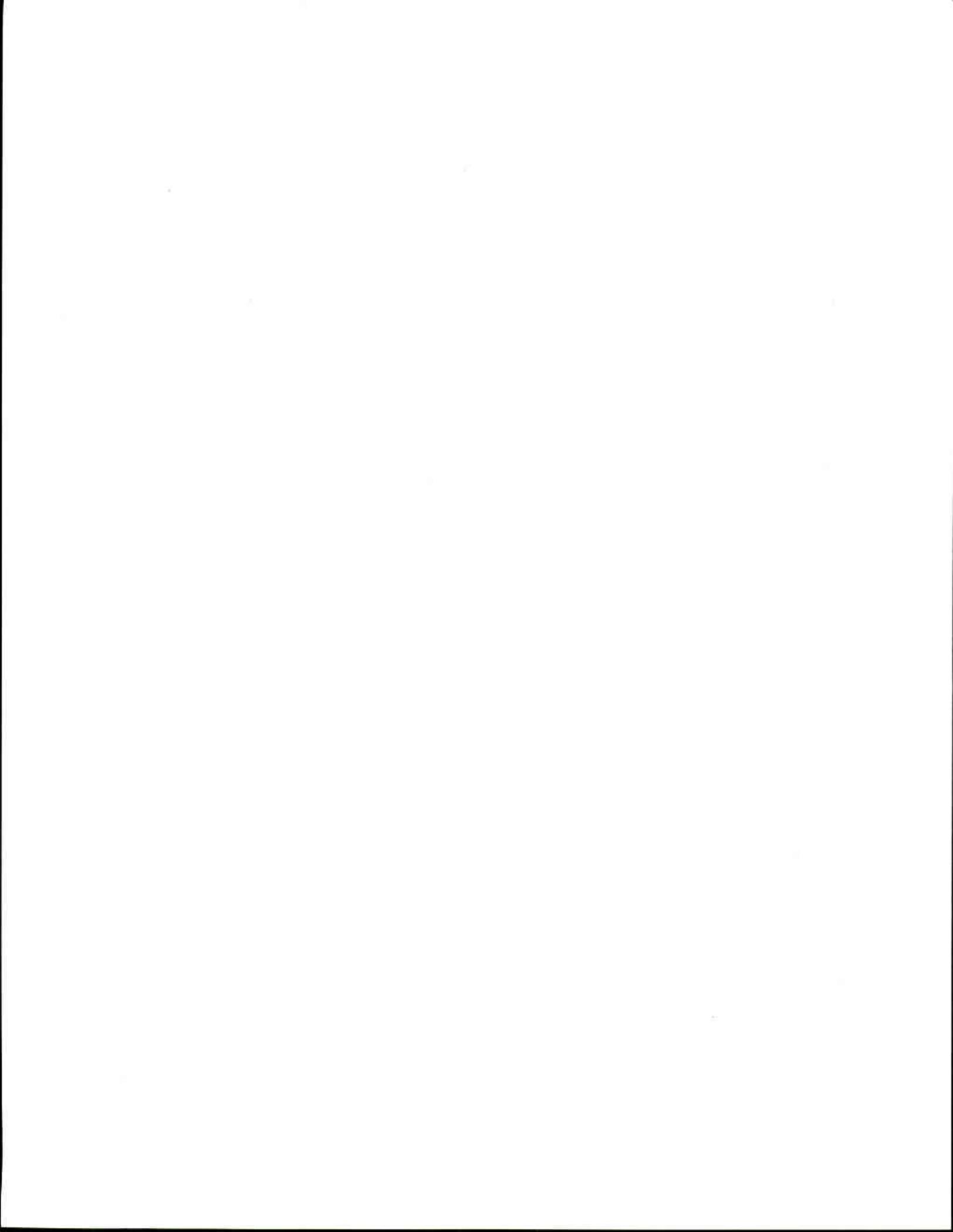
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a special meeting of said Commission held on the 10th day of August, 2010:

AYES: Allen, Burt, & Kelly
NOES: Ford
ABSENT: Busby, Avila Farias & Marchiano
ABSTAINED: Keller

BY: 

Donna Allen
Planning Commission Vice-Chair


Terry Blount
Planning Manager





STAFF REPORT

TO: PLANNING COMMISSION

MEETING DATE: May 25, 2010

PREPARED BY: Karen L. Majors, Assistant City Manager, Community and Economic Development
Terry Blount AICP, Planning Manager
Corey Simon, Senior Planner
Anjana Mepani, Associate Planner

RE: Creation of Land Use Regulations to Implement Proposed Annexation of a Portion of the Alhambra Valley into the City of Martinez

GENERAL INFORMATION:

Applicant: City of Martinez

Location: The 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 155 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. Please refer to Attachments A and B.

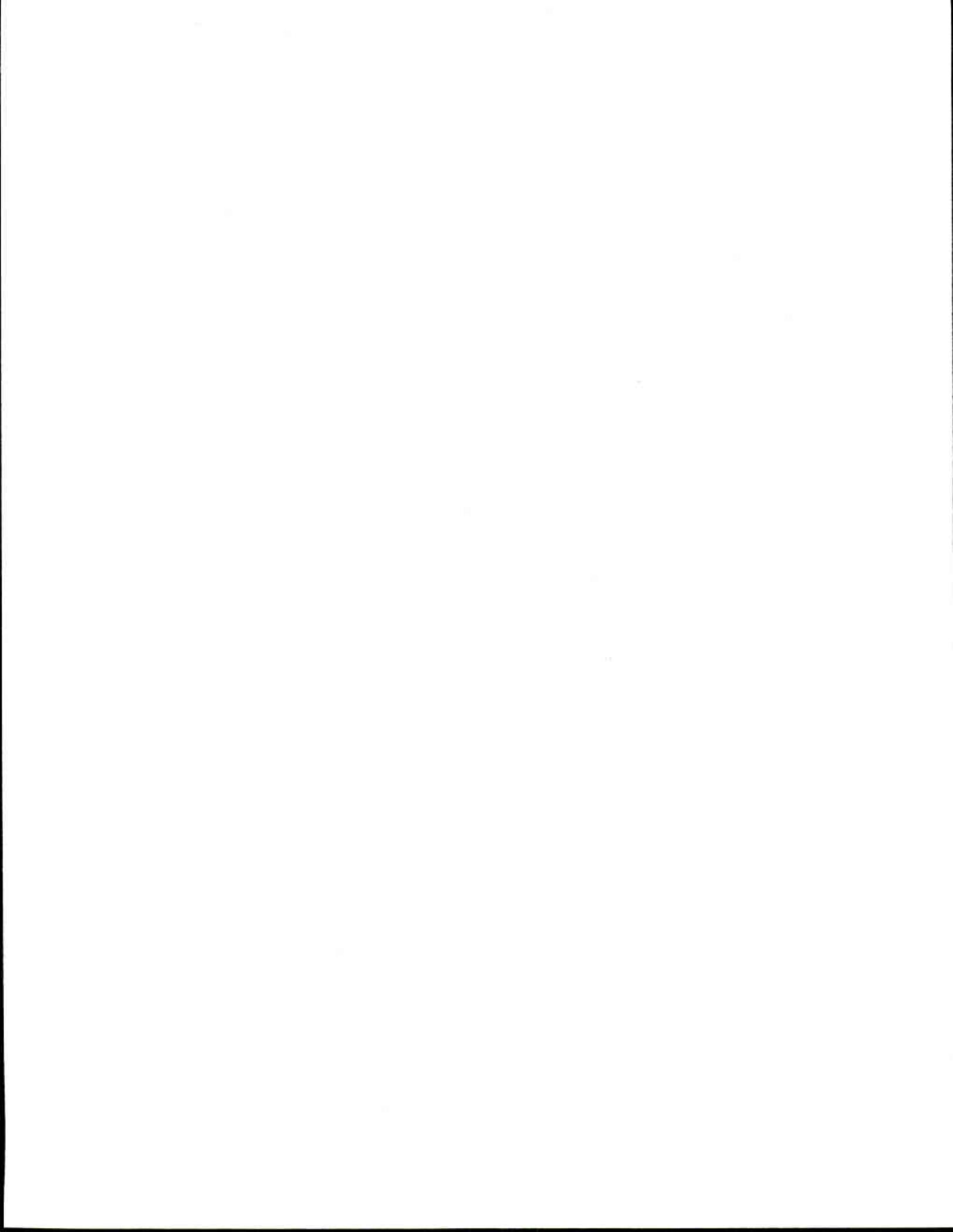
Existing Land Use Designations:

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). Please refer to Attachment C.

Zoning: 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. Please refer to Attachment E.

Proposed Land Use Designations:

General Plan: The City of Martinez proposes to amend the Martinez General Plan to create four new land use designations: Estate Residential – Very Low; Estate Residential – Low; Agricultural Land; and Open Space consistent with current Contra Costa County land use designations for the annexation area and to amend the General Plan Land Use map to



apply those designations to properties within the proposed annexation area as set forth in Attachment D.

Zoning: The City of Martinez proposes to amend the City's Zoning Ordinance to include a new Chapter 22.29, the Alhambra Valley Districts: AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District to create new zoning districts consistent with current Contra Costa County zoning designations and to pre-zone property within the proposed annexation area to these districts as set forth in Attachment F.

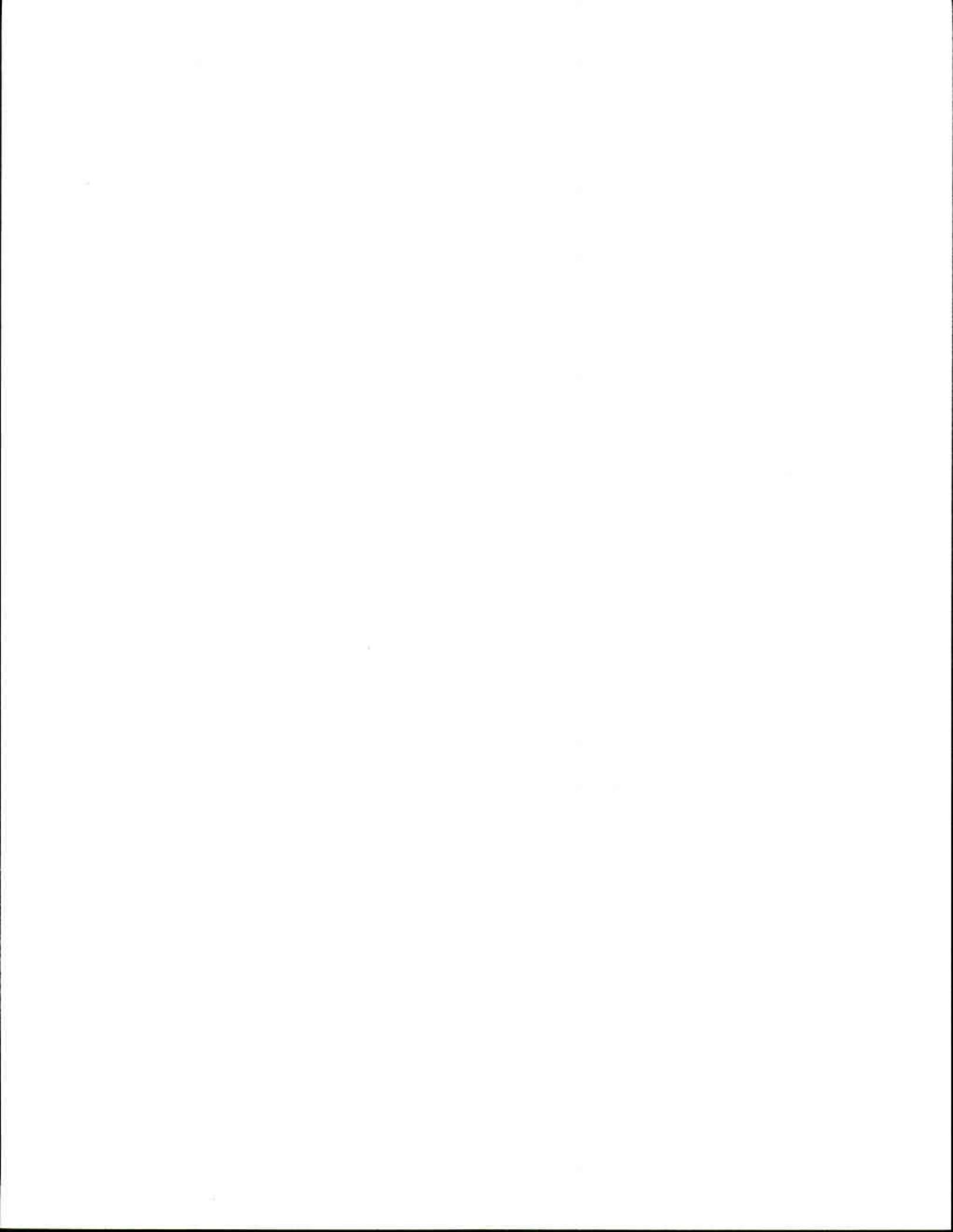
ACTIONS FOR CONSIDERATION:

The City of Martinez proposes the creation of new land use regulations to accommodate the proposed annexation of a portion of the Alhambra Valley (unincorporated Contra Costa County) in a manner that is generally consistent with the Contra Costa County Alhambra Valley Specific Plan (AVSP). The Planning Commission will consider General Plan Consistency findings and adoption recommendations to the Martinez City Council relating to the following actions:

- Adoption of the Draft Negative Declaration pursuant to CEQA,
- Adoption of an amendment to the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations; Estate Residential-Low, Estate Residential Very Low, Agricultural Lands and Open Space,
- Adoption of an amendment to the Martinez General Plan Scenic Roadways Element, Parks and Recreation Element, and Transportation Element to incorporate policies related to the annexation area,
- Adoption of an amendment to the Martinez Zoning Ordinance to include a new chapter (Chapter 22.29): the Alhambra Valley Districts which will contain four new zoning districts (AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District),
- Adoption of an amendment to the Martinez Zoning Map to include the annexation area within the City limits and the new Zoning Districts for the annexation area should LAFCO approve the annexation,
- Adoption of the Pre-Zonings and General Plan Land Use designations for the properties in the proposed annexation area, and
- Adoption of the Alhambra Valley Design Guidelines for the proposed annexation area.

BACKGROUND:

As the Planning Commission is aware, the City Council has been discussing and analyzing the feasibility of annexing portions of Alhambra Valley for the last two years from both a land use and fiscal perspective. The Contra Costa Local Area Formation Commission (LAFCO) completed the State mandated municipal service review (MSR) for Martinez in 2006. In the section of the report that addressed agencies in Central Contra Costa County that provide water and wastewater services, the report discussed



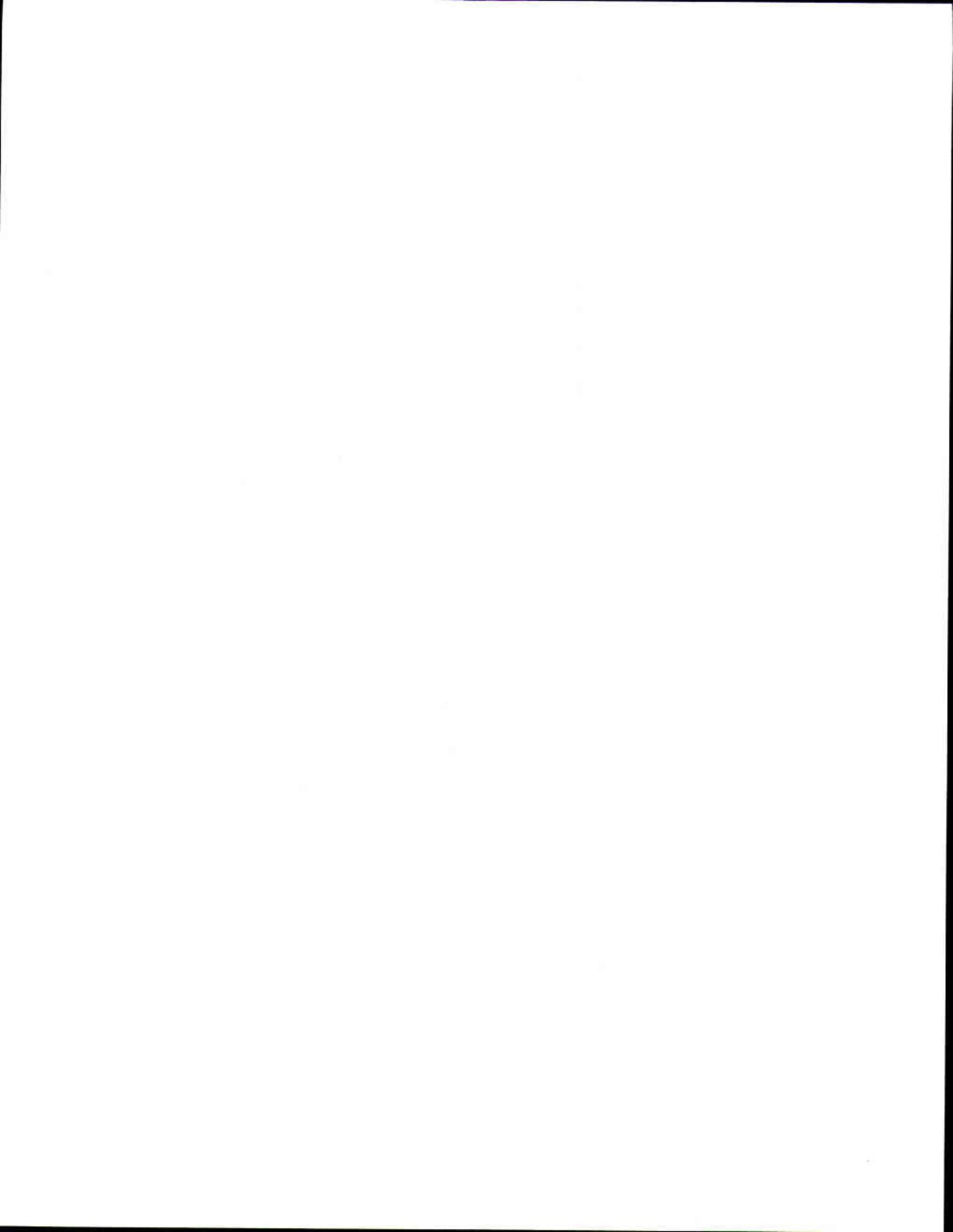
the number of water service accounts outside the City's current boundaries. Most of the service accounts were set up pursuant to City of Martinez Resolution No. 169-87, adopted in 1987, which required a deferred annexation agreement and were entered into prior to 2001. A few have been processed since 2001. LAFCO has asked the City of Martinez to annex the properties now contiguous to the City pursuant to the outstanding deferred annexation agreements.

Resolution No. 169-87 set forth regulations pertaining to the provision of city services (water) outside the City's boundaries. Properties outside but contiguous to a city boundary are required to annex to the City of Martinez prior to receiving water service. Any annexation requires approval by LAFCO. This resolution allows water service to be provided to properties outside the city limits (but within the City's Sphere of Influence and City water service boundary) that are not contiguous to a city boundary with the execution of a deferred annexation agreement. Prior to 2001, this type of agreement did not require LAFCO approval. Since 2001 all new deferred annexation agreements/out of area service agreements require LAFCO approval.

In response to LAFCO's request, the City retained the services of CH2MHill and EPS to provide staff with additional expertise to determine the financial and land use feasibility of annexing the identified Alhambra Valley as well as the annexation process. From this process the City of Martinez now understands the following:

- Development in the Alhambra Valley is subject to the Contra Costa County Alhambra Valley Specific Plan (AVSP) currently which was adopted in 1992. The AVSP is well supported by the current residents in the Alhambra Valley as it continues the current semi-rural, large lot configuration, preserves existing open space, and allows for some new development in keeping with the existing character of the area.
- In previous public discussions regarding annexations in the Alhambra Valley, the City Council has stated that any such annexations would be consistent with the AVSP.
- The City of Martinez has not undertaken any pre-zoning in the Alhambra Valley since the 1980s and much of the recently developed areas of the Alhambra Valley have no pre-zoning. Prior to submitting an application for annexation to LAFCO, the City of Martinez must pre-zone and/or change the pre-zoning on existing properties so that all properties being considered for annexation are consistent with the AVSP. LAFCO legislation prohibits zoning changes for 2 years after an area is annexed.
- In 1995, the City of Martinez began a process to annex most of the Alhambra Valley area, however the application for annexation was never formally made to LAFCO and the process to create new pre-zonings or modify existing pre-zonings was never initiated.

The LAFCO process is a fairly arduous one. After the City of Martinez formerly applies to LAFCO, all property owners as well as registered voters are notified of the annexation application. If more than 25% of either property owners and/or registered voters "protest" the proposed annexation, the annexation goes to a vote. If more than



50% "protest" the annexation application cannot move forward. Attachment A and B identifies the proposed annexation area.

Without the proposed annexation it will become exceedingly difficult for new residential development outside the City's boundaries receive water services from the City of Martinez as LAFCO is becoming much more critical of "out of area" service agreements.

Given the City's commitment to annex portions of the Alhambra Valley consistent with the County's Alhambra Valley Specific Plan (AVSP), city staff with consultant assistance has developed new land use regulations to implement this commitment. These new land use regulations are accomplished thru changes/additions to the City's General Plan, Zoning Ordinance, applicable maps, and adoption of the AVSP Design Guidelines. The proposed changes are discussed below:

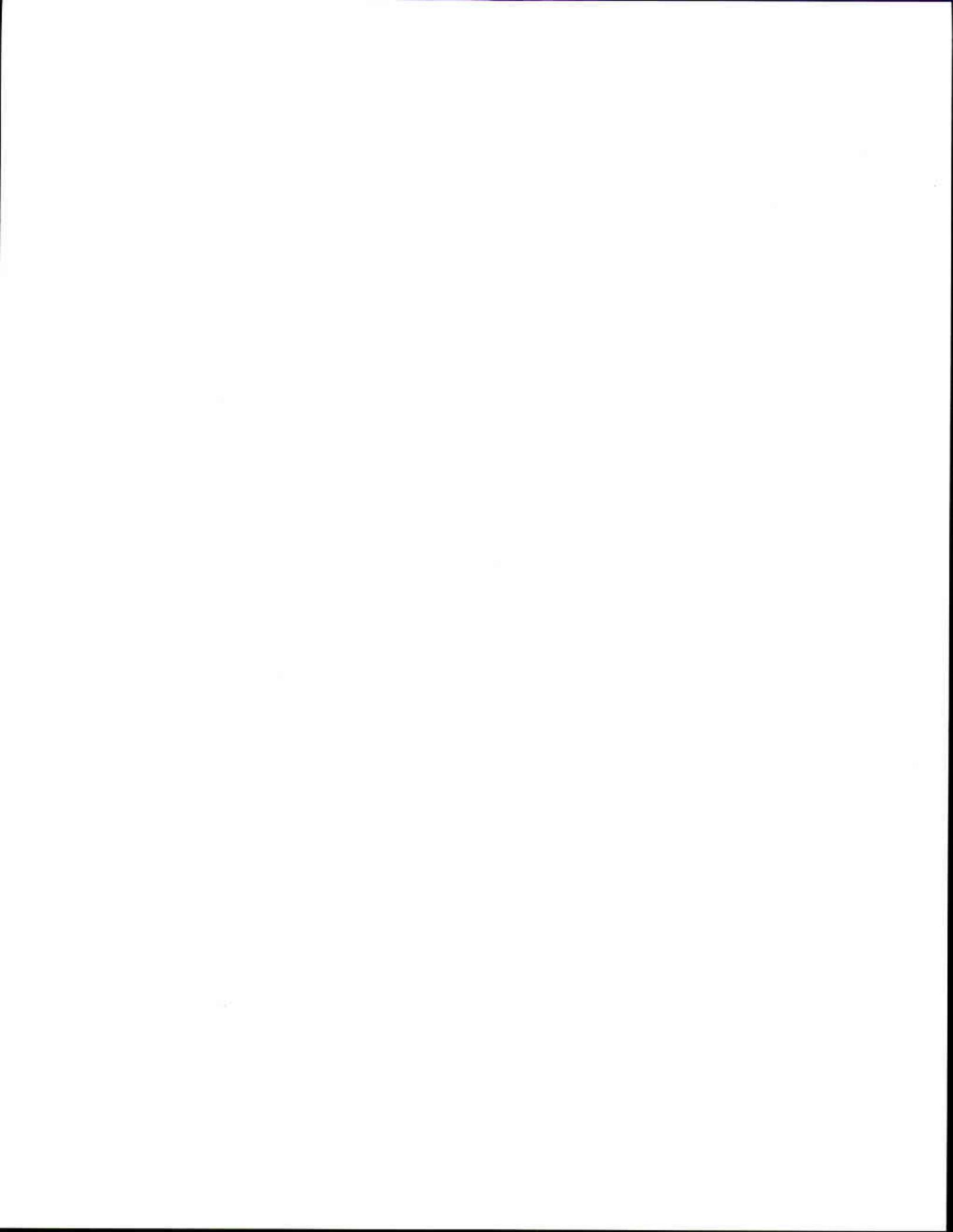
DISCUSSION:

Existing Alhambra Valley Land Use Regulation Documents

Land use and development in the Alhambra Valley is currently controlled by the following three regulatory documents: the Contra Costa County General Plan, the Alhambra Valley Specific Plan (AVSP), and the Contra Costa County Zoning regulations. Since all General Plans are broad policy documents used to frame specific land use regulations, it is the AVSP and Contra Costa County Zoning regulations that address land use and development in the Alhambra Valley. The AVSP is not a "stand alone" document. The details of the AVSP contains land use and development restrictions that along with the underlying Contra Costa County Zoning regulations control land use. The AVSP contains land use rules unique to the Alhambra Valley, and states that "land uses in the unincorporated part of the AVSP area shall be restricted to the uses allowed in the (applicable Contra Costa County Zoning District), except where those uses conflict with the provisions (of the AVSP)." The Alhambra Valley contains areas within four County Zoning Districts: R-20 Single-Family District (20,000 square foot minimum lot size), R-40 Single-Family District (40,000 minimum square foot lot size), A-2 General Agricultural District (5 acre minimum lot size) and P-1 (the Stonehurst Planned Development District). In all cases, the AVSP is more restrictive than the underlying County Zoning regulations, prohibiting certain uses (e.g. churches and private schools) that otherwise would be conditionally permitted with use permit approval, in the County's R-20, R-40 and A-2 Districts.

New City General Plan Land Use Designations

As part of the proposed annexation, the City's General Plan land use designations for the Alhambra Valley will replace those of the County. Since the Alhambra Valley is within the City's sphere of influence, the City assigned land use designations to many properties in Alhambra Valley when it did its last comprehensive General Plan in the 1970's. However the City's current designations do not match either the existing land uses present in the Alhambra Valley, or the subsequent General Plan and AVSP adopted by the County. The City is therefore proposing a General Plan amendment that creates four new land use designations to match those of the County's existing



AVSP and General Plan. These four new land use designations (please refer to Attachment D) will be unique to the Alhambra Valley, and will be applied to generally match the existing County land use designations and maps applicable under the AVSP (please refer to Attachment C):

- ESTATE RESIDENTIAL – LOW (equivalent of the AVSP's Single Family Residential – Low designation). This designation allows a range of 1 to 2 single family units per gross acre. The primary land use envisioned in this designation is detached single-family homes on lots typically one-half acre or larger.
- ESTATE RESIDENTIAL – VERY LOW (equivalent of the AVSP's Single Family Residential – Very Low designation). This designation allows a maximum of 1 single family unit per gross acre. The primary land use envisioned in this designation is detached single-family homes on lots typically one acre or larger, with the keeping of a limited number of livestock, consistent with a rural or semi-rural lifestyle.
- AGRICULTURAL LANDS (Same as used in the AVSP). This land use designation includes privately owned rural lands, generally in hilly areas that are used for grazing livestock or dry grain farming. The primary purposes of the Agricultural Lands designation is to: a) preserve and protect lands capable of and generally used for the production of food, fiber and plant materials; and b) provide opportunities for rural residential single family homes, at a maximum density of 1 dwelling unit per 5 gross acres.
- OPEN SPACE (equivalent of the AVSP's Restricted Open Space designation). This General Plan designation includes publicly owned open space lands and includes, without limitation, areas of significant ecological resources or geologic hazards. The Open Space designation also includes privately owned properties for which future development rights have been deeded to a public or private agency. For example, significant open space areas within planned developments identified as being owned and maintained by a homeowners association fall under this designation. Also included are the steep, unbuildable portions of approved subdivisions which may be deeded to agencies such as the East Bay Regional Park District but which have not been developed as park facilities.

Additional General Plan Amendments to Retain Specific Plan's Policies

The AVSP's policies for the preservation of Alhambra Valley and Reliez Valley Roads as rural and scenic will be incorporated into the City's General Plan. Likewise, the AVSP's recommendations for the extension of new trails and the preservation of the Altamarino Adobe will be incorporated into the City's General Plan as articulated Attachment H (Proposed General Plan Amendments and Maps).

New City Zoning Districts vs. New Specific Plan

In the earliest discussions regarding the annexation of a portion of the Alhambra Valley, the City proposed to adopt the County's 1992 AVSP as a means of maintaining all of the Alhambra Valley's existing land use and development regulations. However, since the AVSP is not a "stand alone" document, it would be both in conflict with the City's



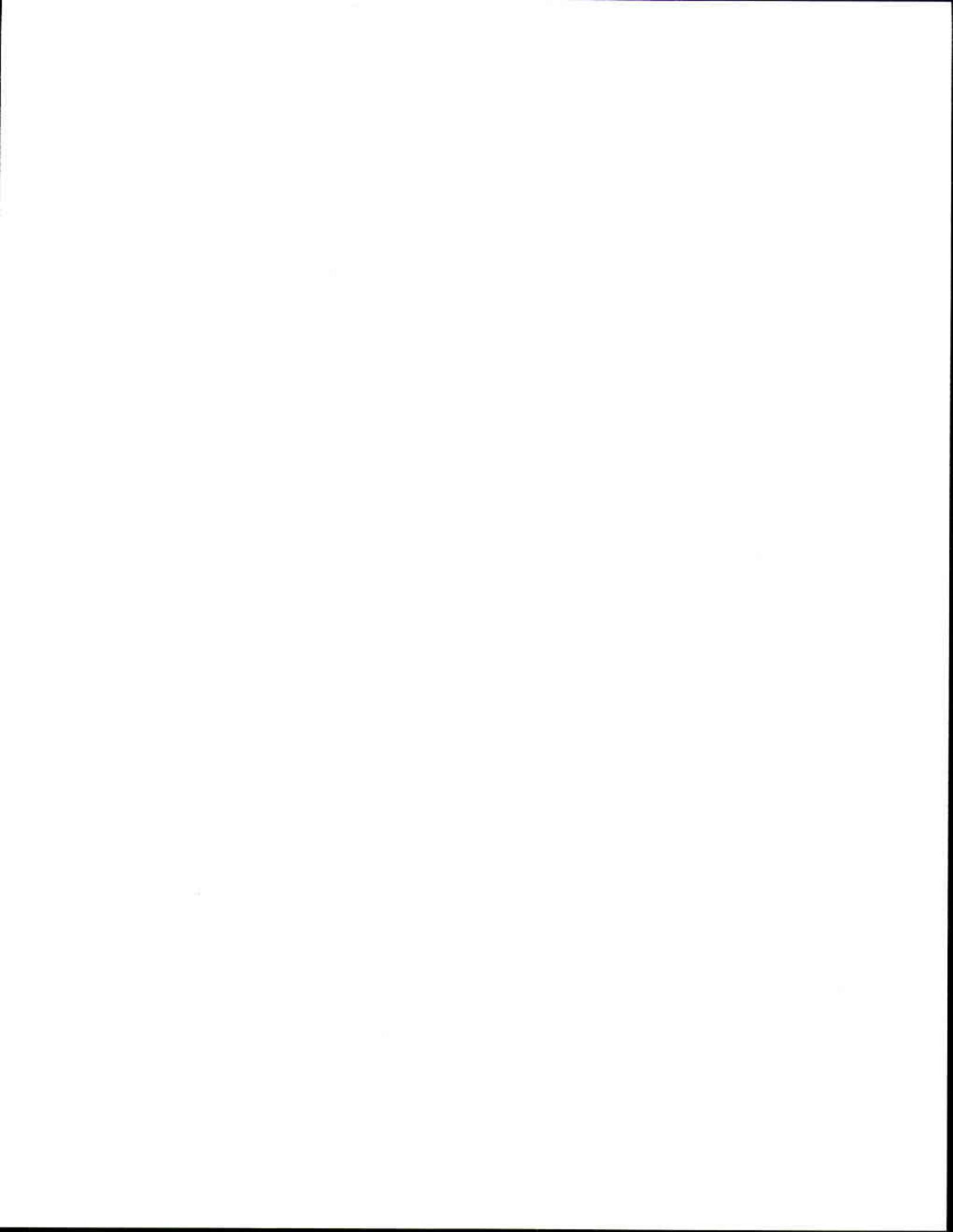
existing zoning regulations and would not retain the AVSP compatible zoning existent in the County Zoning Ordinance. Therefore, the creation of new City Zoning Districts, ones that would contain the County's current land use and development regulations were determined to be the best way to preserve the goals and intent of the AVSP for areas to be annexed by the City of Martinez. The following three new Alhambra Valley Zoning Districts are proposed. Please refer to Attachment F (maps) and Attachment I (text). The Stonehurst's P-1 District is proposed to be added as is and would remain unchanged:

- AV/R-20 Single Family District. The purpose of the district is to reserve land for the construction, use and occupancy of detached single-family development. Minimum lot size is 20,000 square feet.
- AV/R-40 Single Family District. The purpose of the district is to reserve land for the construction, use and occupancy of detached single-family development. Minimum lot size is 40,000 square feet.
- AV/A-5 Agriculture District. The purpose of the district is to reserve land for agricultural uses and supporting operations, including detached single-family residential uses. Minimum lot size is 5 acres.

Since these three Districts will be unique to the Alhambra Valley (instead of being County-wide), staff proposes that the restrictions found in the AVSP be incorporated into these new Zoning Districts. Rather than adopt the 1992 AVSP, its policies and regulations have been incorporated into the City of Martinez General Plan and Zoning Text amendments now being proposed for the Alhambra Valley. Pragmatically, this consolidation will allow the land use regulations of the new Alhambra Valley Districts to stand alone, eliminating the need to check both the City's Zoning regulations and a Specific Plan to determine permitted uses and development regulations in the Alhambra Valley.

Overview of Proposed Modifications to Alhambra Valley Specific Plan Land Use Regulations

- List of Prohibited Uses unchanged: The new Alhambra Valley (AV) Districts prohibit the following uses, as does the AVSP:
 1. Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.
 2. Hospitals, philanthropic institutions and convalescent homes.
 3. Churches and religious institutions and parochial and private schools.
 4. Medical and dental offices and medical clinics.
 5. Commercial nurseries, except for Christmas tree farms.

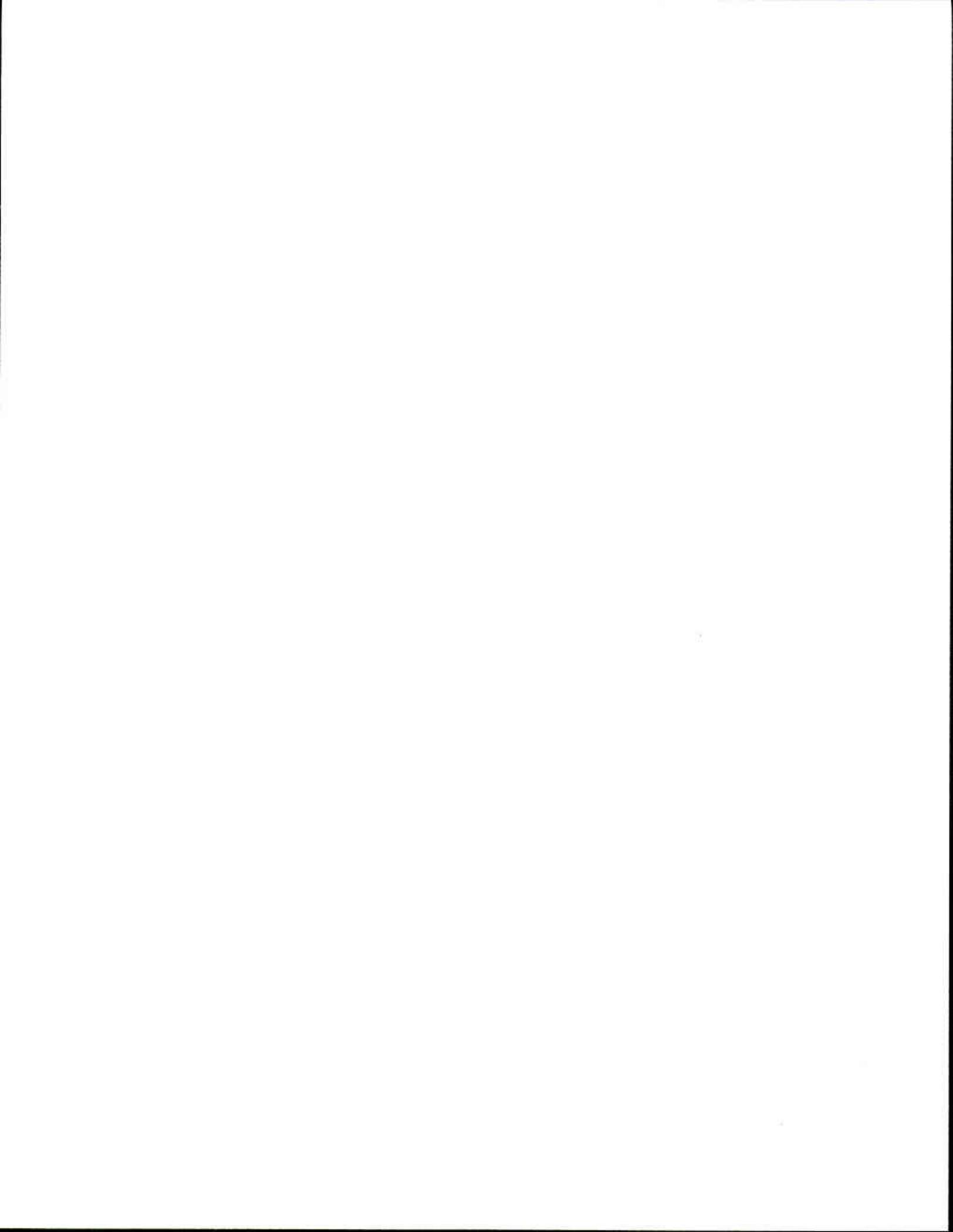


- Minor changes to use regulations, to be consistent with current State law and City regulations: Since the adoption of the 1992 AVSP, the State has mandated that all local agencies allow the following permitted uses:
 1. Secondary housing units (commonly called "in-law" units). It should be noted that the Specific Plan prohibits units over 1,000 sq. ft. as does the City, but unlike the Specific Plan, the City would allow units over 1,000 sq. ft. with use permit approval.
 2. Foster family home.
 3. Residential congregate care home (maximum of 6 residents).
- Removal of Heavy Agricultural Uses in the list of conditionally permitted uses in the AV/A-5 District: Given that the County's A-2 District covers larger and more intense agricultural regions than the Alhambra Valley, this County Zoning District conditionally permits a range of agricultural activities that are not consistent with the AVSP. While the AVSP is silent on these uses, they were omitted from the City's proposed AV/A-5 District.
 1. Canneries and commercial kitchens.
 2. Cold storage plant.
 3. Dude ranches.
 4. Farm market and farm worker housing.
 5. Slaughterhouses, stockyards and livestock sales yards.
 6. Other uses, such as boat storage, fertilizer plants, and agriculture supply sales.

At the request and recommendation of the Alhambra Valley Improvement Association, the list of uses below would no longer to be permitted or conditionally permitted in the AV/A-5 District:

1. Agricultural (commercial) greenhouses.
2. Animal hospitals.
3. Seasonal grower/farm stands.
4. Retail fire wood sales.
5. Wineries.

Staff has no objection to the Alhambra Valley Improvement Association's request, although other Alhambra Valley residents may have differing opinions.



- Recommended changes to the list of permitted and conditionally permitted uses in the AV/A-5 District: At the request of the Alhambra Valley Improvement Association, the following two uses should not be permitted in the proposed AV/A-5 District, although they are now conditionally permitted uses in the County's A-2 District. (Staff's original proposal to make them permitted was in error).
 1. Dog kennels (In AV/A-5 District, recommendation is to make use conditionally permitted, with use permit approval required. Note: this use is not permitted in either current or proposed R-20 and R-40 Districts.)
 2. Horse riding academies and horse riding instruction (In AV/A-5 District, recommendation is to make use conditionally permitted, with use permit approval required. Note: this use requires use permit approval in both current and proposed R-20 and R-40 Districts.)

Hillside Development and City's Slope Density Provisions

The City's existing Hillside Development Regulations are more restrictive than the AVSP and the current County Zoning Ordinance. The City's Hillside Development Regulations prohibits the development of new lots on slopes of over 30%. Unlike the current County regulations, the City's hillside ordinance includes slope density provisions, where the maximum allowed residential density is reduced in inverse proportion to the steepness of a property's natural slope. Such slope density provisions limit the potential of new subdivisions creating additional hillside lots, but do not impose limitations on the development of a single family home on an existing lot.

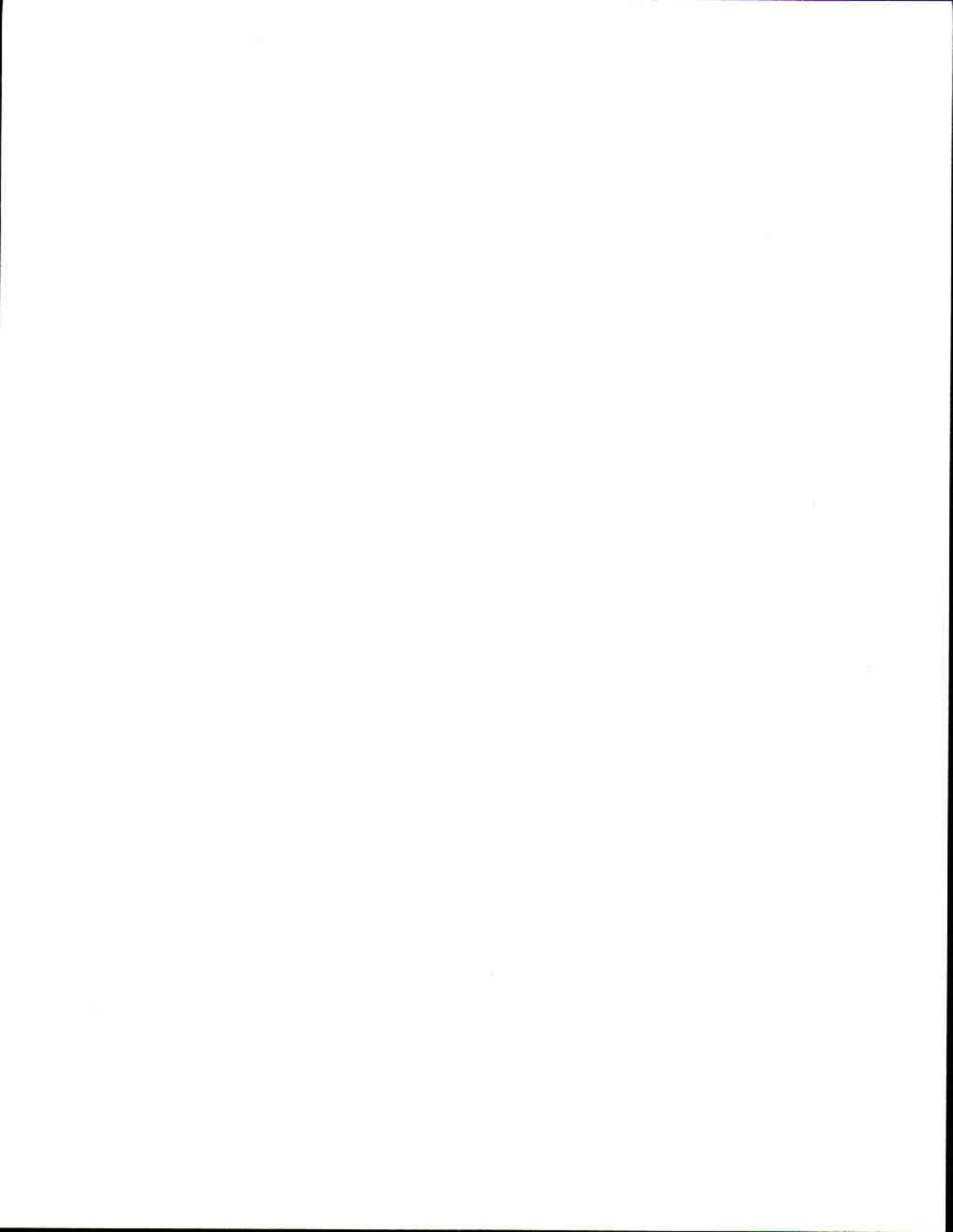
Unchanged Development Standards

By adopting the new proposed Zoning Districts for the Alhambra Valley, the development standards of the County's R-20, R-40 and A-2 (e.g. minimum yard setbacks and lot size requirements) will be unchanged within the proposed annexation area. In practice, it will be as if the City is using the current County regulations. The AVSP's more unique requirements for creek setbacks and creek preservation are however incorporated into the new Zoning Districts proposed for Alhambra Valley. As per the current regulations, areas within the creek setback area are excluded from minimum lot size calculations, and Creek Preservation and Enhancement Plans will be required for all development applications for creekside properties (please refer to Attachment H).

General Plan Consistency Determination:

The City's annexation and proposed related actions (General Plan and Zoning Ordinance amendments) are consistent with the General Plan's policies regarding governmental jurisdiction within its Sphere of Influence, as well as the City's broad objectives of preserving the open space and rural character of the Alhambra Valley:

1. GOVERNMENTAL JURISDICTION POLICIES
 - **20.41 - All developed, but presently unincorporated areas within the sphere of influence should be annexed to the City of Martinez to**



ensure an equitable tax distribution and cohesive neighborhood units for public service purposes.

- **20.42 - All new development within the sphere of influence should be required to annex to the City of Martinez prior to development and development allowed only where provision of necessary public services can be provided without adverse fiscal effects on the City... In outlying areas whose existing levels of public facilities are inadequate, new development should be permitted only at a scale sufficient to economically support major extensions or expansions of public service and facilities.**
- **20.45 - Water service shall not be extended to out-of-City properties unless the environmental and land use impacts of the provision of that water and or the development to be served on the City and its residents are adequately mitigated through conditions imposed by the jurisdiction having land use control over said properties...**

The above policies have and are implemented by the requirements for Deferred Annexation Agreements prior to the provision of City of Martinez water service within the Alhambra Valley, and the proposed annexation.

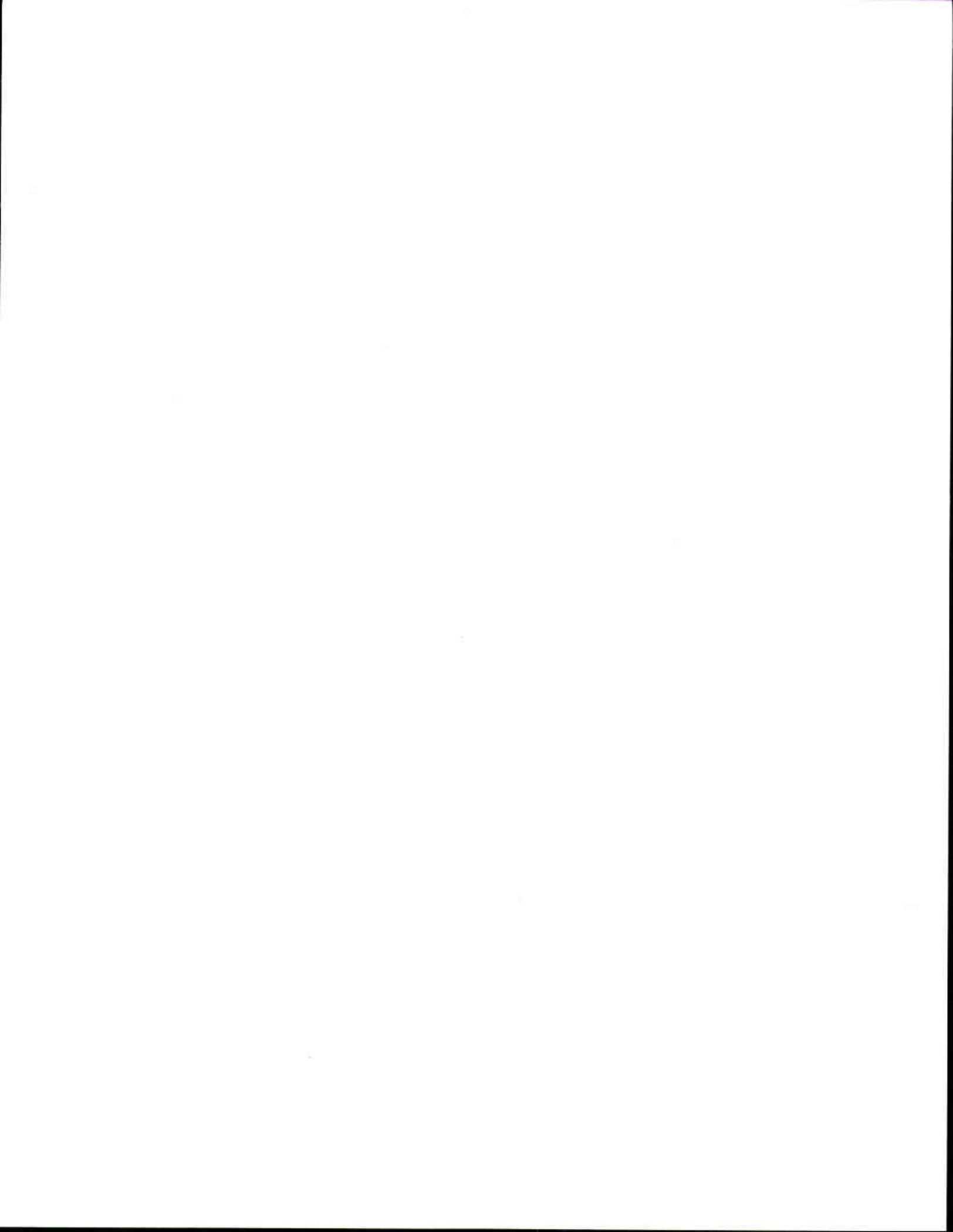
2. LAND USE ELEMENT POLICIES

- **21.23 - Dedication shall be required for open spaces having scenic, recreation or habitat value where natural and man-made conditions permit economic use of a sufficient portion of the land holding with lower open space values. The balance shall be developed in accordance with other general plan policies.**
- **21.321 - All land designated for residential use with slopes in excess of ten percent shall be developed in a manner which respects the site's natural features and protects against natural hazards common to most hill area sites in Martinez. Allowable residential density shall be governed by the City's slope density ordinance. Use of the planned unit development approach is made mandatory in order that conditions unique to each site can be considered.**

By extending its land use authority to the proposed the Annexation area, the City implements the above policies by continuing the balance of low intensity residential uses in low lying areas and preserving as open space, the more visually prominent hillsides. The annexation will extend the City's Hillside Development Regulations to areas over 10% slope within the annexation area, providing a greater level of review for hillside subdivisions than does the County's current regulations.

3. OPEN SPACE ELEMENT POLICIES

- **22.21 - The Alhambra Valley Conservation Zone should remain essentially devoted to open space land use. Agriculture, especially rangeland, recreation and low density residential uses subordinate to the landscape**



are appropriate. This area is potentially hazardous with respect to landslides, earthquakes and fires. It is important to watershed conservation and the control of flooding along the Alhambra Creek and possesses natural vegetation and wildlife habitat resources, valuable scenic amenity and agricultural land value.

- 22.47 - **The riparian vegetation of the Alhambra Creek is an important community as set and must be preserved and enhanced.**
- 22.51 - **Hill areas greater than 30% slope shall not be developed... except on an existing lot of record where only one single family house is proposed and there is no building site under 30% slope.**

The above policies are to be implemented by adoption of the propose Land Use Designations for the annexation area, of which a majority are either open space, agricultural, or low density residential. The City's current Hillside Development Regulations, and the creek preservation and enhancement requirements of the proposed, new Alhambra Valley Zoning Districts further implement these open space policies.

4. PARKS AND RECREATION ELEMENT

- 23.21 - **Recreation-park sites should be multiple use facilities which provide educational, recreational and park opportunities for all residents.**
- 23.30 - **It is the policy of the City of Martinez to provide a variety of parks and recreational facilities to meet the recreational needs of the community through the development of a well-balanced park and trail system.**

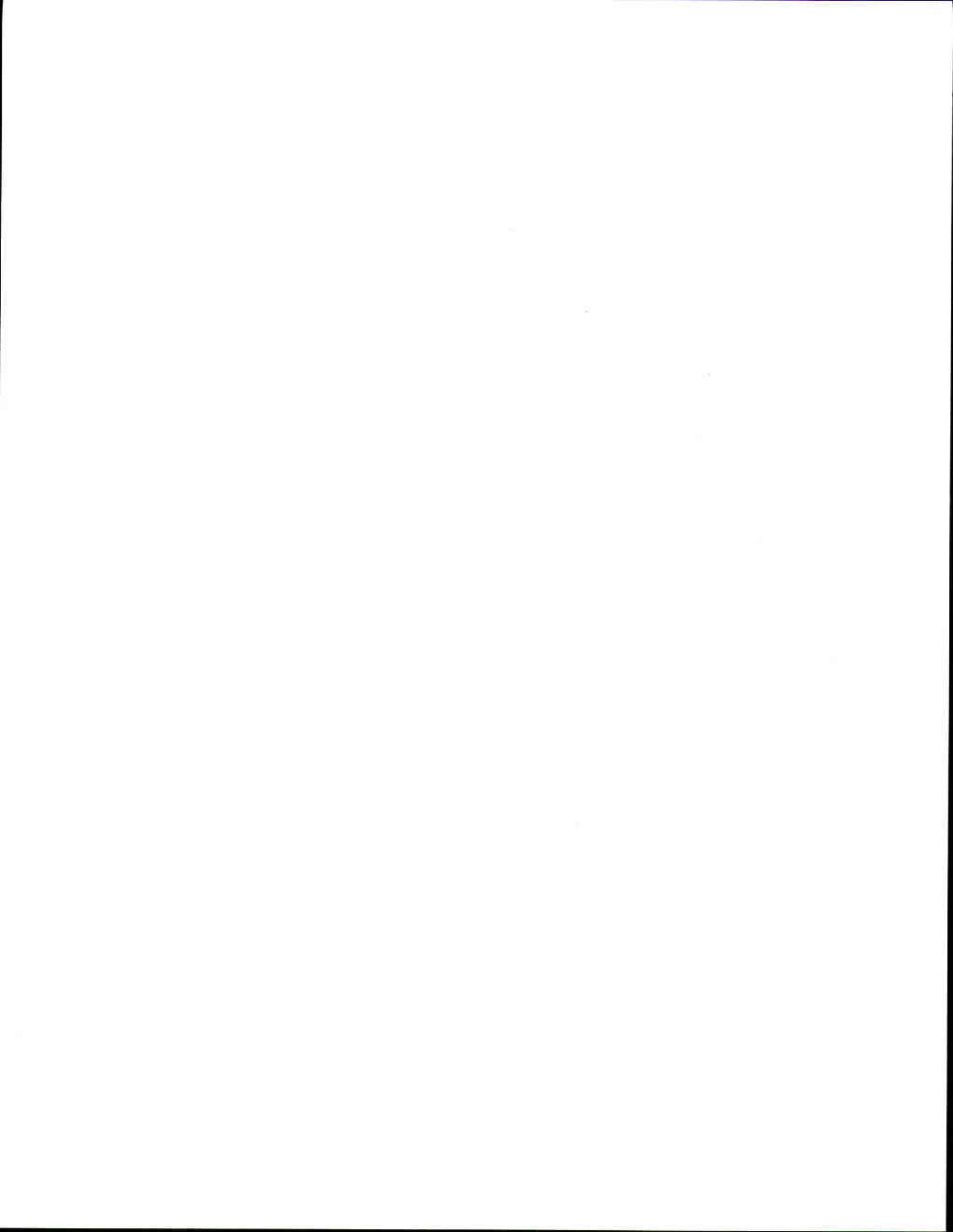
The proposed General Plan amendments will incorporate the AVSP's policies of extending recreational trails and preserving the Altamarino Adobe as a Historic Site.

5. TRANSPORTATION ELEMENT

- Chapter 4; Proposed Street Plan, *Rural Streets*: **Martinez has some streets that are rural in character. These provide two-travel lanes, no parking and bike lanes where indicated in the bikeway plan. The main distinguishing feature between rural streets and local streets is that the rural streets tend to be narrow, winding, hilly and without curbs and gutters. The proposed rural streets are as follows:**

Carquinez Scenic Drive
Waterfront Road
Franklin Canyon Road
Alhambra Valley Road
Reliez Valley Road
Pleasant Hill Road East
Vine Hill Road
Streets within the Muir Oaks subdivision

The proposed General Plan amendments will incorporate the AVSP's policies of



assuring future roadway improvements will maintain the rural residential quality of Alhambra Valley Road, and the incorporation of a bike path to link the Reliez Valley Road path westward to Bear Creek Road.

CEQA Considerations:

The environmental analysis for the Alhambra Valley annexation project is a series of actions to be undertaken by the City of Martinez and LAFCO and was undertaken pursuant to CEQA. The majority of the annexation area is built out, and is characterized as a low-density, large-lot residential area. The proposed Alhambra Valley annexation project would not increase or significantly change the allowed use, density or scale of development when compared to existing conditions or existing County policies and regulations. The primary difference is that the City proposed to include language in the Alhambra Valley Districts that would be slightly more restrictive than current County regulations for the annexation area relative to hillside development, as well as the types of structures and some uses allowed in agricultural zones.

The southern portion of the annexation area (parcels along Reliez Valley Road and Valley Orchard Court) is proposed to be zoned AV/R-40. Parcels within the annexation area that are north of Alhambra Valley Road and east of Vaca Creek Road are proposed to be zoned AV/A-5 and the parcels in the eastern most portion of the annexation area would be zoned AV/A-20. The existing PD District would continue to apply to the existing residential development in the western portion of the annexation area and the Planned District regulations applicable thereto would remain applicable after annexation.

The proposed annexation area includes 155 existing parcels. Nine of the existing parcels have approved and valid subdivision maps that have not yet been constructed. These 3 projects were approved by Contra Costa County pursuant to the AVSP. Build out of these existing and approved subdivisions would increase the number of lots within the annexation area from 155 to 183 parcels. Additionally, there are nine parcels that could potentially be further subdivided resulting in a maximum of ten new parcels (please refer to Attachment G).

Consultants, UP Partners, prepared the Initial Study on behalf of the City of Martinez and determined that the proposed annexation project would not increase or substantially change the allowed density or scale of development when compared to existing conditions or existing County policies and regulations. In addition, the annexation project would not result in the expansion of utilities and infrastructure, and as a result the project would not induce new urban development in the area (see discussion in Section Q, Utilities). Neither existing County regulations nor the City's proposed regulations for the proposed annexation area would allow for more than ten new parcels (that could be subdivided from existing lots in the annexation area) to be established. In addition, existing policies in the AVSP intended to avoid or mitigate environmental effects would continue to apply to the annexation area, as the City would carry those policies over to the proposed Alhambra Valley Zoning Districts and General Plan Amendments and designations as a component of the project. In this sense, the contents of the proposed zoning regulations and General Plan amendments would be consistent with current AVSP goals and policies intended to avoid or mitigate



environmental effects. Future development that could occur would be of a small scale (on a maximum of ten new parcels), and would occur within an already developed residential neighborhood. As described throughout the document, impacts that could occur as a result of this development would be individually negligible, and thus would not contribute to a cumulatively considerable impact.

Based upon the findings in the Initial Study, staff has determined that the proposed annexation project will not have a significant impact on the environment and that a Negative Declaration is the appropriate document to complete the CEQA process.

FISCAL CONSIDERATIONS:

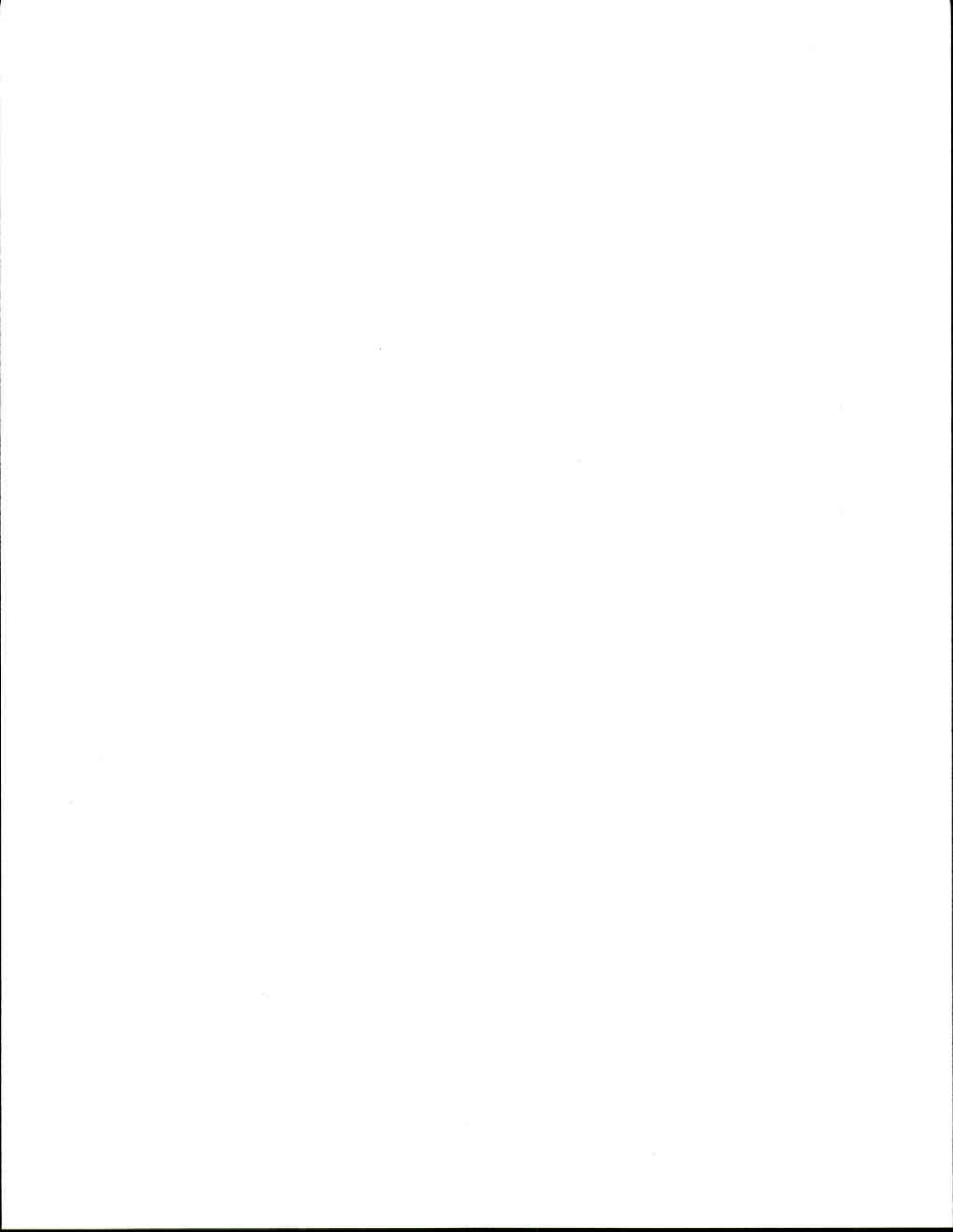
Several property owners have inquired if they would be subject to any additional taxes if the annexation is approved by LAFCO. The only tax increase that Alhambra Valley property owners would be subject to is the City's Measure H Park Bond. This is an existing bond to support the construction of a new aquatic facility, expansion of the existing library and renovation of all 16 city parks that was approved by Martinez voters in November, 2008. Each property owner is charged \$34.79 per \$100,000 of assessed value and the measure is in effect for approximately 30 years or less.

CONCLUSIONS:

City staff, based upon direction from the City Council, has developed a new land use framework that will implement the Council's commitment to annex a portion of the Alhambra Valley consistent with the County's adopted AVSP. The Initial Study provides the documentation, pursuant to CEQA, that there is no significant environmental impact created by the implementation of the new land use regulations and the ultimate annexation of a portion of the Alhambra Valley. Staff recommends that the Planning Commission recommend to the City Council the adoption of the proposed land use and regulatory changes listed at the beginning of the staff report and to proceed with the LAFCO annexation process.

ATTACHMENTS:

- Attachment A- Area Location Map
- Attachment B - Map of Proposed Alhambra Valley Annexation Area
- Attachment C- Contra Costa County Existing Land Use Map (General Plan)
- Attachment D- Proposed City of Martinez Land Use Map for annexation area
- Attachment E- Contra Costa County Existing Zoning Map
- Attachment F- Proposed City of Martinez AV Zoning Map for annexation area
- Attachment G- Map of Potentially Subdividable Lots
- Attachment H- Proposed General Plan Amendments and Maps
- Attachment I – Proposed Zoning Ordinance Amendments



Planning Commission
Regular Meeting
May 25, 2010
Martinez, CA

APPROVED

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

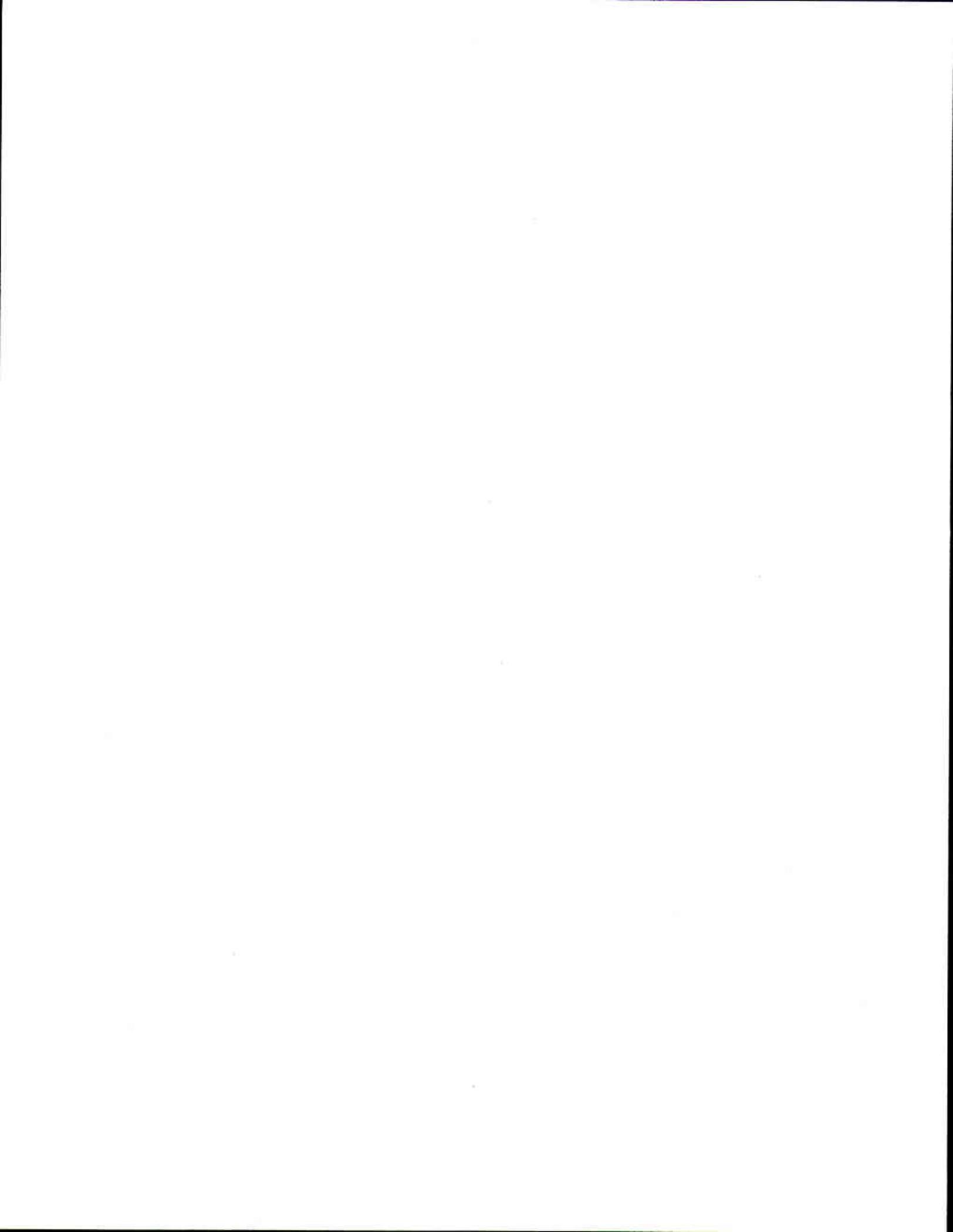
1. *Minutes of April 27, 2010, and May 11, 2010, meeting.*

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.

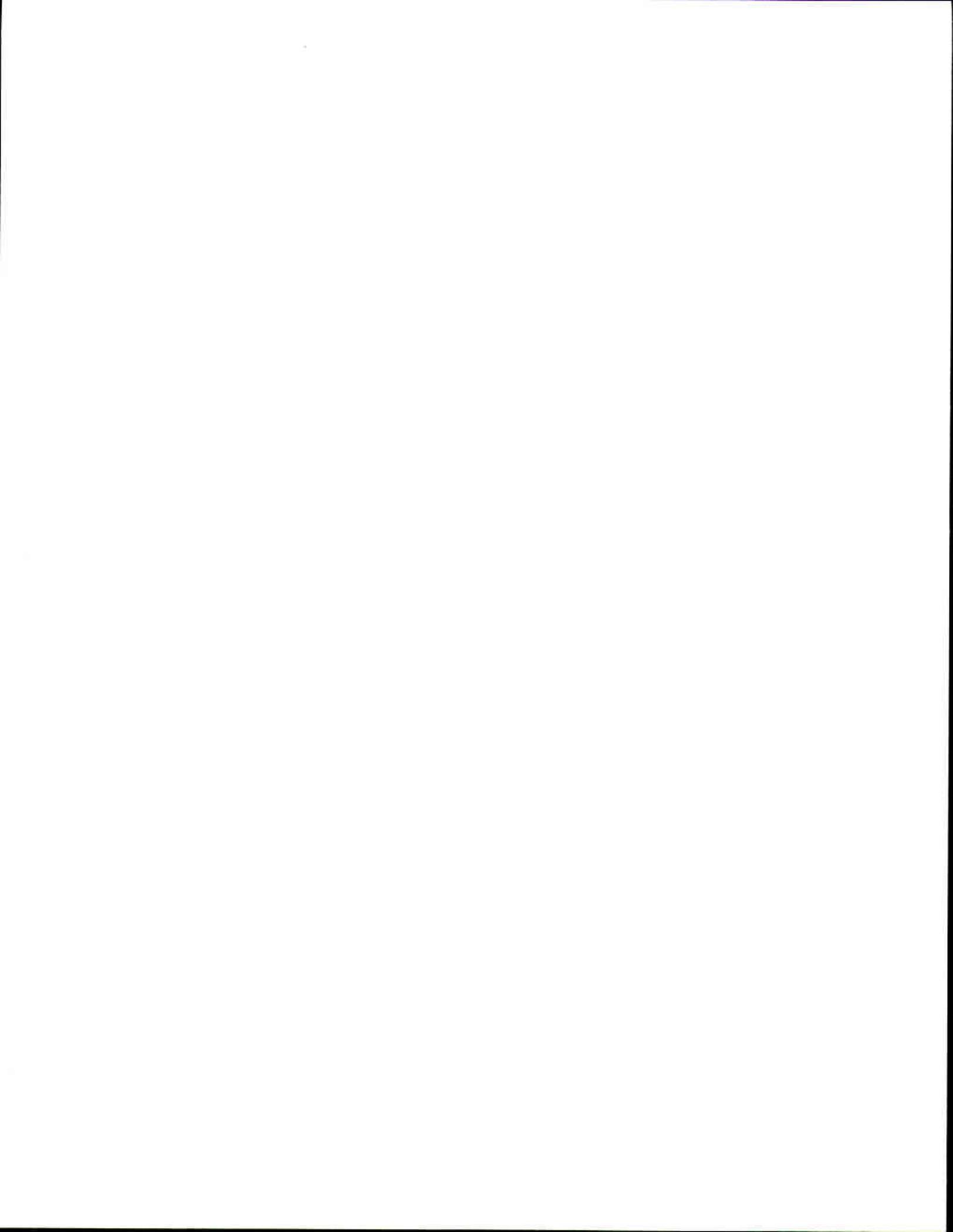
Commissioner Burt noted there was a significant connection between the county's Alhambra Valley Specific Plan (AVSP) and the proposed new plan. She asked whether the City could later change the regulations prior to annexation. Assistant City Attorney Veronica Nebb said yes, but not without going through 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.

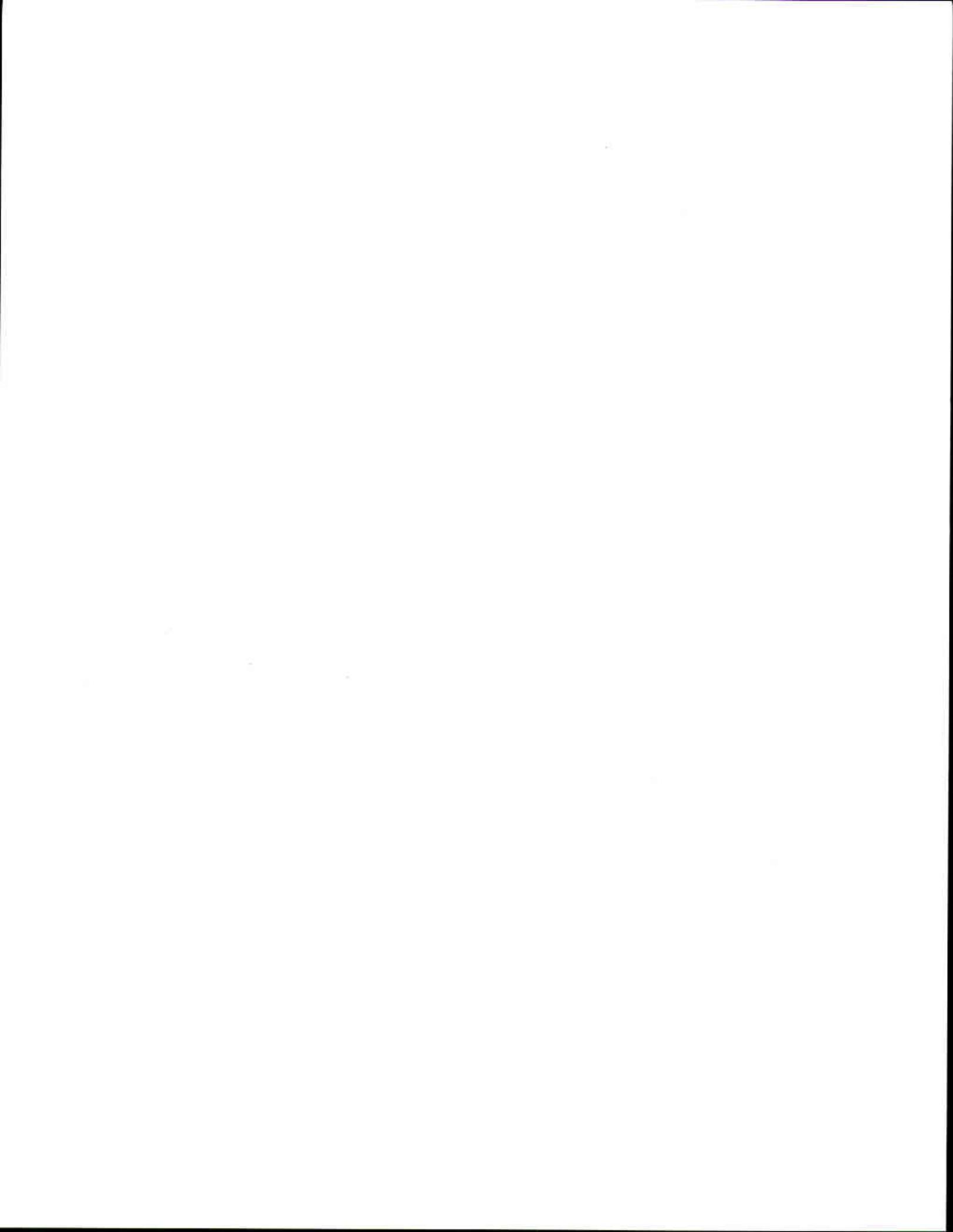
Chair Allen asked why not just adopt the AVSP. Ms. Nebb explained it was considered but there were two impediments - 1) it was originally adopted with zoning requirements that the City doesn't have, and 2) the AVSP has references to county code, which would then have to be amended. She explained that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

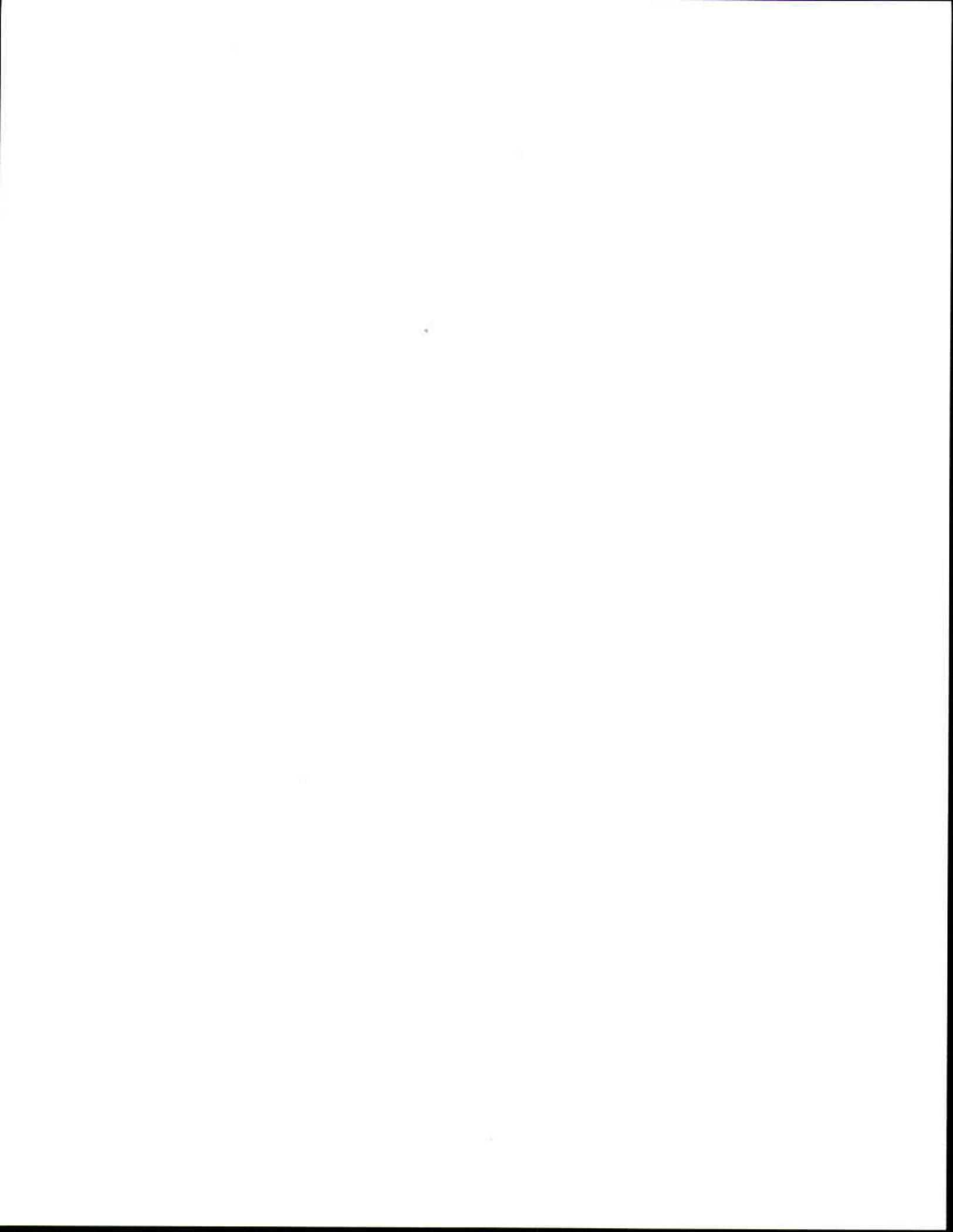
JOAN HOLMOI said she was opposed to City jurisdiction, citing increased traffic, less police service and concern that the area will lose in the balance.

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.

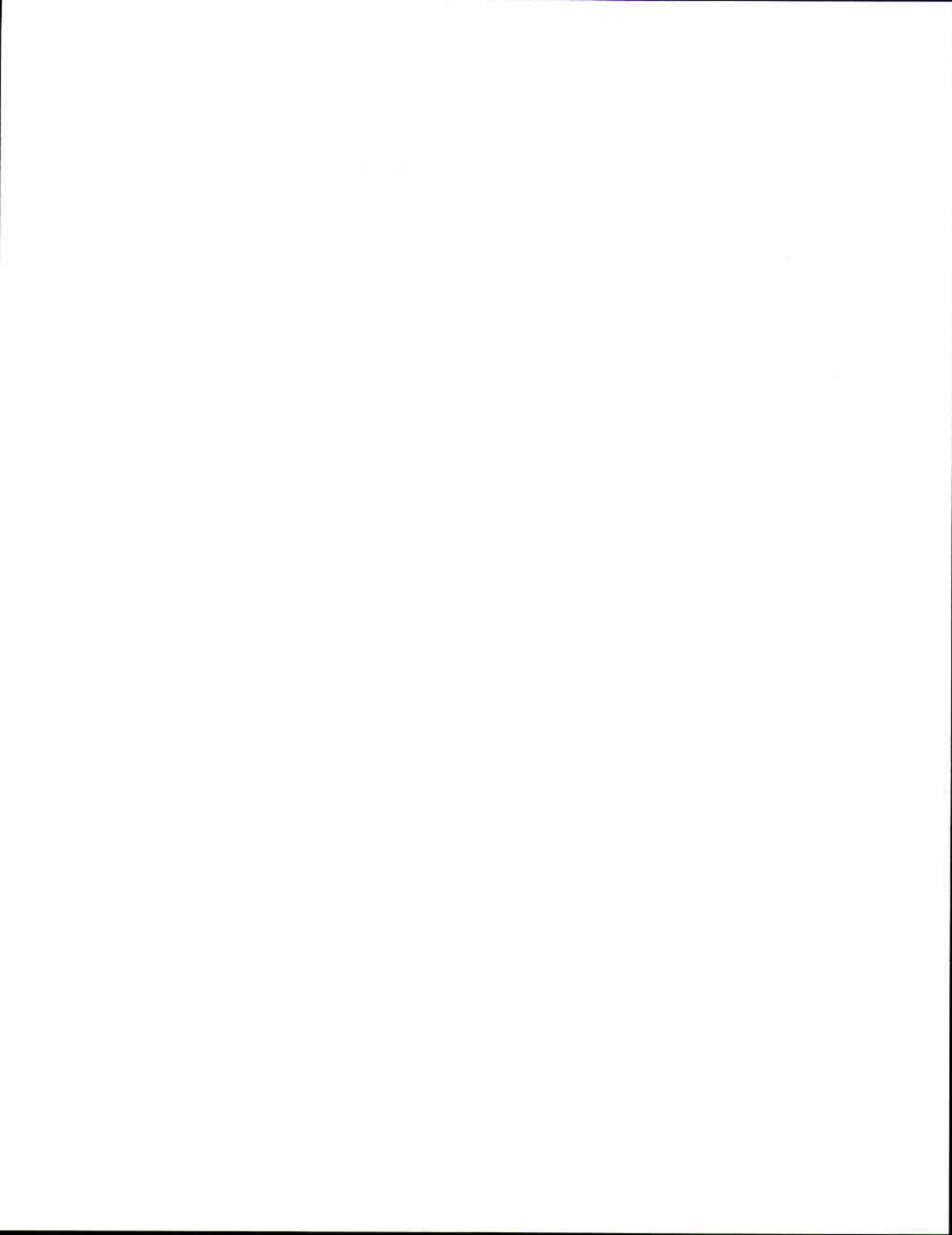
JIM HARTNEY asked about road maintenance and enforcement of existing road regulations when property lines go to the middle of the road.

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.

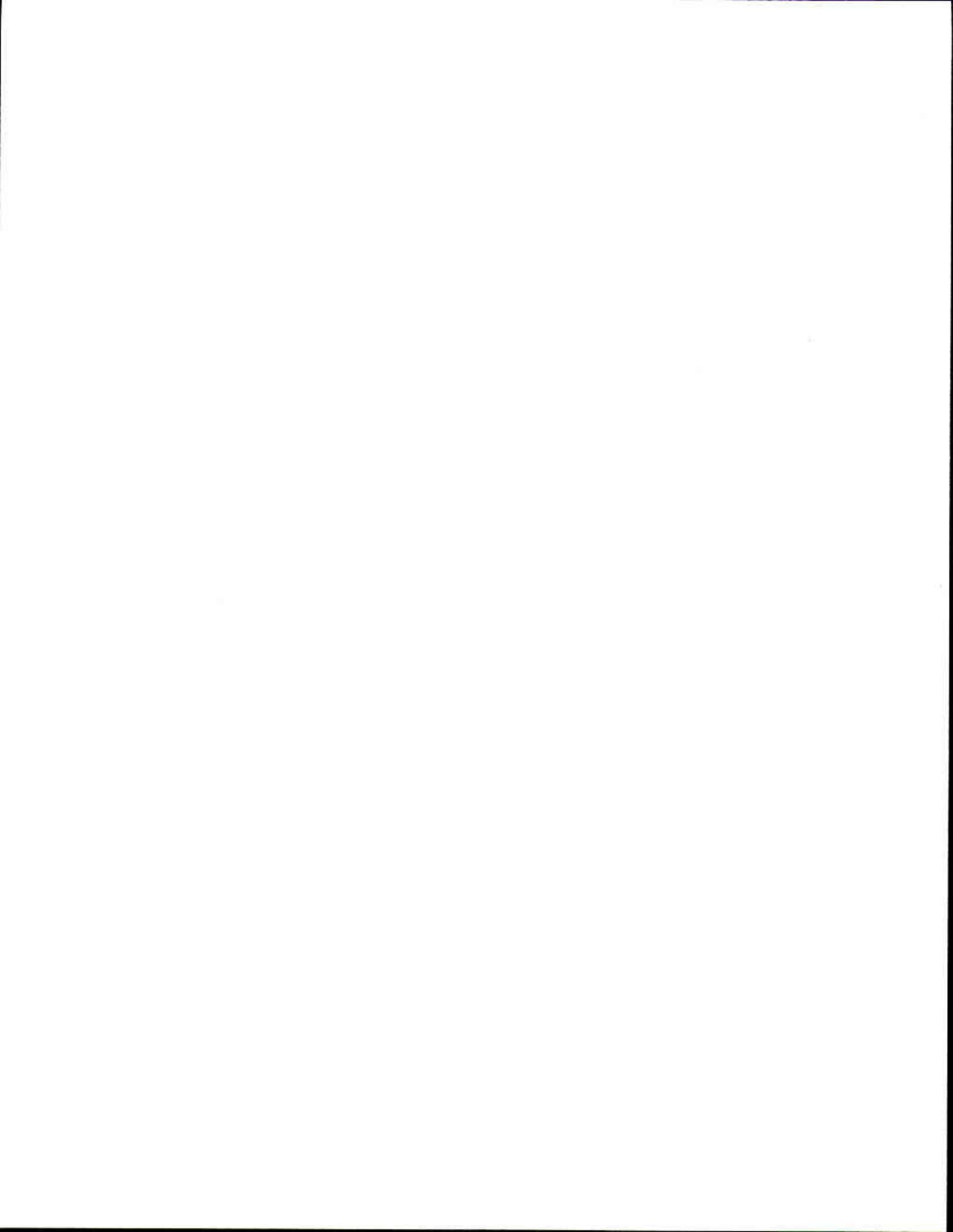
Ms. Majors clarified that the urban limit line is already set, and the City cannot move to annex any area outside without risking the loss of Measure J funds. She acknowledged that the City has been trying to work with the County and CCTA and LAFCO to consider changes to the line.

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.

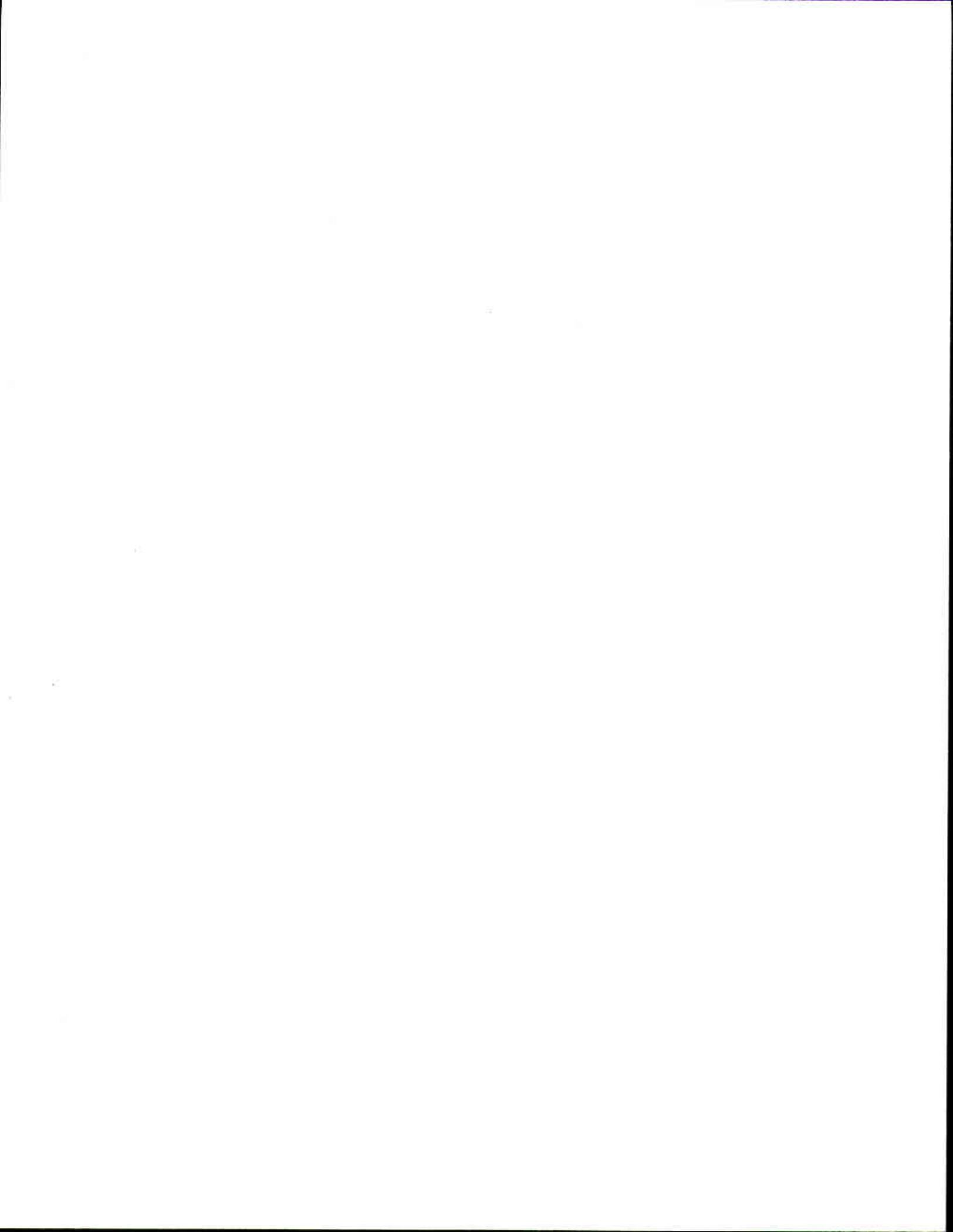
Commissioner Ford said she is very uncomfortable with the place that Commission is in - she has no issue with the recommendations made by staff, but she was concerned about how the annexation process is being pursued. Ms. Nebb clarified again that the findings as to whether annexation can be made will 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.

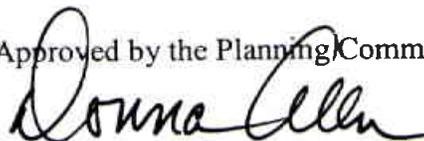
COMMUNICATIONS

None.

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

Respectfully submitted,

Approved by the Planning Commission Vice Chairperson



Donna Allen

Transcribed by Mary Hougey





STAFF REPORT

TO: PLANNING COMMISSION

MEETING DATE: June 29, 2010

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

RE: Creation of Land Use Regulations to Implement the Proposed Annexation of a Portion of the Alhambra Valley into the City of Martinez

GENERAL INFORMATION:

Applicant: City of Martinez

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 155 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. Please refer to Attachments A and B.

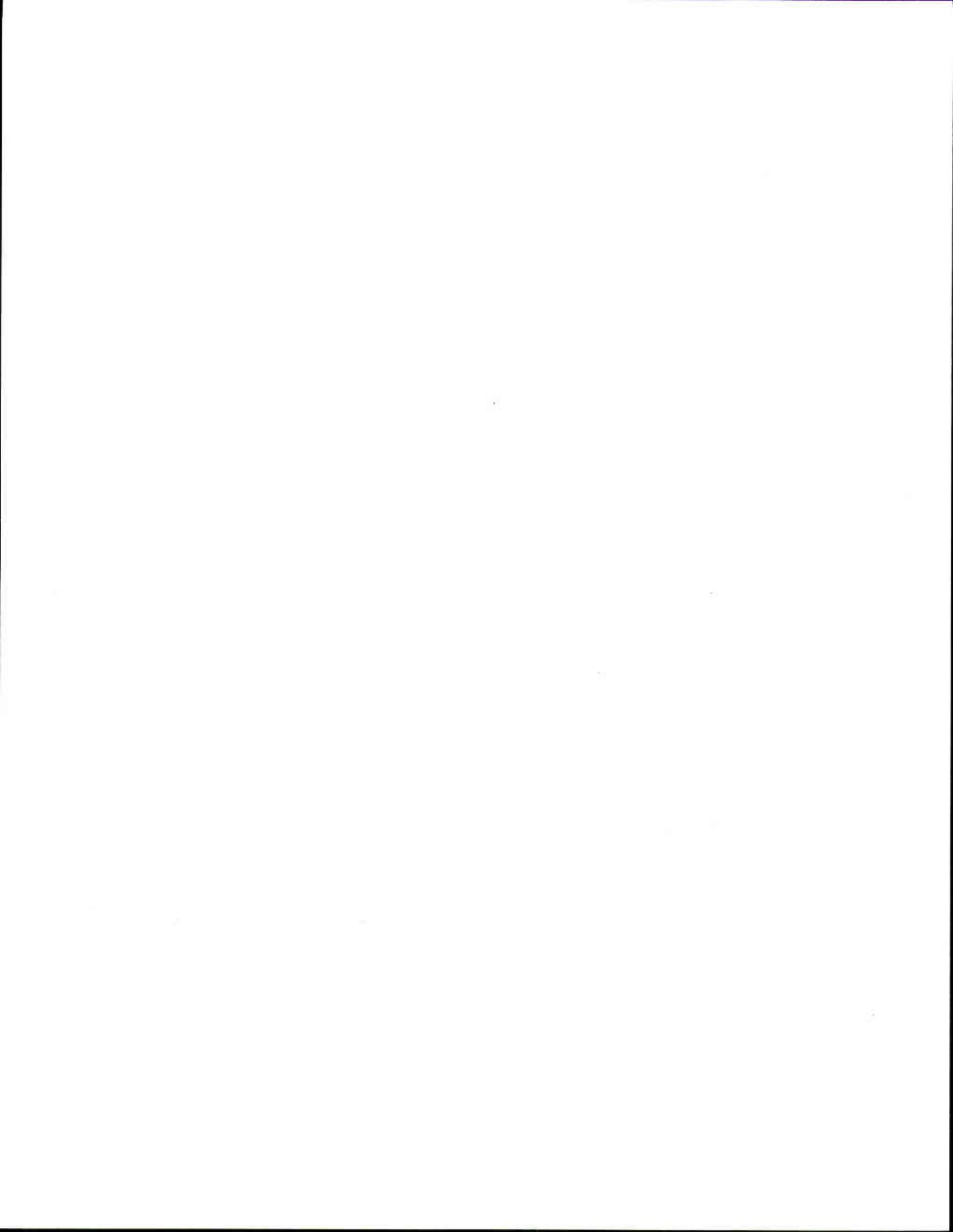
Existing Land Use Designations:

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). Please refer to Attachment C.

Zoning: 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. Please refer to Attachment E.

Proposed Land Use Designations:

General Plan: The City of Martinez proposes to amend the Martinez General Plan to create four new land use designations: Estate Residential – Very Low; Estate Residential – Low; Agricultural Lands; and Open Space consistent with current Contra Costa County land use designations for the annexation area and to amend the General Plan Land Use map to apply those designations to properties within the proposed annexation area as set forth in Attachment D.



Zoning: The City of Martinez proposes to amend the City's Zoning Ordinance to include a new Chapter 22.29, the Alhambra Valley Districts: AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District to create new zoning districts consistent with current Contra Costa County zoning designations and to pre-zone property within the proposed annexation area to these districts as set forth in Attachment F.

ACTIONS FOR CONSIDERATION:

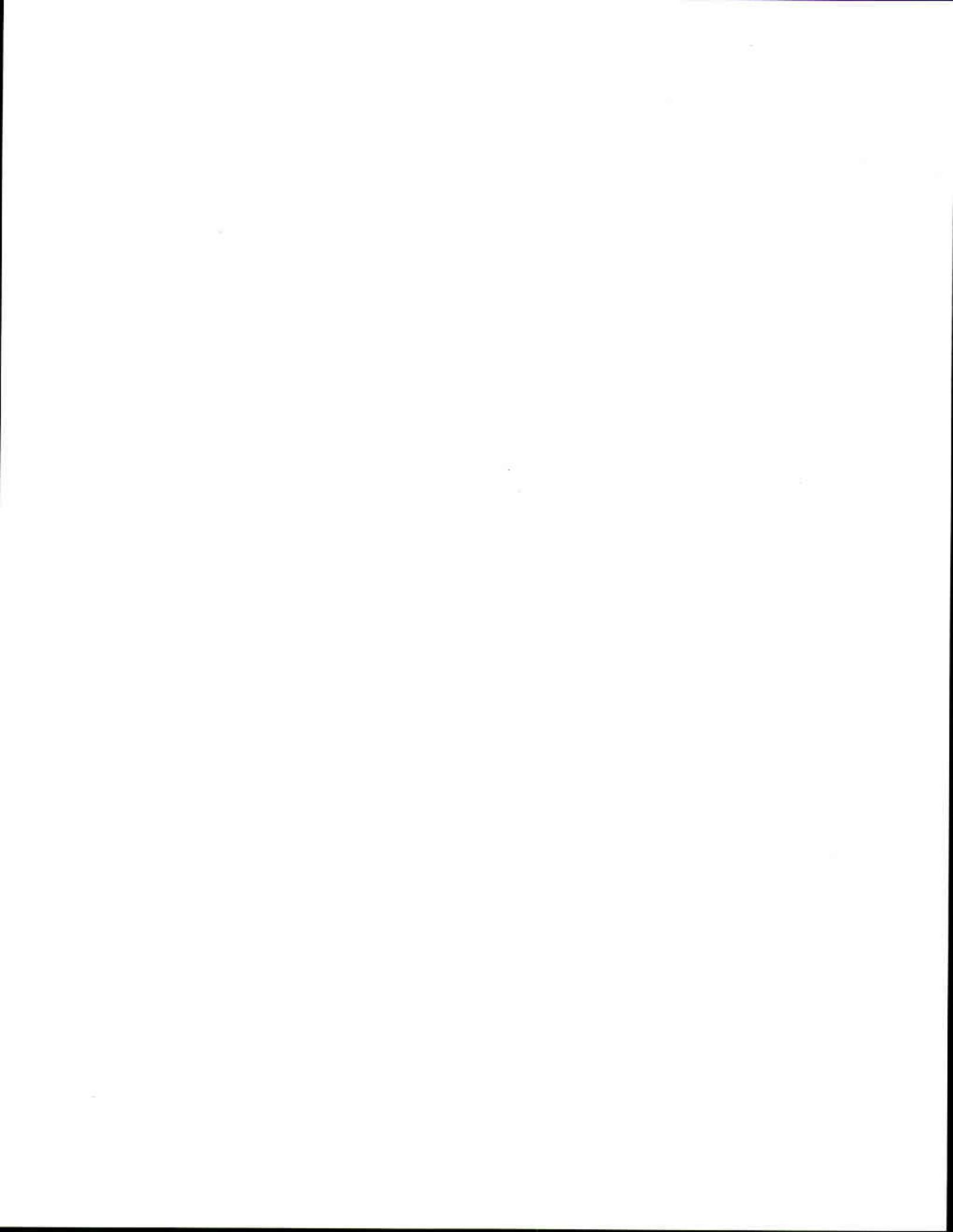
The City of Martinez proposes the creation of new land use regulations to accommodate the proposed annexation of a portion of the Alhambra Valley (unincorporated Contra Costa County) in a manner that is generally consistent with the Contra Costa County Alhambra Valley Specific Plan (AVSP). The Planning Commission will consider General Plan Consistency findings and making recommendations to the Martinez City Council relating to the following actions:

- Adoption of a Negative Declaration pursuant to CEQA,
- Adoption of an amendment to the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations; Estate Residential-Low, Estate Residential-Very Low, Agricultural Lands, and Open Space,
- Adoption of amendments to the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks and Recreation Element, and Transportation Element to incorporate policies related to the annexation area,
- Adoption of an amendment to the Martinez Zoning Ordinance to include a new chapter (Chapter 22.29): the Alhambra Valley Districts which will contain four new zoning districts (AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District),
- Adoption of an amendment to the Martinez Zoning Map to include the annexation area within the City limits and the new Zoning Districts for the annexation area should LAFCO approve the annexation,
- Adoption of the Pre-Zonings and General Plan Land Use designations for the properties in the proposed annexation area, and
- Adoption of the Alhambra Valley Design Guidelines for the proposed annexation area.

BACKGROUND:

This item was first heard at the Planning Commission meeting of May 25, 2010. At that meeting the Commission reviewed the materials presented and took public testimony. Based on the public testimony and additional questions and concerns from the Commission, the Commission requested that additional information be gathered and research conducted. Staff is providing additional information on the following:

- Alhambra Valley Specific Plan goals and policies,
- Public service provision levels: County v City,



- Streets and highways maintenance responsibility,
- Public comments made at May 25th hearing, and
- Annexation area "island" creation.

Additionally, staff has prepared a draft resolution covering the above actions for review and action by the Commission.

DISCUSSION:

Alhambra Valley Specific Plan Goals and Policies

Correspondence received by staff, as well testimony by the public, raised a concern that not enough of the goals and policies contained within the County's Alhambra Valley Specific Plan were included in the proposed amendments to the City's General Plan. Staff fully believes that the land use regulatory framework proposed with the amendments to the City's Zoning Ordinance will provide for the continued development of the Alhambra Valley in a manner consistent with the County's Alhambra Valley Specific Plan (AVSP) and Zoning Ordinance. However, to address this concern, staff has added all of the AVSP goals and policies that are not otherwise a part of the City's General Plan into the draft General Plan amendments. Attachment G shows the originally proposed amendments with the additional goals and policies recommended to be added highlighted.

Public Service Provision Levels: County v City

Additional information was requested regarding the provision of public services and whether levels of service would be the same under the City as they are now under the County. Part of the Initial Study put together for this project included an analysis of potential impacts to public services (pp. 73-76 of the document). The Initial Study found that any potential impacts would be less than significant. Staff has conducted some additional research and gathered some additional information on the topic which is presented here.

Parks

There are no County parks located within the Alhambra Valley area. The parks in the area are maintained by East Bay Regional Park District and would continue to be so.

Streets and Highways

There is a numerical indicator that the Metropolitan Transportation Commission uses that gives an indication of overall pavement conditions for cities and counties in the Bay Area. It is called the pavement condition index (PCI). The following table shows the PCI for the County and the City for the years 2004-2007 (the latest year available). Note that the higher the number the better the overall condition of the streets and highways in that jurisdiction.

	PCI: Three-Year Moving Average			
	2004	2005	2006	2007
County	85	85	83	82
Martinez	63	58	57	57



While both the PCI for the County and the City declined over the period, the County's remains significantly higher. The City's Engineer indicated that with all of the recent investment in improvements to the City's streets it is likely that the City's PCI will be considerably higher when the most recent numbers are released.

Law Enforcement

Since the responsible agency for law enforcement for the annexation area would be switching from the Sheriff's Dept to the Martinez Police Dept (MPD), the analysis for the Initial Study only focused on the City's ability to properly serve the area. The MPD currently has four officers on duty at all times. Two each are assigned to one of two sectors (the City is divided into north and south sectors along Highway 4). Since the calls for service to the proposed annexation area are extremely low, the MPD can easily handle the additional two to three calls per month that come in from the proposed annexation area. In addition, the City and the County have an existing mutual aid agreement regarding response to emergency situations. Regarding California Highway Patrol helicopter service, it is currently available to both cities and counties.

Streets and Highways Maintenance Responsibility

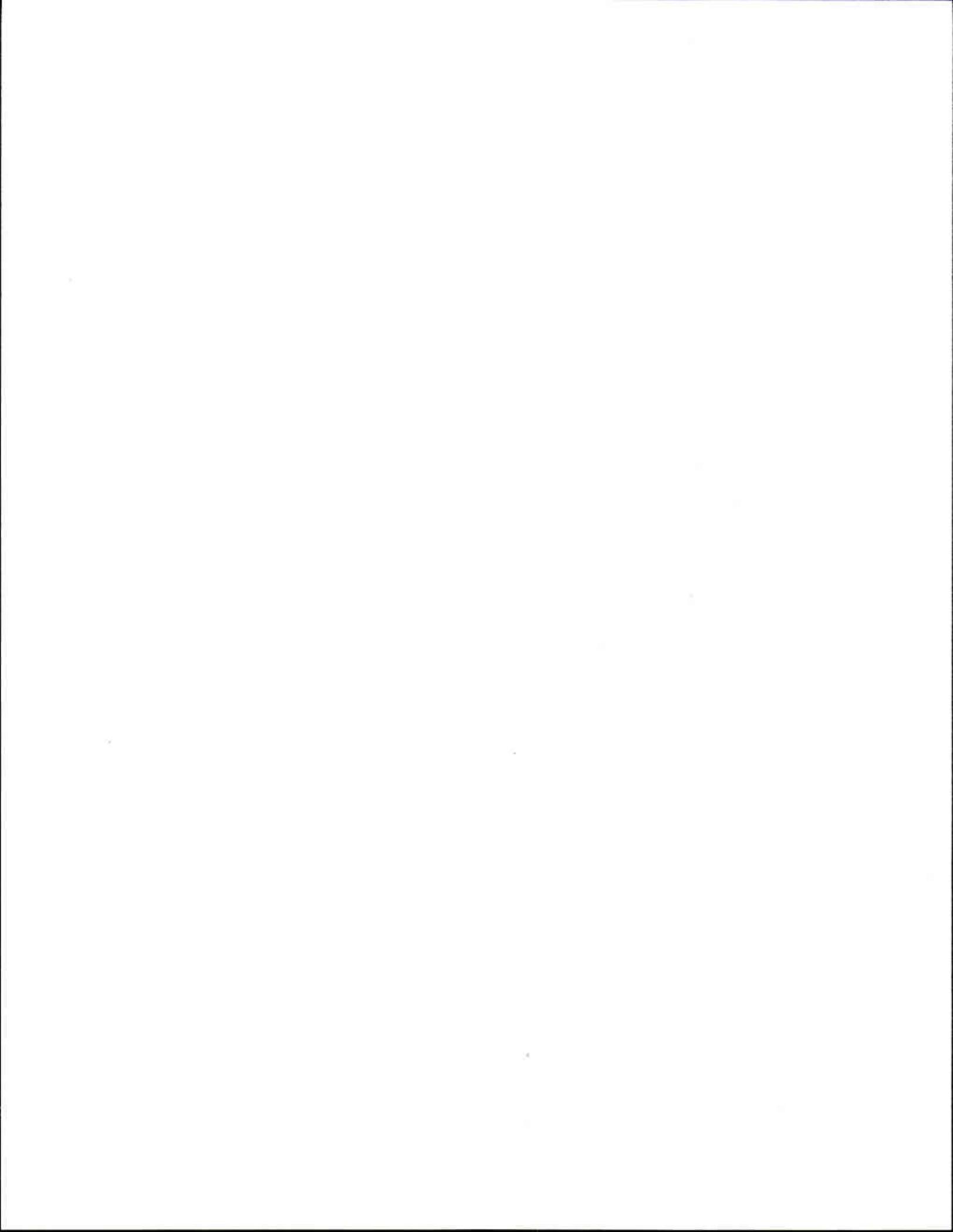
A concern noted by the public and a few of the Commissioners at the initial public hearing was regarding maintenance responsibility where a street or highway is split between jurisdictions. Staff has done a parcel by parcel review of the properties that would be located at the proposed new City limit boundary to determine if this would be an issue, and if so, where. There are only two locations where this would occur where it would have any real significance—the portions of Alhambra Valley Road where there would be properties annexed into the City on both sides of the street. All the other properties along Alhambra Valley Road that are proposed to be annexed into the City have their property lines located at the edge of the street (public right-of-way) and not in the center of it. Therefore, in these locations the County would still maintain the street. In the other two areas it is likely that an agreement will be drawn up that lays out who would be responsible for those segments if the annexation takes place.

Public Comments May 25th Hearing

Attached is a summary of the persons who spoke and their concerns and issues (see Attachment H).

Annexation Area "Island" Creation

One of the public comments was regarding the County's Urban Limit Line (ULL) and the boundary of the proposed annexation area. In order for the City to receive return-to-source street maintenance and improvement funds associated with Measure C/J no properties outside the ULL can be annexed into the City. Therefore, the proposed annexation area only includes unincorporated portions of the County that are within its ULL. As for creating an unincorporated "island," Contra Costa Local Agency Formation Commission (LAFCO) policy looks very unfavorably on applications that show a proposed annexation area that leaves a portion of the unincorporated County completely surrounded by a City. This would not be the case with the proposed Alhambra Valley annexation.

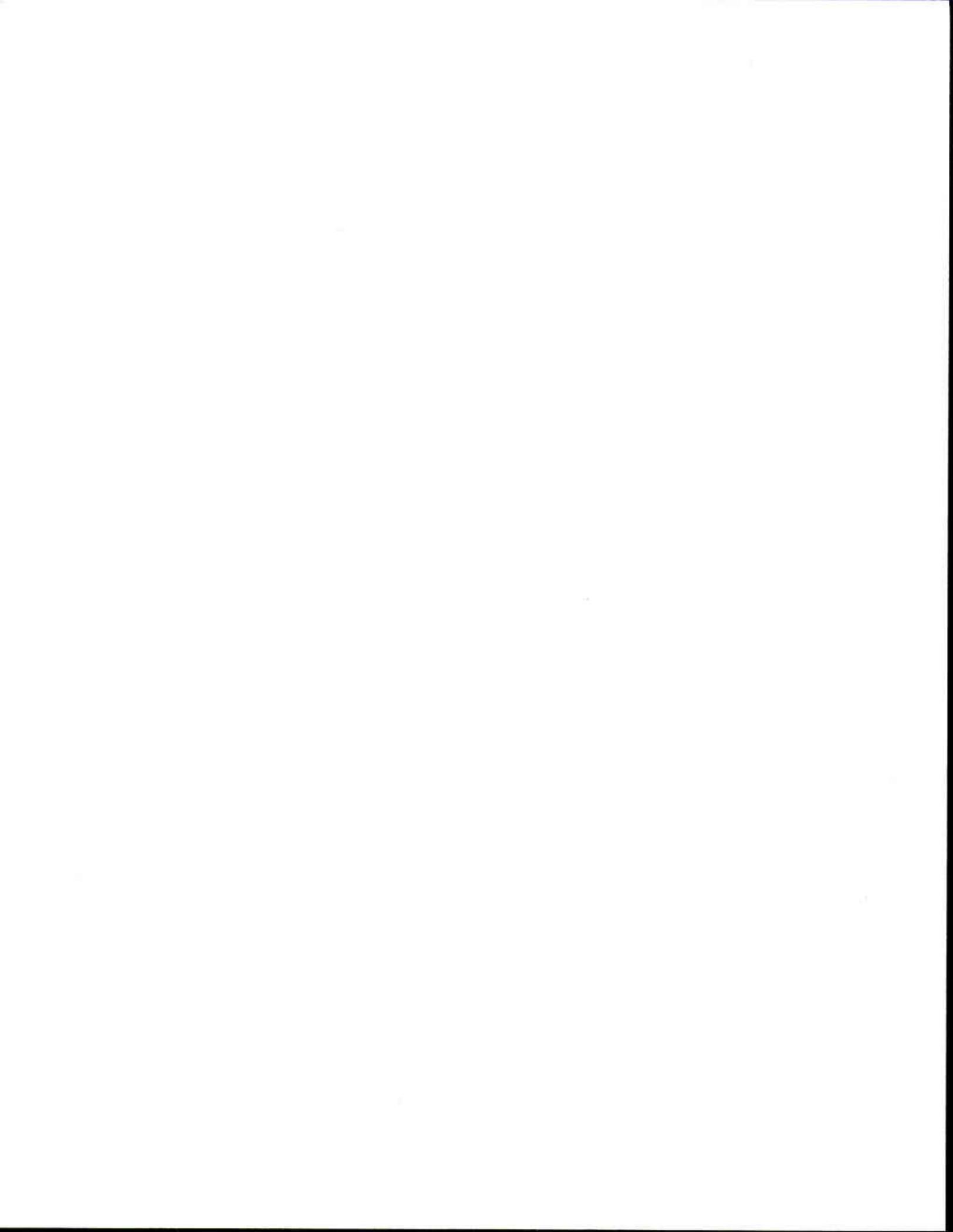


CONCLUSIONS:

City staff, based upon direction from the City Council, has developed a new land use regulatory framework that will implement the Council's commitment to annex a portion of the Alhambra Valley consistent with the County's adopted AVSP and Zoning Ordinance regulations. The Initial Study provides the documentation, pursuant to CEQA, that there is no significant environmental impact created by the implementation of the new land use regulatory framework and the ultimate annexation of a portion of the Alhambra Valley. Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Negative Declaration and regulatory framework listed at the beginning of the staff report.

ATTACHMENTS:

- A: Project Location Map
- B: Map of Proposed Alhambra Valley Annexation Area
- C: Contra Costa County Existing Land Use Map (General Plan)
- D: City of Martinez Proposed Land Use Map (General Plan) for Annexation Area
- E: Contra Costa County Existing Zoning Map
- F: City of Martinez Proposed Alhambra Valley Zoning Map for Annexation Area
- G: Additional City of Martinez Proposed General Plan Amendments
- H: Public Comments Summary (Planning Commission Meeting May 25, 2010)
- I: Proposed City of Martinez General Plan Amendments and Maps
- J: Proposed City of Martinez Zoning Ordinance Amendments and Maps
- K: Correspondence
- L: Planning Commission Staff Report (May 25, 2010 Meeting)
Planning Commission Resolution No. PC 10-04 (Draft)



APPROVED

Planning Commission Minutes
Regular Meeting
June 29, 2010
Martinez, CA

CALL TO ORDER

Acting Chair Donna Allen called the meeting to order at 7:05 p.m. with all members present except Chair Lynette Busby and Planning Commissioners Avila, Ford and Keller.

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

ROLL CALL

PRESENT: Vice Chair Donna Allen, Commissioners Harriet Burt and Michael Marchiano, and Paul Kelly, Alternate.

EXCUSED: Chair Lynette Busby and Commissioners Avila, Ford and Keller.

ABSENT: None.

AGENDA CHANGES

None.

PUBLIC COMMENT

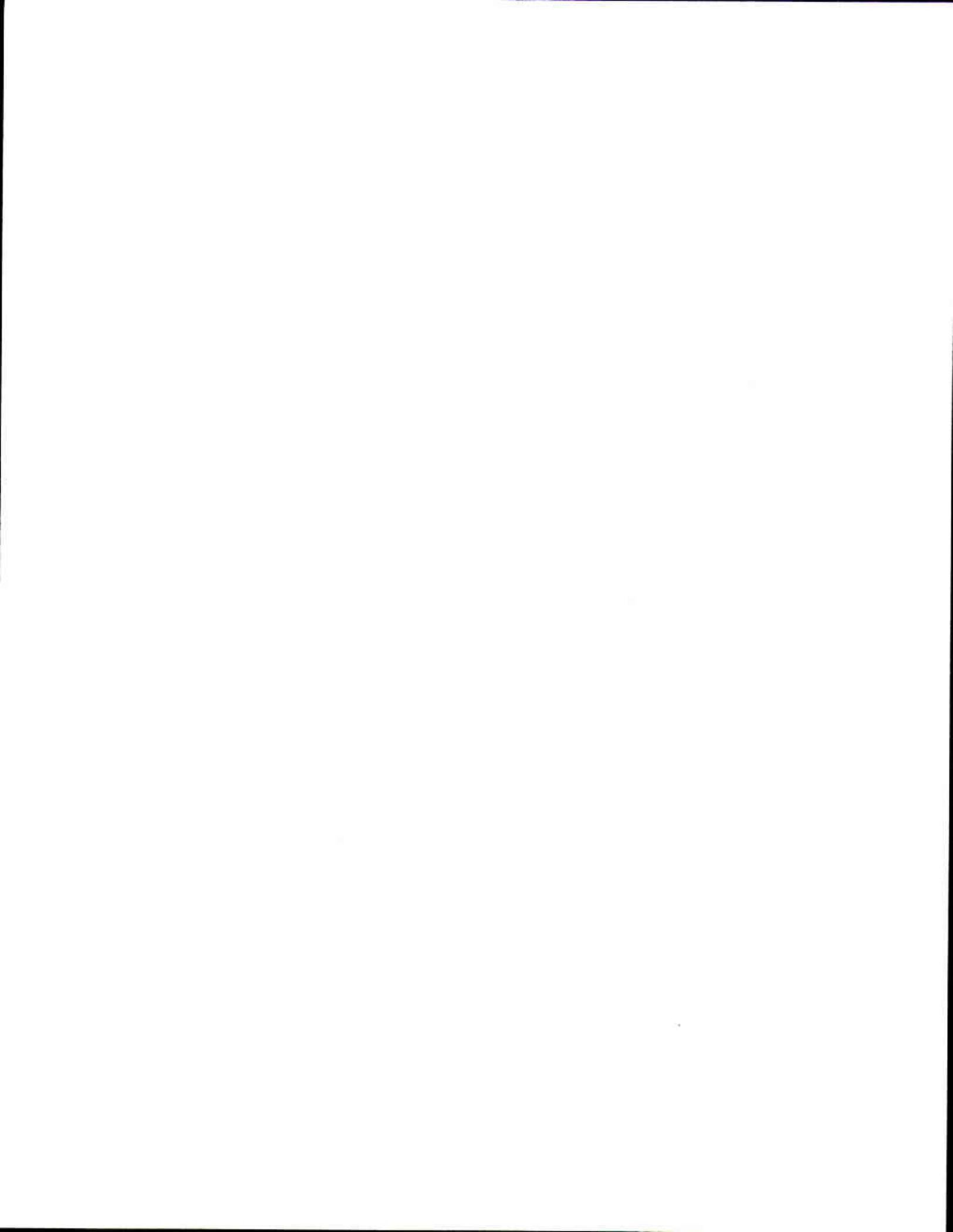
LUKE MC CANN expressed concern about the size of the house to be built next door to his home, and the City Council's approval in spite of his objection. He commented on the lack of professionalism exhibited by the Planning Commission to him and his wife. He was also concerned about the lack of dialogue between the Commission/Council and the audience and the precedent and the City's inability to cite the requirements required to support the variance. He commented as well on difficulties he has experienced with getting access to public information from staff.

Chair Allen thanked him for the comments. She indicated she had visited the site; but Mr. McCann stated there is a big difference between the front and back yards. Chair Allen also commented on time she spent deliberating on the issue. Assistant City Attorney reminded the Commission that the item was not ajenized.

Commissioner Burt apologized to Mr. McCann for making him or his wife feel belittled because of comments she made; it was not her intention.

Philip Ciaramitaro discussed projects he has worked on in the City - Martinez Opera, Ferry Point Park Improvement District, Fall Festival, and Sustainable Martinez. He echoed Mr. McCann's comments that City leadership is not considering neighborhoods in making decisions, adding that there needs to be more dialogue with the community. He was concerned about impropriety and favoritism by the Council.

Mike Alford agreed with Mr. McCann also. He noted that everyone on McCann's block was opposed to Mr. Stahlberg's remodel. He observed a lack of professionalism and expressed



concern that the Planning Commission are only "yes-men" to the Mayor. He also noted that a lawsuit may be filed on behalf of the McCann's. He noted some concern about the precedent also.

CONSENT ITEMS

1. *Minutes of May 11, 2010, and May 25, 2010, meeting.*

The minutes of May 11th were continued until a later meeting due to lack of a quorum.

On motion by Commissioner Marchiano, seconded by Commissioner Kelly, the Commission present voted to approve the Minutes of May 25, 2010, meeting.

Motion unanimously passed 4 - 0. (Chair Busby, Commissioner Avila, Commissioner Ford, and Commissioner Keller excused.)

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 155 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.*

The project consists of:

- a. *Adoption of a Negative Declaration pursuant to CEQA,*
- b. *Adoption of an amendment to the Martinez General Plan Land Use Element and Land Use Map Residential-Very Low, Agricultural Lands, and Open Space,*
- c. *Adoption of amendments to the Martinez General Plan Land Use Element, Scenic Roadways Element to incorporate policies related to the annexation area,*
- d. *Adoption of an amendment to the Martinez Zoning Ordinance to include a new chapter (Chapter) districts (AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture 1 District),*
- e. *Adoption of an amendment to the Martinez Zoning Map to include the annexation area within the map and for the LAFCO approve the annexation,*
- f. *Adoption of the Pre-Zonings and General Plan Land Use designations for the properties in the proposed annexation area, and*
- g. *Adoption of the Alhambra Valley Design Guidelines for the proposed annexation area. (CONTI)*

Planning Manager Terry Blount presented the staff report, reviewing the background and issues/information requested by the Commission at the last meeting: Alhambra Valley Specific Plan (AVSP) Goals and Policies included, public service provision levels comparison of County and City services, maintenance responsibility for streets and roads, summary of public comments at May 25th meeting. He also reviewed changes made to the Draft Land Use Regulations to accommodate request made by the Stonehurst Homeowners Association.



Assistant City Attorney Veronica Nebb explained the Association's request to ensure that the language in the Alhambra Valley Specific Plan allows all already-approved uses. Commissioner Kelly asked if that is to accommodate homes that have been approved, but not built yet. Ms. Nebb said no, only the planned district regulations are affected. Commissioner Kelly asked, and Ms. Nebb confirmed that all the homes already built are grandfathered. Chair Allen asked whether the Planned Development regulations will take precedent over the zoning standards. Ms. Nebb said yes, and this language is intended to make it clearer.

Mr. Simon explained the meaning of the term "grandfathering", and noted that all applicable provisions have been incorporated into the new regulations. He reviewed uses that the Alhambra Valley Improvement Association asked to have removed from the list of allowable uses: grower stand or farm stand, retail firewood sales, animal hospitals, wineries and greenhouses; and additional uses that require use permit approval: dog kennels and horse-riding academies.

Mr. Simon also discussed provisions to allow one additional single-family dwelling on single-family lots, with use permit approval and a lot large enough to conform to maximum permitted density limits.

Commissioner Kelly asked about size limits for second units. Mr. Simon said anything over 1000 s.f. requires a use permit, but any size dwelling can be built provided there is enough land available, and a use permit is approved. He noted that smaller units can be approved under the granny unit provision.

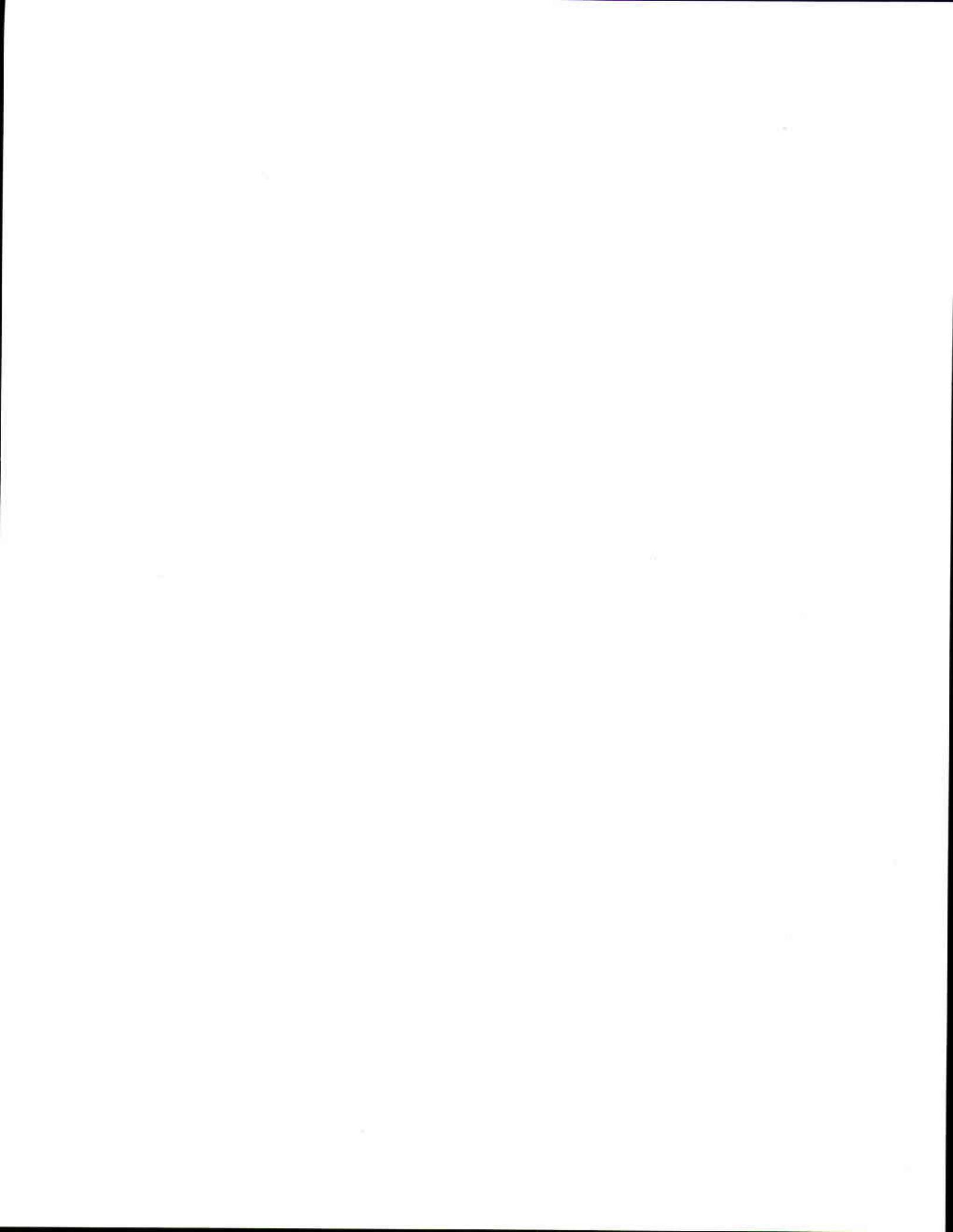
Ms. Nebb said County provisions would have allowed a granny unit and a second dwelling unit if the density is there.

Mr. Blount reviewed the action before the Commission tonight: adoption of a negative declaration pursuant to CEQA, adoption of an amendment to the Martinez General Plan Land Use Element and the Land Use Map to incorporate four new land use designations, adoption of amendments to the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks & Recreation Element, and Transportation Element, adoption of an amendment to the Martinez Zoning Ordinance, adoption of an amendment to the Martinez Zoning Map, adoption of the Pre-Zonings and General Plan Land Use designations for the properties in the proposed annexation area, and adoption of the Alhambra Valley Design Guidelines for the proposed annexation area.

Commissioner Burt asked for clarification on the annexation requirements for a common boundary and a shared roadway. She questioned whether a transportation nexus existed.

Commissioner Kelly asked whether the regulations include provision for curbs, gutters and sidewalks. Mr. Blount said the City's standard requirements for those will not be applicable in this regard.

Commissioner Kelly asked whether the City could ask the County to continue to maintain the roads. Mr. Blount said it might be possible for Alhambra Valley Road, but probably not for the side streets.



Chair Allen asked when the decision regarding road maintenance would be made. Mr. Blount said it would be later in the process during negotiations with the County regarding tax-sharing and other issues that would require joint cooperation.

Chair Allen asked about the economics of the annexation. She noted staff has said it's a "wash" but there are indications that it will initially be a loss to the City. Mr. Blount said the information presented by staff was based on economic feasibility studies.

Commissioner Burt cited Assistant City Manager Karen Majors' statements at the previous meeting regarding the financial feasibility. She also noted that rumor has it that two studies were done, in order to achieve fiscal improvement. Mr. Blount said the only second study he was aware of was part of the environmental review process, not cost-benefit analysis.

Chair Allen confirmed again that initially it will be a loss to the City but eventually will be profitable. Mr. Blount said yes, but he reminded the Commission this was not their purview.

Assistant City Attorney Veronica Nebb responded to the earlier question by Commissioner Burt regarding the roadway requirement, saying state law does not include that requirement, although local LAFCO policies might. She also reminded the Commission that the decision for or against annexation does not lie with the Planning Commission or even the City Council, but LAFCO will make final determination.

Chair Allen commented on the almost "island" that will result, given the odd configuration of the area to be annexed. Ms. Nebb said LAFCO will generally not approve annexation areas that create islands.

Commissioner Kelly asked about access to utility services. Ms. Nebb said it is based more on whether there is a common boundary.

Commissioner Marchiano asked who determined the configuration of the annexation area. Ms. Nebb said part of the reason for the strange configuration was because of the urban limit line (ULL) and Measure J requirements. She noted that the isolated area is outside the ULL, and including it in the annexation would result in a potential loss of Measure J funds. She acknowledged the configuration is odd, but noted the City has no power to adjust the ULL. She also noted that a mandatory review in 2015 could result in a change to the ULL at that time.

Commissioner Marchiano asked whether other areas proposed for annexation are outside the ULL. Ms. Nebb said no, all that are proposed for annexation are within the City's ULL.

Chair Allen asked whether the City had input in setting the ULL. Ms. Nebb said yes, there was an opportunity for review, but she was not sure how detailed the analysis was.

Chair Allen noted there have been instances where properties were split within and outside the ULL, with the developed area inside and the undeveloped area outside. She also indicated she would like the City to have discussions with the County and with LAFCO to request adjustments to the ULL. Mr. Blount said there have been some discussions with LAFCO already.



Ms. Nebb acknowledged some truth to Commissioner Allen's first statement about split lots, but LAFCO's preference is for properties to be within or without the ULL, not split between. She also noted that the ULL was approved by the voters, and this proposed annexation area conforms with the ULL.

Chair Allen said she has had some conversation with LAFCO, and there could be adjustments made, if it makes logical sense. Ms. Nebb said it is possible, but she thinks it is unlikely.

Commissioner Kelly asked about a section of the map and access to the Almand property. Staff was unable to confirm the location, but a member of the audience showed where it was.

Chair Allen asked if a draft resolution was included with the packet. Mr. Blount said yes, it was included at the end of the staff report.

Chair Allen opened the public hearing.

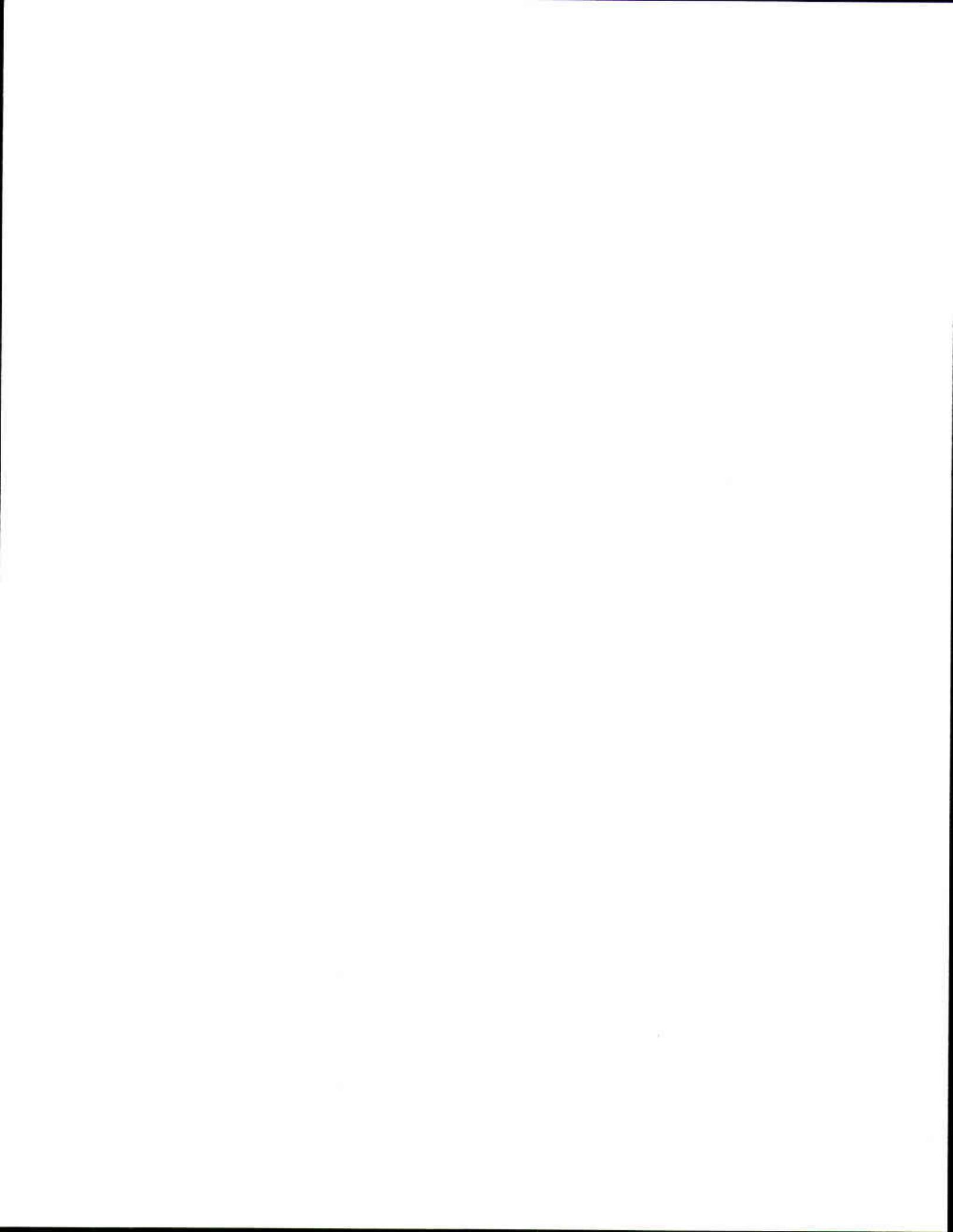
MARIE HOFFMANN expressed frustration with the repeated meetings and repeated statements that LAFCO makes the decisions. She thought that since the City won't gain much it is unwise to expend the cost for the annexation during these difficult financial times. She suggested conversations with LAFCO to make the needed adjustments. She was opposed to the annexation.

MARIE OLSON thanked the Planning Commission for their unbiased approach and willingness to listen to the public. She also thanked Planning staff for their efforts to make the City's regulations conform to the County's. She said the City will only have a financial loss if area A is annexed as well. She noted that she had discussions with Louann Texeira (director of LAFCO), who said once the application is submitted, the City can reduce the area proposed for annexation, but they cannot enlarge it.

Ms. Olson also commented on the minutes, wherein the Mayor was mentioned as wanting annexation of all areas with deferred annexation agreements. She noted that there are other properties with deferred annexation agreements, but they were not included in this proposal because of opposition by the residents.

HAL OLSON, president of the Alhambra Valley Improvement Association (AVIA) and vice-president of the Specific Plan Committee, commented on the better maintenance of the roads under County care. He also commented on the odd configuration of the annexation area. He noted that at the last meeting, Chair Allen had expressed concern regarding one house on a street being annexed and others not, yet that seems to be the case here.

Mr. Olson continued with a discussion on the construction of new structures on or near the top of the ridgeline and urged the Planning Commission to change the wording to say it shall be prohibited to build a structure within 50 feet of the ridgeline.



ERNEST LOMPA expressed appreciation to the Planning Commission for the support shown at the last meeting. He noted there is a serious need for the City leadership to use common sense, and this annexation is not logical, but rather, seems to be motivated by greed. He also expressed concern that he and wife signed a deferred annexation agreement under protest because it was required to be able to get water from the City.

Mr. Lompa noted that the County has approved additional units on his property, but he is not sure it will be allowed under the City's regulations. He expressed appreciation to Commissioner Kelly for the recommendation to share road maintenance with the County.

BRIAN MULRY, Gagen McCoy, commended staff for working with the Alhambra Valley Improvement Association and for their willingness to include additional language to address the neighbors' concerns. He agreed that the County roads are better maintained than City roads. He asked whether the commitment from the City Engineer to invest money on these roads is a firm one. He also asked if it is possible to review the mutual aid agreement between the City and the County. He indicated he would like to see an agreement made with the County for shared maintenance of the streets.

Mr. Mulry noted that areas A and B will be virtual islands if they are not annexed by the City - all three areas should be annexed at the same time.

KEN FIVELLA expressed concern about police response times, saying it will be impossible for the Martinez Police Department to have a timely response in an emergency. He also discussed the training of police personnel, noting that County sheriffs have better training and some specialties because they have better financial resources. He questioned why the Valley residents would want to join the City and pay more taxes for worse services.

MIKE ALFORD commented on the uniqueness of the Alhambra Valley, noting that none of the residents want annexation by the City. He noted that the City can barely afford to maintain its streets now - adding additional areas will only make it more difficult. He also asked who owns the parcels proposed for annexation, and he speculated that there are developers who want to build on the hills and control the City. He urged the Planning Commission to listen to the people.

Mr. Blount responded to Mr. Mulry's comment about the City Engineer's statement regarding road maintenance, noting it was a general comment - not a specific commitment to any particular area.

PHIL CIARAMINTARO recommended a shift in policy - to improve what the City already has, not adding more. He thought the neighborhoods should make the decision on annexation - if the City has something to offer, neighboring areas would come ask to be annexed.

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

Commissioner Marchiano commented on the large area covered by one officer in the Sheriff Department, including Pacheco, Clyde, Bay Point, and Alhambra Valley. The City's



emergency response time will be as good, if not better. He also noted the area has a very low crime rate overall.

Chair Allen commented on the timing of the proposed annexation. Since the City is about to start a revision of the entire General Plan, it doesn't make sense to annex this area now. Mr. Blount agreed no changes can be made to the General Plan designation for two years after annexation. He noted that this area is virtually built out, and there should not be significant changes as a result of annexation.

Chair Allen acknowledged staff has worked hard with the residents to incorporate all of the County regulations. She reiterated that this is a poorly-timed, gerrymandered, oddly constructed annexation area, with no financial benefit to the City, and she was unsure about the police services and/or road maintenance requirements. She acknowledged that the LAFCO process is "fairly arduous" (as expressed by one of the staff at the last meeting) and is designed to give residents a say in the matter. She was concerned that picking and choosing annexation areas based on support or opposition violates the spirit of LAFCO.

In response to a question from Chair Allen, Mr. Blount reviewed the action before the Commission. Commissioner Allen said her conclusion is that she is not supportive of annexation at this time and in this manner.

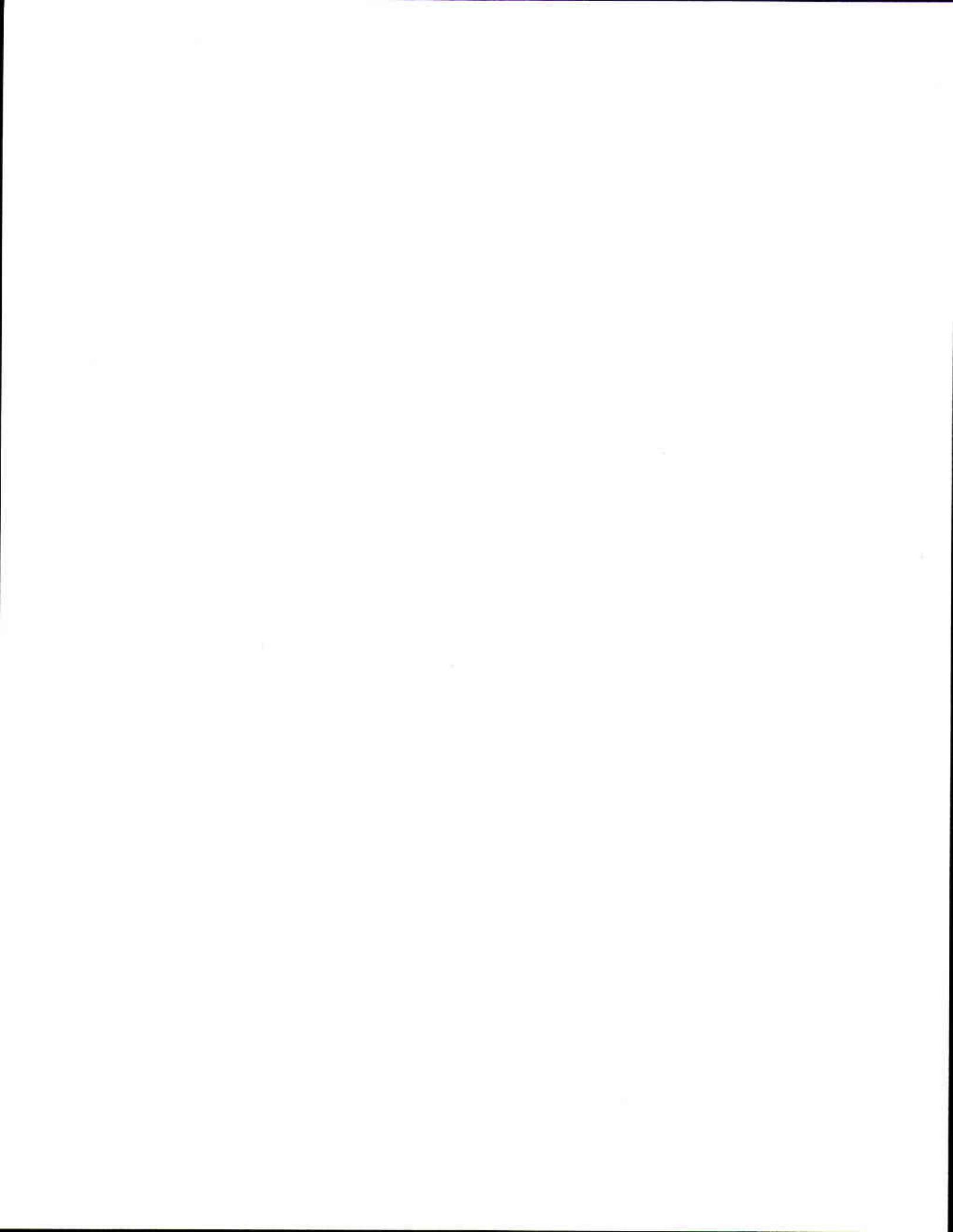
Ms. Nebb explained the findings and recommendations requested: environmental impacts, general plan amendments, zoning ordinance amendments, and design guidelines.

Commissioner Burt commended staff and the AVIA and those who developed the Alhambra Valley Specific Plan, noting staff has done a good job responding to the concerns of the public and the Commission. She stated, however, that she has a fundamental problem with annexing only a small portion of the Alhambra Valley - if the entire area were proposed she could support annexation.

Commissioner Burt acknowledged the Commission's role is limited. She also noted the proposed area was chosen because a majority of property owners signed deferred annexation agreements and thus could not file a protest opposing the annexation. She thought this was a contrived and illogical configuration; it may be a legal process, but that doesn't make it the right thing to do. She indicated she could not morally make the recommendation being asked of the Commission.

Commissioner Marchiano echoed Commissioner Burt and stated that the gerrymandering of the proposed area makes no sense. He also expressed that requiring a deferred annexation agreement in order to get City water is not right. He could not support the requested action either.

Chair Allen asked what happens if the Planning Commission refuses to make a recommendation on the matter. Ms. Nebb said it will go forward to the Council, but with a negative recommendation from the Planning Commission.



Commissioner Marchiano expressed difficulty with the decision - he supports staff's work and efforts to include the best language and standards in the General Plan and Zoning Ordinance, but he did not want to endorse the annexation itself.

Ms. Nebb pointed out that the Planning Commission could make a recommendation supporting the proposed regulations, while still expressing a lack of support for the annexation itself.

Commissioner Burt commented on the limited effect if the Planning Commission had a lack of support for the annexation itself. She was also concerned whether the same regulations would apply well to the additional areas if and when they are annexed. She asked if the negative recommendation could include language as to why the Planning Commission is opposed to the annexation.

Ms Nebb clarified the Commission's role in reviewing an annexation proposal and making recommendations to the City Council, who will determine the boundaries of the LAFCO application as well act on the General Plan and zoning amendments. Chair Allen and Commission Burt summarized their consideration for making a negative recommendation on the regulations was mostly due to the limited geographical portion of the Valley they would be applied to, and not objections to the regulations themselves.

Chair Allen agreed if the annexation included the whole Valley, it would make more sense than doing it in pieces. She was also concerned about the General Plan update process that hasn't even started yet. She asked if this request could be put off for a year.

Ms. Nebb responded that the item will go forward on the Council's schedule, with or without a recommendation from the Commission. She discussed with the Commission actions the Planning Commission could make, including acting on the draft resolution provided by staff or making negative recommendations on some or all of the findings.

Chair Allen asked for a motion to approve the draft resolution. No motion was made, and Chair Allen then further discussed the Planning Commission's options with Ms. Nebb.

On motion by Commissioner Burt, seconded by Commissioner Marchiano, the Commission present voted to express that the Planning Commission does not support or agree with the 11 findings for the proposed annexation area because it does not encompass the full valley and may not be applicable to the entire valley, and it specifies General Plan provisions that will be locked in and might inhibit or restrict the future General Plan revision.

Motion unanimously passed 4 - 0. (Chair Busby, Commissioner Avila, Commissioner Ford, and Commissioner Keller excused.)

The Commission commended staff for their excellent work.

COMMISSION ITEMS

Commissioner Burt asked the status of Alhambra Highlands. Mr. Blount said it is headed to the Commission, and staff is still working on the environmental documents and internal review.



Commissioner Burt asked about the Davidon/Elderwood Glen/Highland subdivision. Mr. Simon said he was waiting for a discussion with the City Engineer, but the project may have lapsed. Commissioner Burt asked for confirmation once a determination has been made.

STAFF ITEMS

Mr. Blount said there will be no meetings in July, but likely two meetings in August.

Commissioner Burt commented on last year's death of Barry Whitaker, former planner for the City. She asked about the document on the dais regarding Planning Commission guidelines/by-laws. Commissioner Burt asked if the Planning Commission should look at the document and update it. Ms. Nebb said it was probably not necessary for the Planning Commission to do, but staff is reviewing them to ensure consistency in meetings.

Chair Allen pointed out a restriction on Commissioners voting on items if they have not been present at all meetings on the issue. Ms. Nebb said it can be alternatively accomplished if the Commissioner listens to the tape and/or reviews the minutes.

COMMUNICATIONS

None.

On motion by Commissioner Marchiano, seconded by Commissioner Kelly, the Commission present voted to adjourn at 9:25 p.m. to the next regular meeting.

Motion unanimously passed 4 - 0. (Chair Busby, Commissioner Avila, Commissioner Ford, and Commissioner Keller excused.)

Respectfully submitted,



Transcribed by Mary Hougey

Approved by the Planning Commission
Vice Chairperson



Donna Allen





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: Creation of Land Use Regulations to Implement the Proposed Annexation of a Portion of the Alhambra Valley into the City of Martinez

GENERAL INFORMATION

APPLICANT: City of Martinez

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 155 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. Please refer to Attachments A and B.

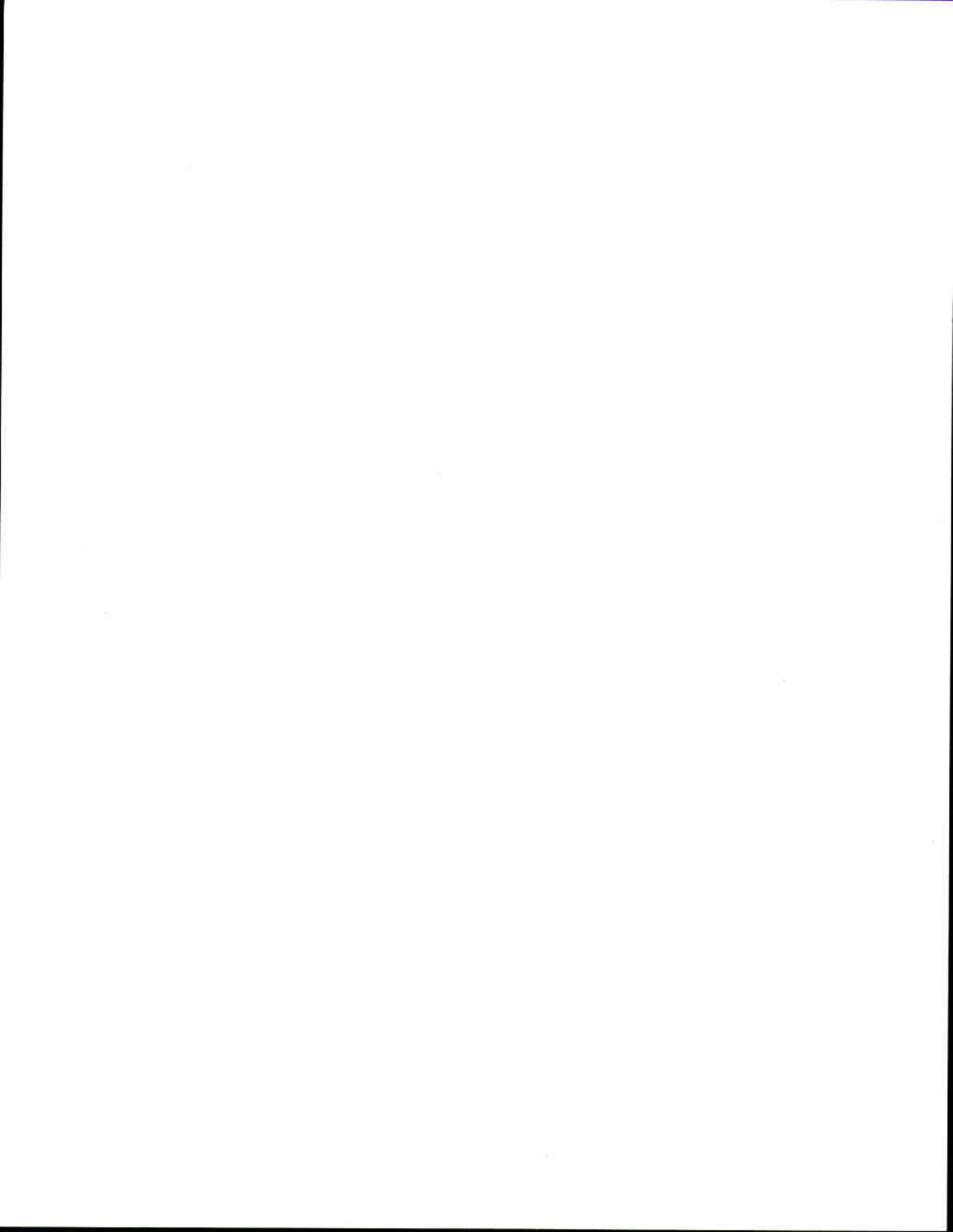
ENVIRONMENTAL REVIEW:

The Initial Study evaluating this project's potential environmental impacts was prepared and circulated as required by the California Environmental Quality Act (CEQA). The Initial Study found the project would not have a significant impact on the environment and a Notice of Intent to Adopt a Negative Declaration has been prepared.

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: 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.



PROPOSED LAND USE DESIGNATIONS:

General Plan: The City of Martinez proposes to amend the Martinez General Plan to create four new land use designations: Estate Residential – Very Low; Estate Residential – Low; Agricultural Lands; and Open Space consistent with current Contra Costa County land use designations for the annexation area and to amend the General Plan Land Use map to apply those designations to properties within the proposed annexation area.

Zoning: The City of Martinez proposes to amend the City's Zoning Ordinance to include a new Chapter 22.29, the Alhambra Valley Districts: AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District to create new zoning districts consistent with current Contra Costa County zoning designations and to pre-zone property within the proposed annexation area to these districts.

ACTIONS FOR CONSIDERATION

The Planning Commission will consider:

- 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;
- 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 recommendations that the Planning Commission is making to the Martinez City Council relate to the following actions:

- Adoption of a Negative Declaration pursuant to CEQA;
- Adoption of an amendment to the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations; Estate Residential-Low, Estate Residential-Very Low, Agricultural Lands, and Open Space;
- Adoption of amendments to the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks and Recreation Element, and Transportation Element to incorporate policies related to the annexation area;
- Adoption of an amendment to the Martinez Zoning Ordinance to include a new chapter (Chapter 22.29): the Alhambra Valley Districts which will contain four new zoning districts (AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District);
- Adoption of an amendment to the Martinez Zoning Map to include the annexation area within the City limits and the new Zoning Districts for the annexation area should LAFCO approve the annexation;
- Adoption of the Pre-Zonings and General Plan Land Use designations for the properties in the proposed annexation area; and
- Adoption of the Alhambra Valley Design Guidelines for the proposed annexation area.



RECOMMENDATION

The City of Martinez proposes the creation of new land use regulations to accommodate the proposed annexation of a portion of the Alhambra Valley (unincorporated Contra Costa County) in a manner that is generally consistent with the Contra Costa County Alhambra Valley Specific Plan (AVSP). Staff recommends that the Planning Commission adopt either:

- 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;
- 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.

BACKGROUND

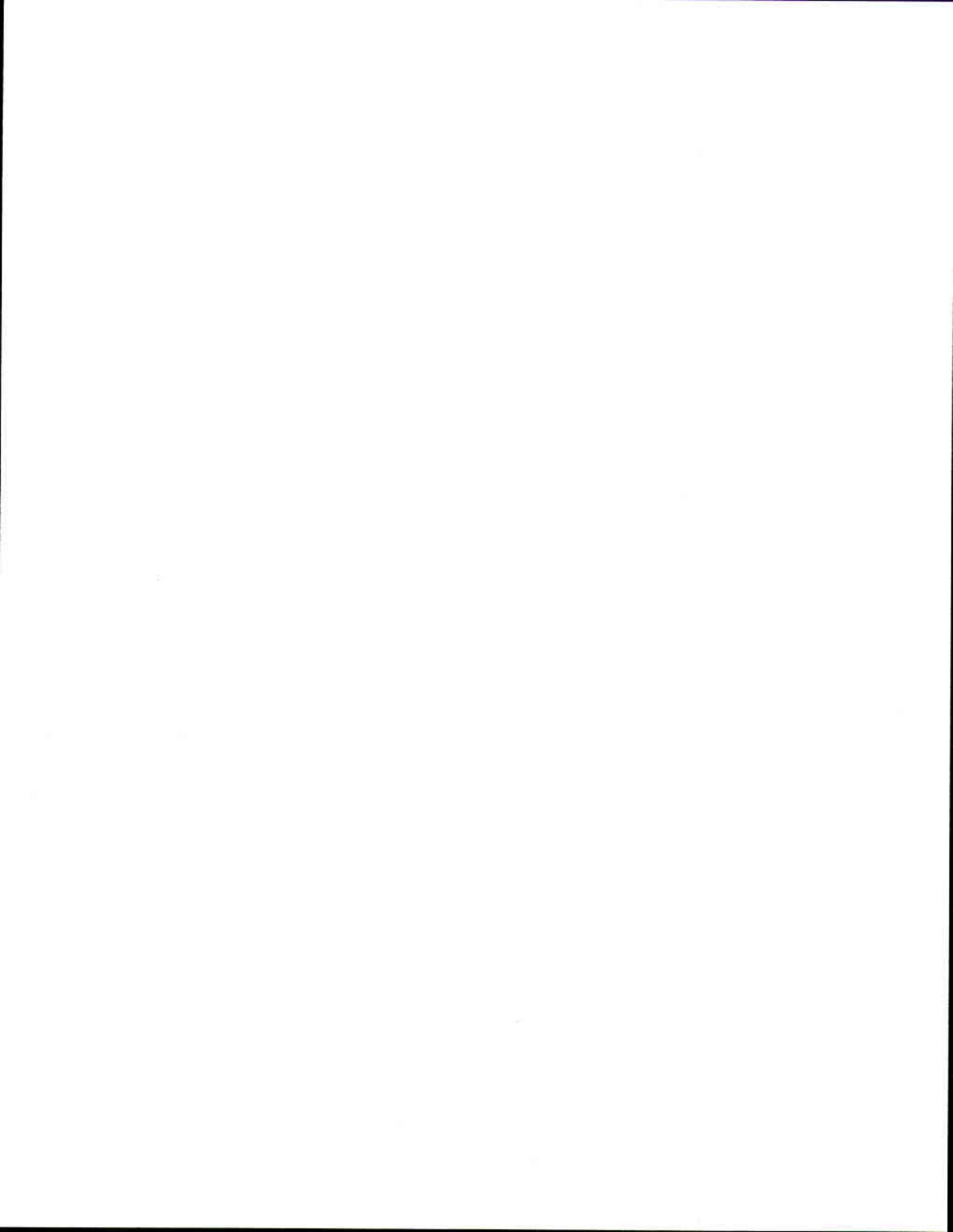
This item was first heard at the Planning Commission meeting of May 25, 2010. At that meeting the Commission reviewed the materials presented and took public testimony. Based on the public testimony and questions and concerns from the Commission, the Commission requested that additional information be gathered and research conducted. Staff returned to the Commission with the additional information collected and the results of the research requested at the Commission's meeting of June 29, 2010. At that meeting, the Commission received public testimony and reviewed the staff report and based on the record as whole voted to recommend to the City Council the denial of the proposed land use regulations proposed for the Alhambra Valley annexation area and recommending that the City Council not submit an application to Contra Costa Local Agency Formation Commission (LAFCO). Staff was directed to return with a draft resolution.

DISCUSSION

Even though the Planning Commission directed staff to return with a draft resolution recommending to the City Council the denial of the proposed land use regulations proposed for the Alhambra Valley annexation area and recommending that the City Council not submit an application to LAFCO, staff believes that based on two things, consideration of an alternative resolution is appropriate. These include:

- Commission deliberations of the item at the last meeting; and
- A conversation with one of the Commissioners directly after the meeting regarding the item.

Staff reviewed the portion of the recording of the last Planning Commission meeting which included the deliberations associated with this item and believes that it was clear that the Commission did not have issue with the land use regulations that are proposed. Instead, the Commission had issue with the City proceeding with an application to LAFCO. Staff offered this up as a possible motion for the Commission's consideration



at the meeting, but since the Commission did not consider it staff believes that it was not made clear that this was a possibility. In addition, directly after the Commission meeting, one of the Commissioners relayed to staff that they did not have an issue with the proposed land use regulations, just with the LFCO application. Based on this conversation, it was confirmed that it had not been made clear to the Commission that this was an option that could have been considered. Therefore, staff has prepared an alternative resolution that reflects this option for the Commission's consideration.

ATTACHMENTS

A: Project Location Map

B: Map of Proposed Alhambra Valley annexation area

Planning Commission Resolution No. PC 10-04 (drafts of the two versions noted above)



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 11th in attendance.

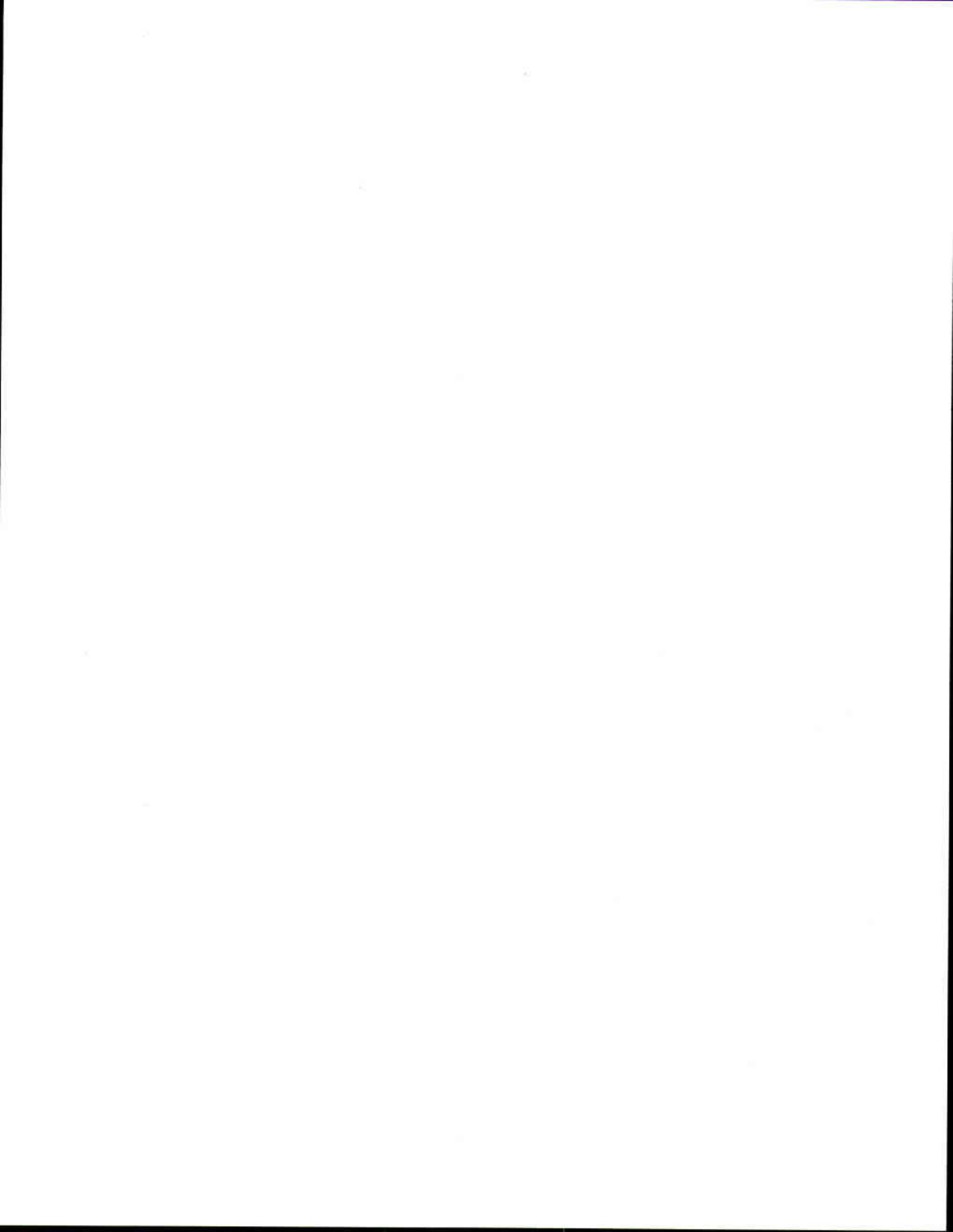
Chair Allen corrected page 2 of the June 29th minutes to say "the minutes of May 11th were continued due to a lack of quorum of those present at the May 11th meeting."

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.

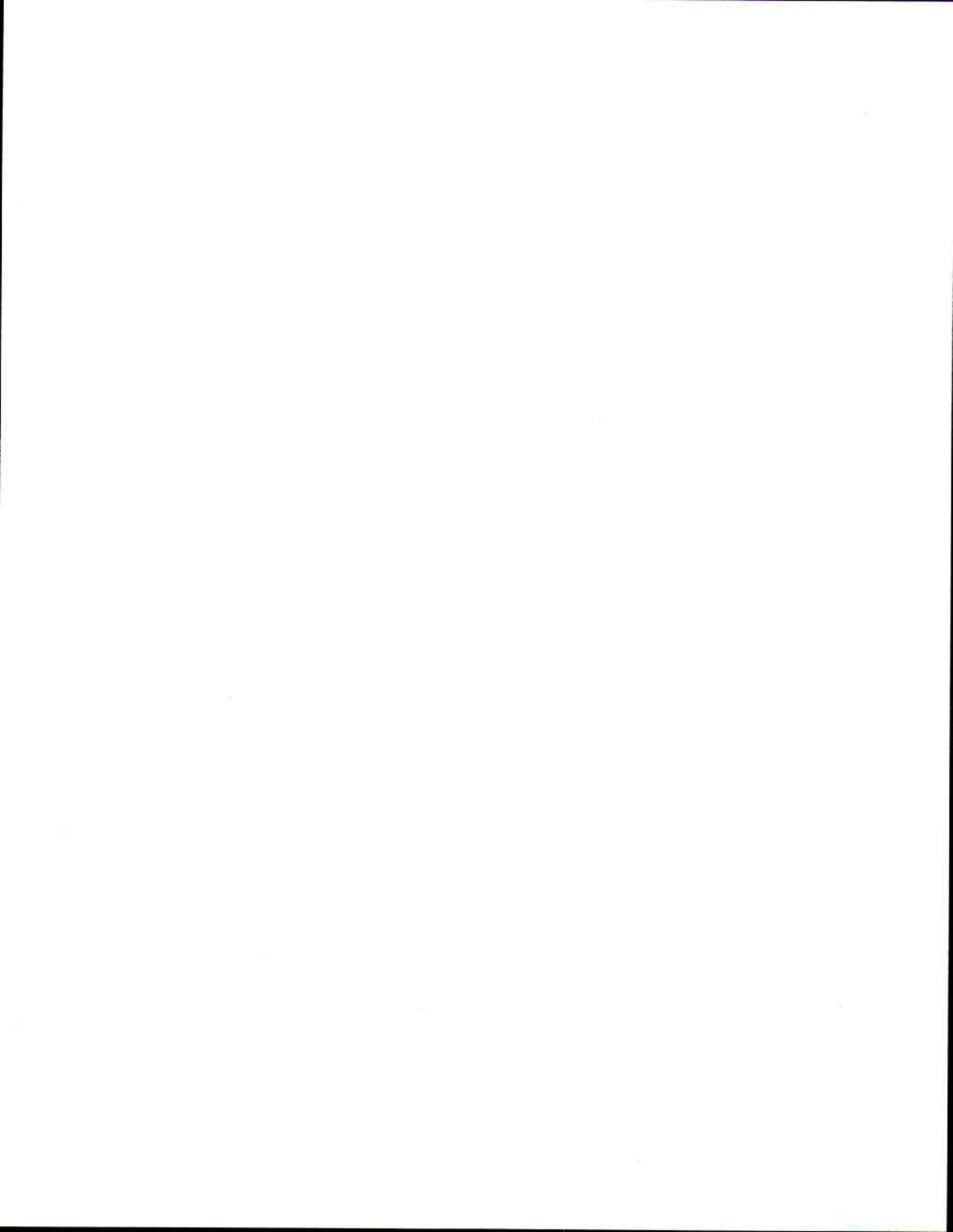
Chair Allen asked about the property's boundaries. Mr. Blount said they could be discussed after the applicant's presentation or now. Chair Allen said she would rather discuss them now.

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.

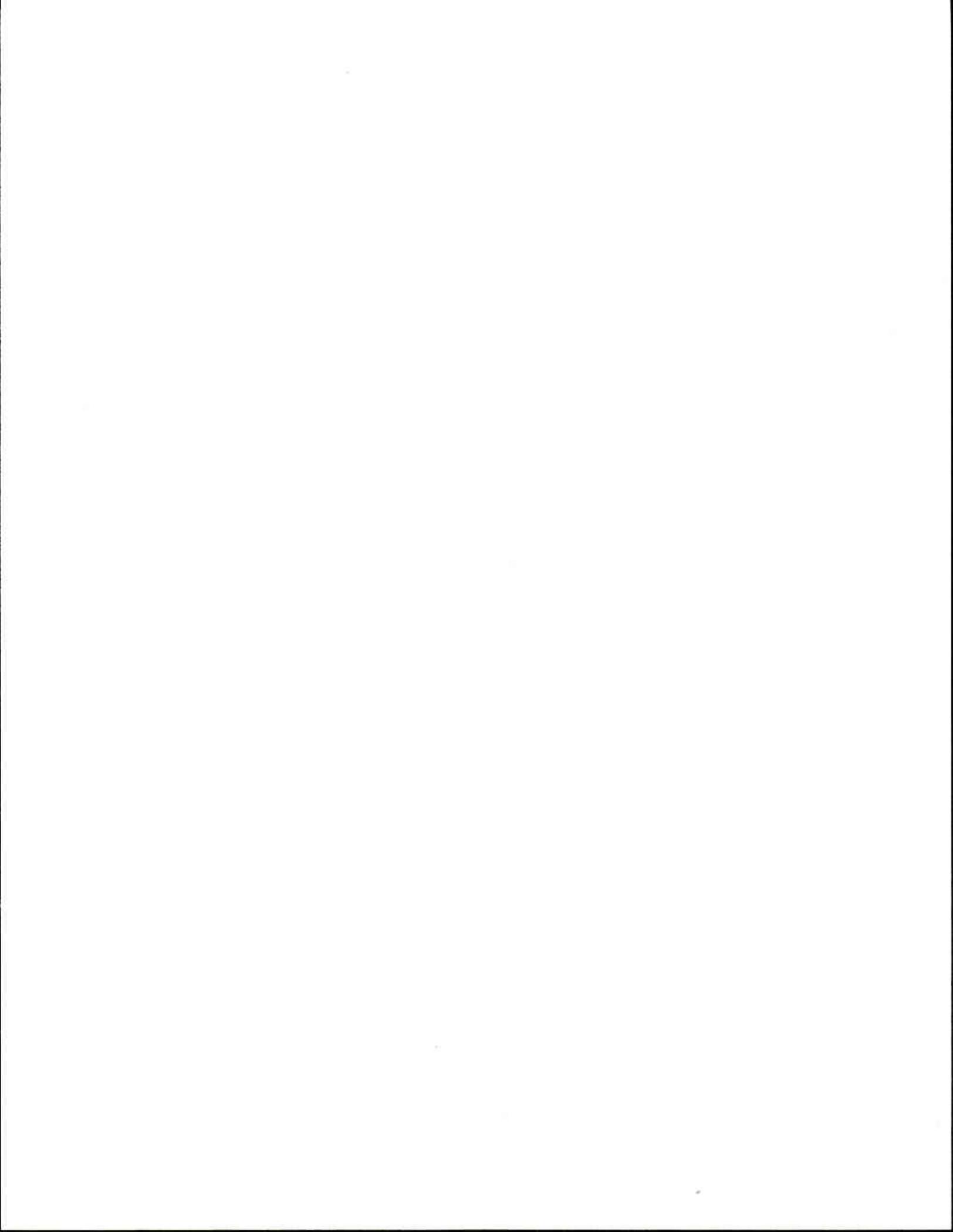
Mr. Ralls asked about conditions 4E-H and the requirement to "hold harmless" City employees, etc. He thought it was an onerous and burdensome requirement. City Attorney Veronica Nebb said there would only be 90 days allowing for claims against the project. She added that this is now a standard requirement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

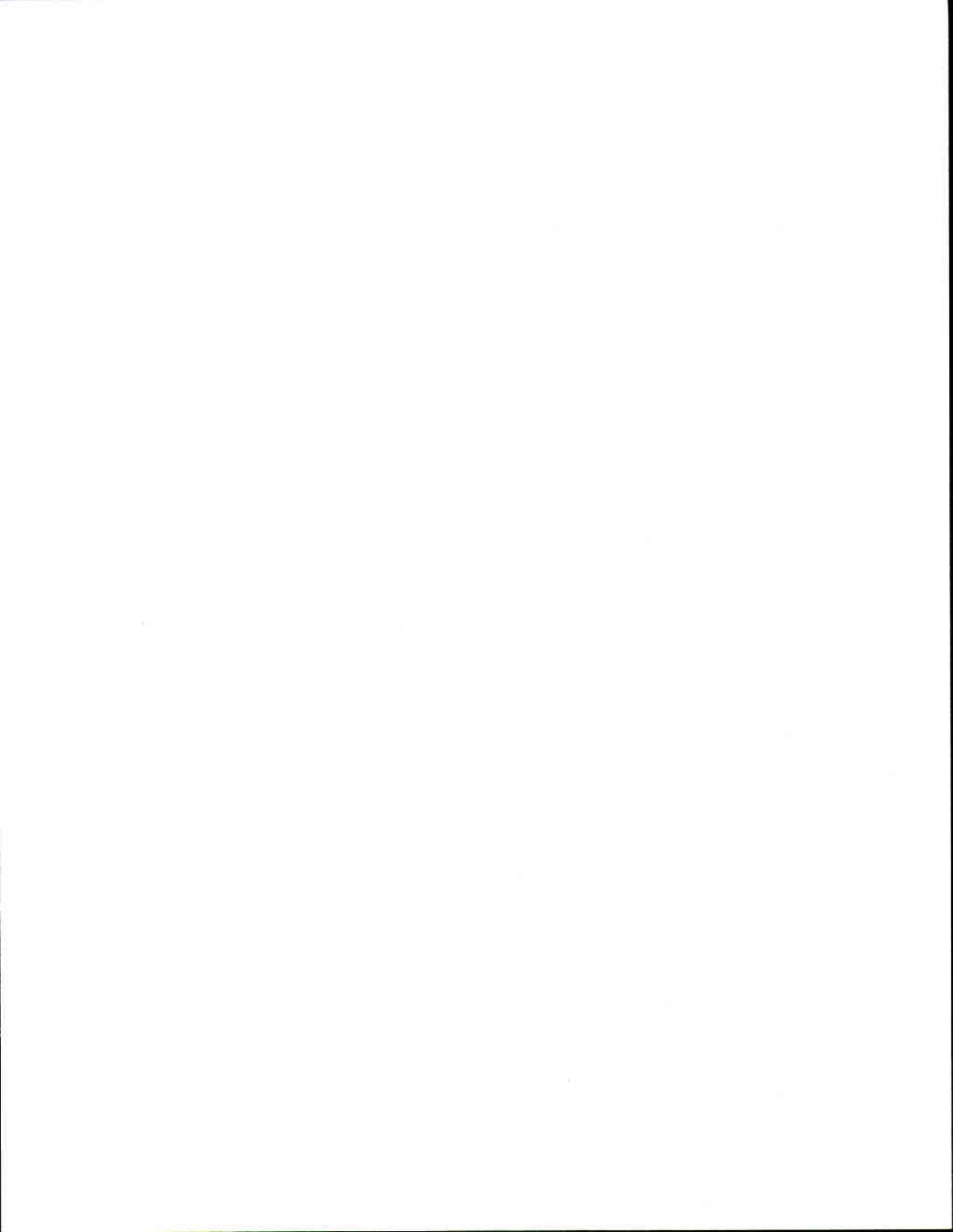
Chair Allen asked the applicant what he thought of her suggestion.

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.

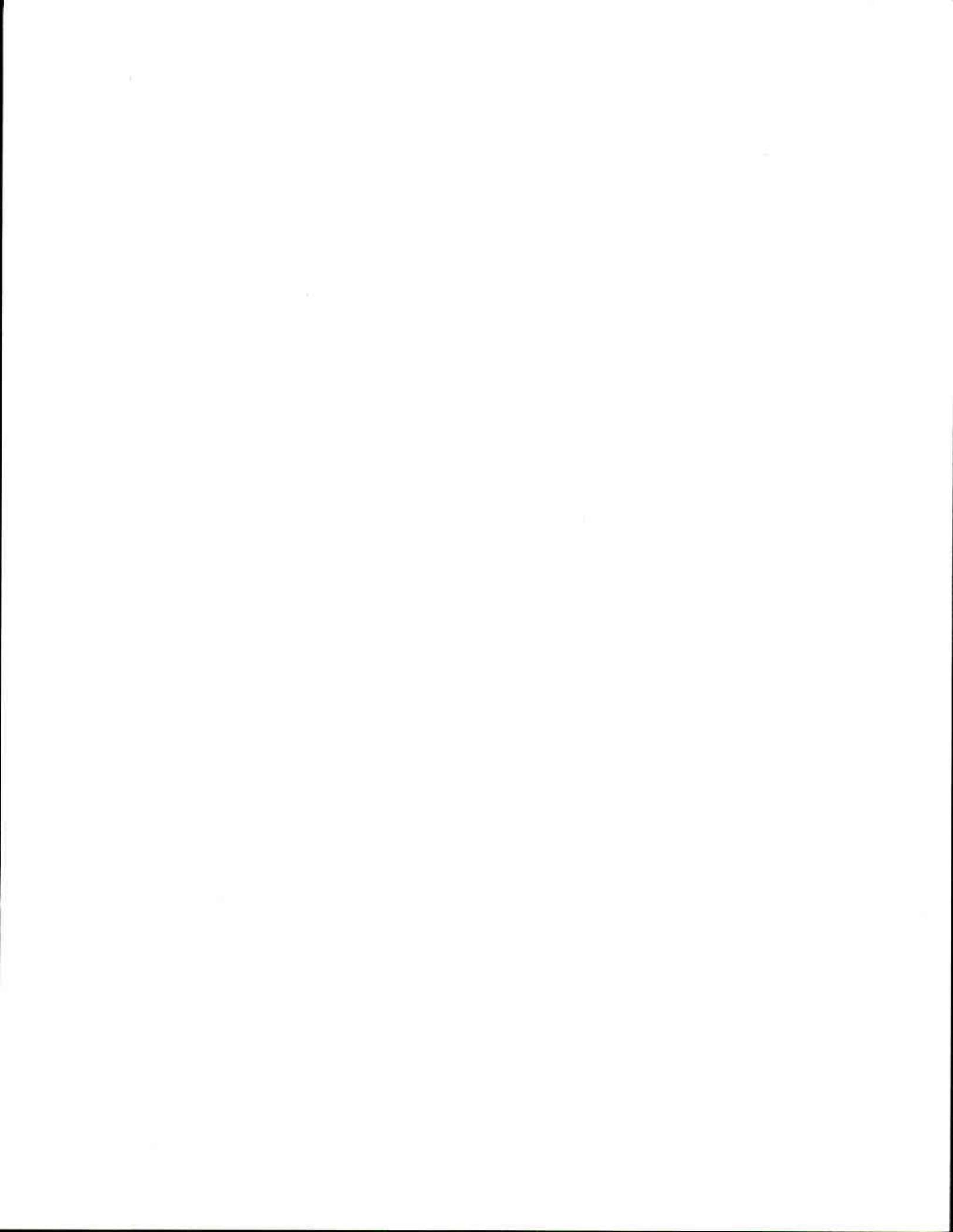
Commissioner Ford indicated she would not support adding that as a condition of approval. She asked for input from other Commissioners about whether the Commission should try to settle this issue or focus on the application at hand.

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.

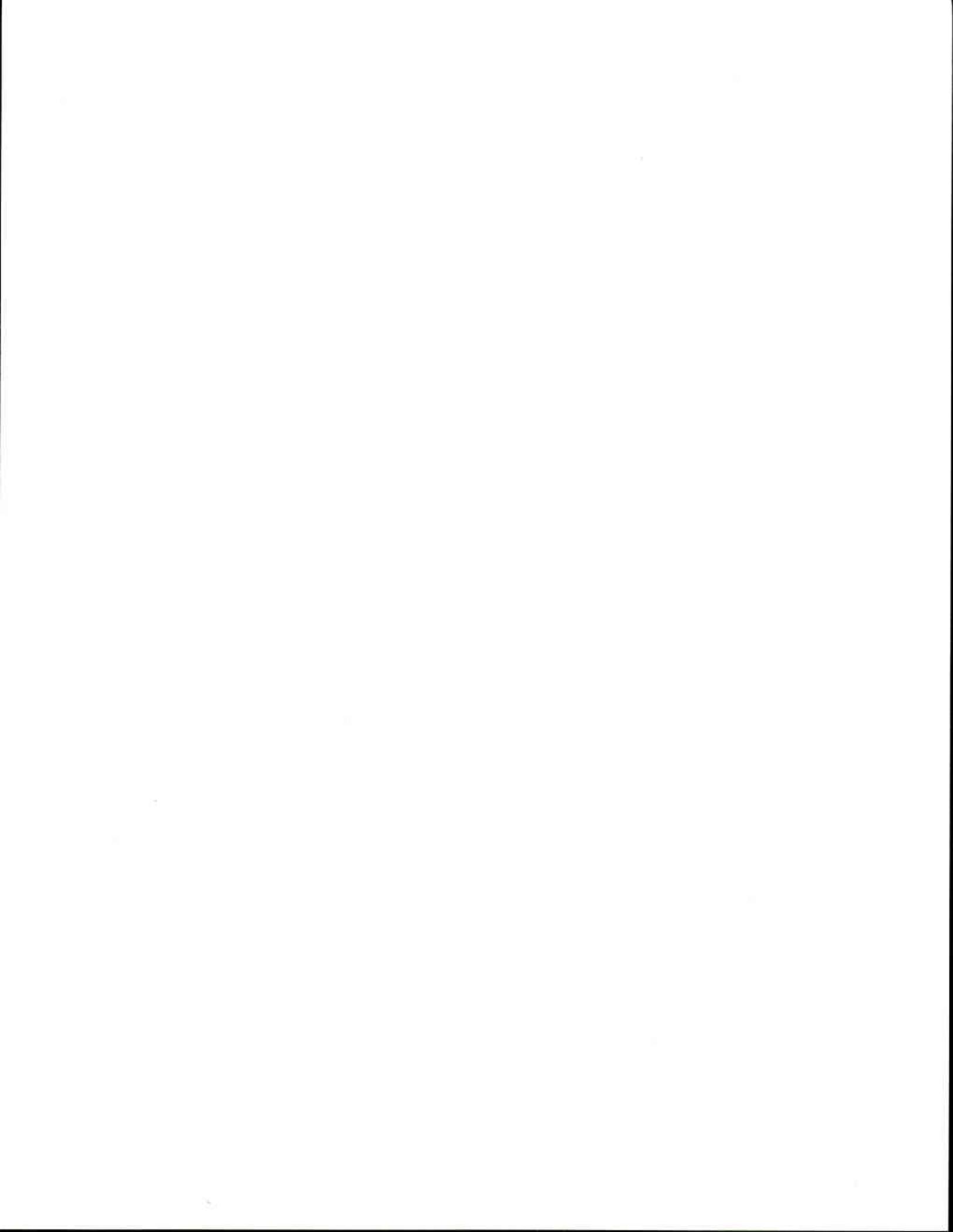
Ms. Nebb clarified that the Planning Commission cannot do prezonings; only the City Council.

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.

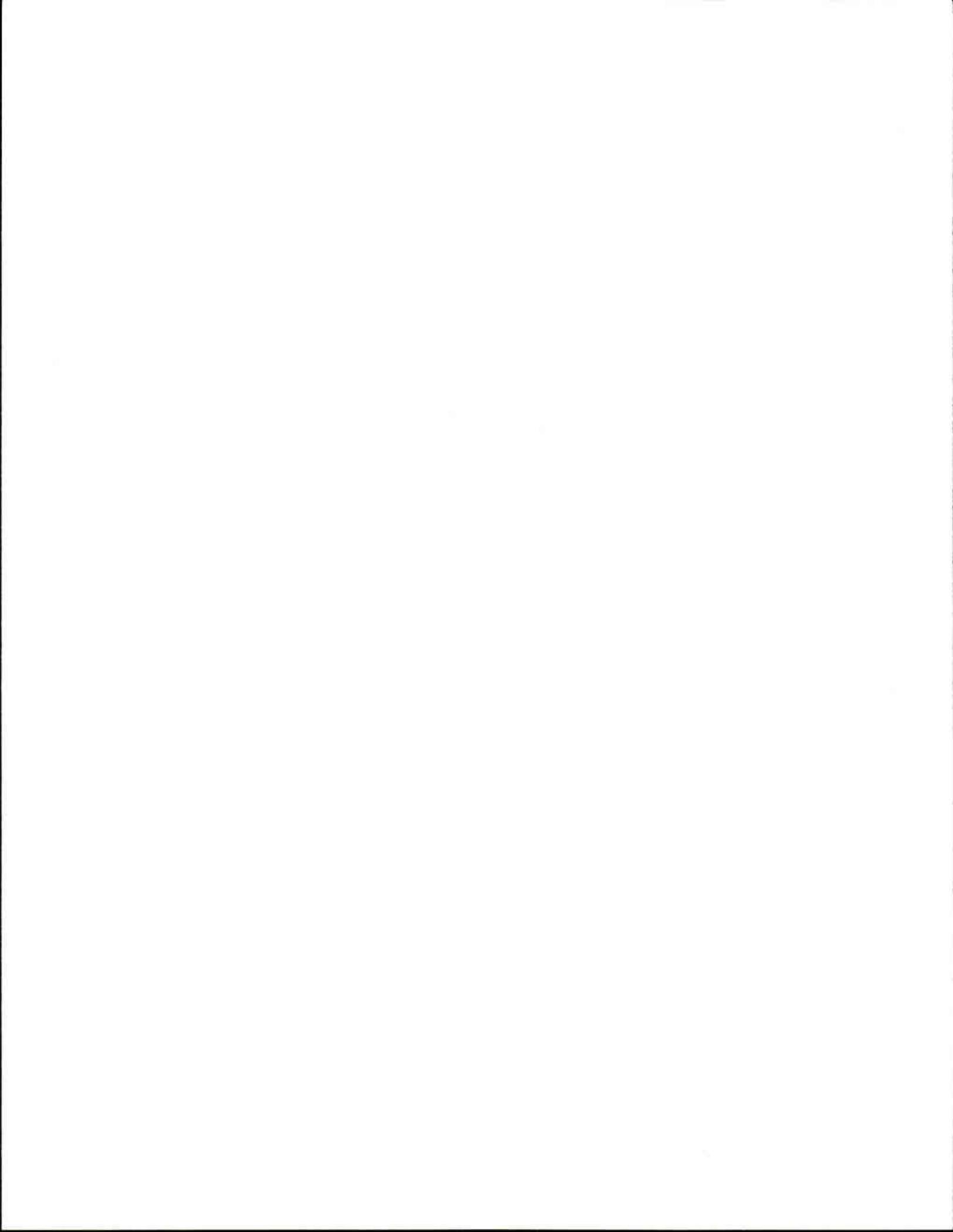
Commissioner Kelly responded to Commissioner Ford that there should be enough information available to the Council to safeguard the resident's issues.

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,

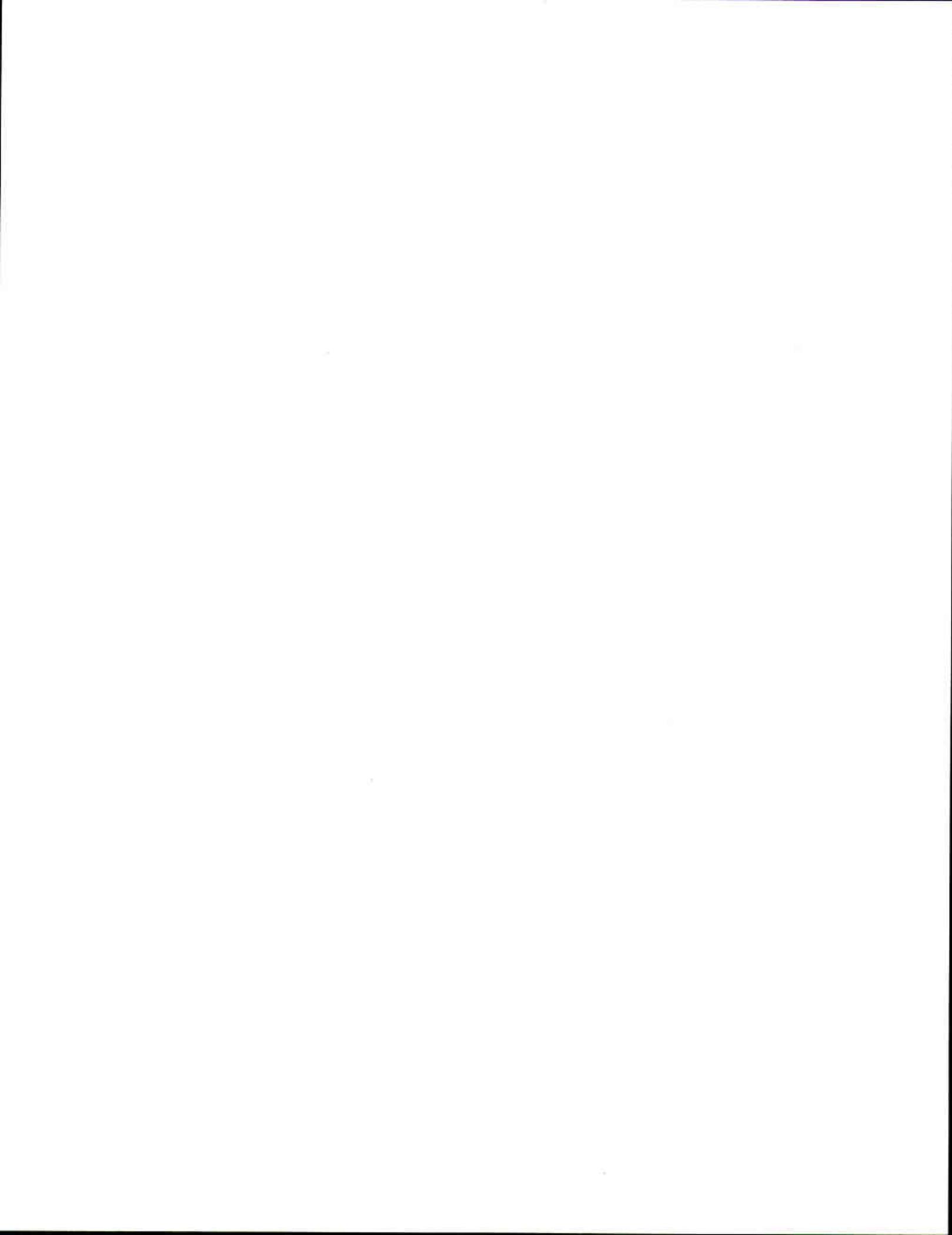


Transcribed by Mary Hougey

Approved by the Planning Commission
Vice Chairperson



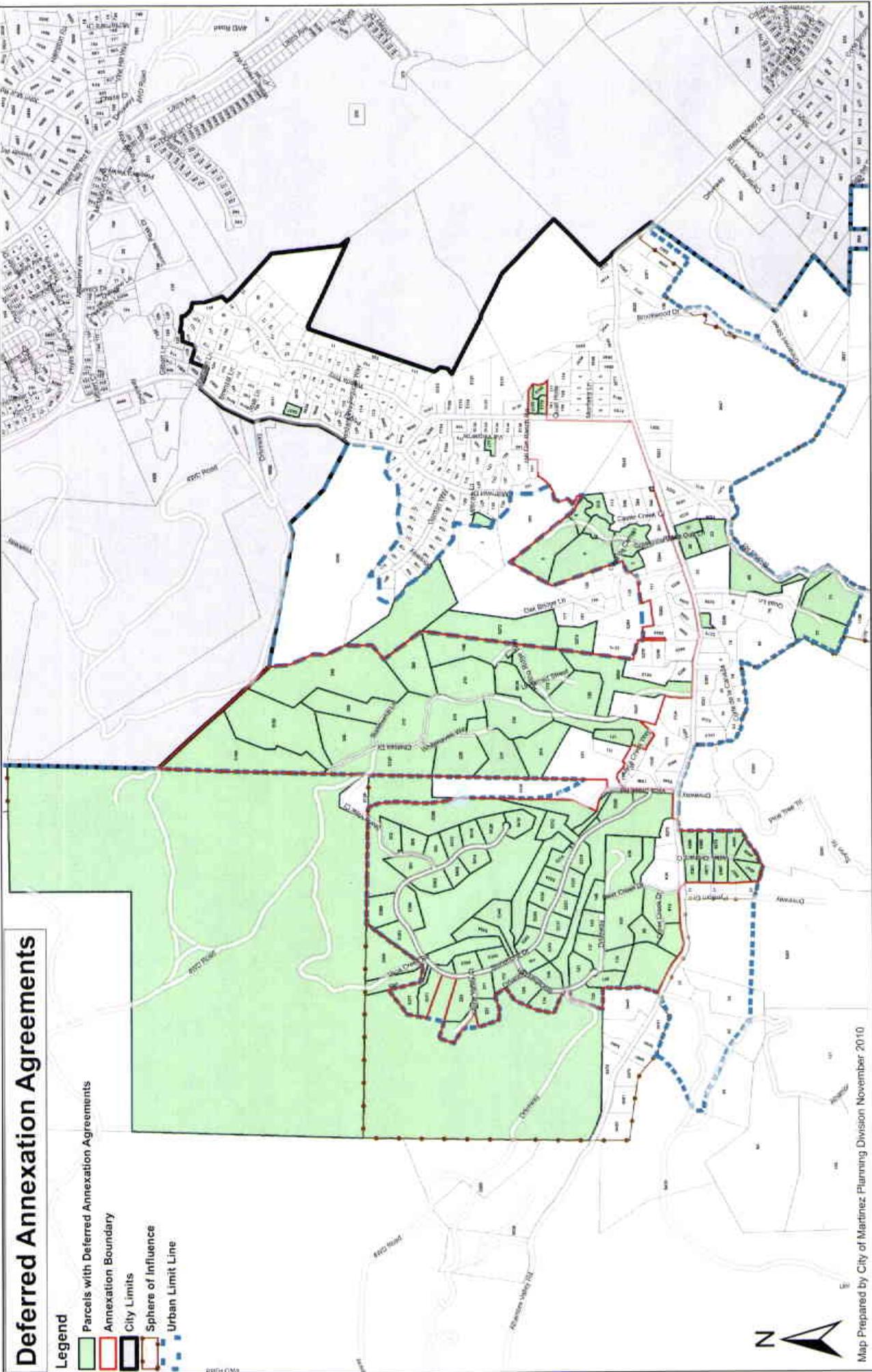
Donna Allen

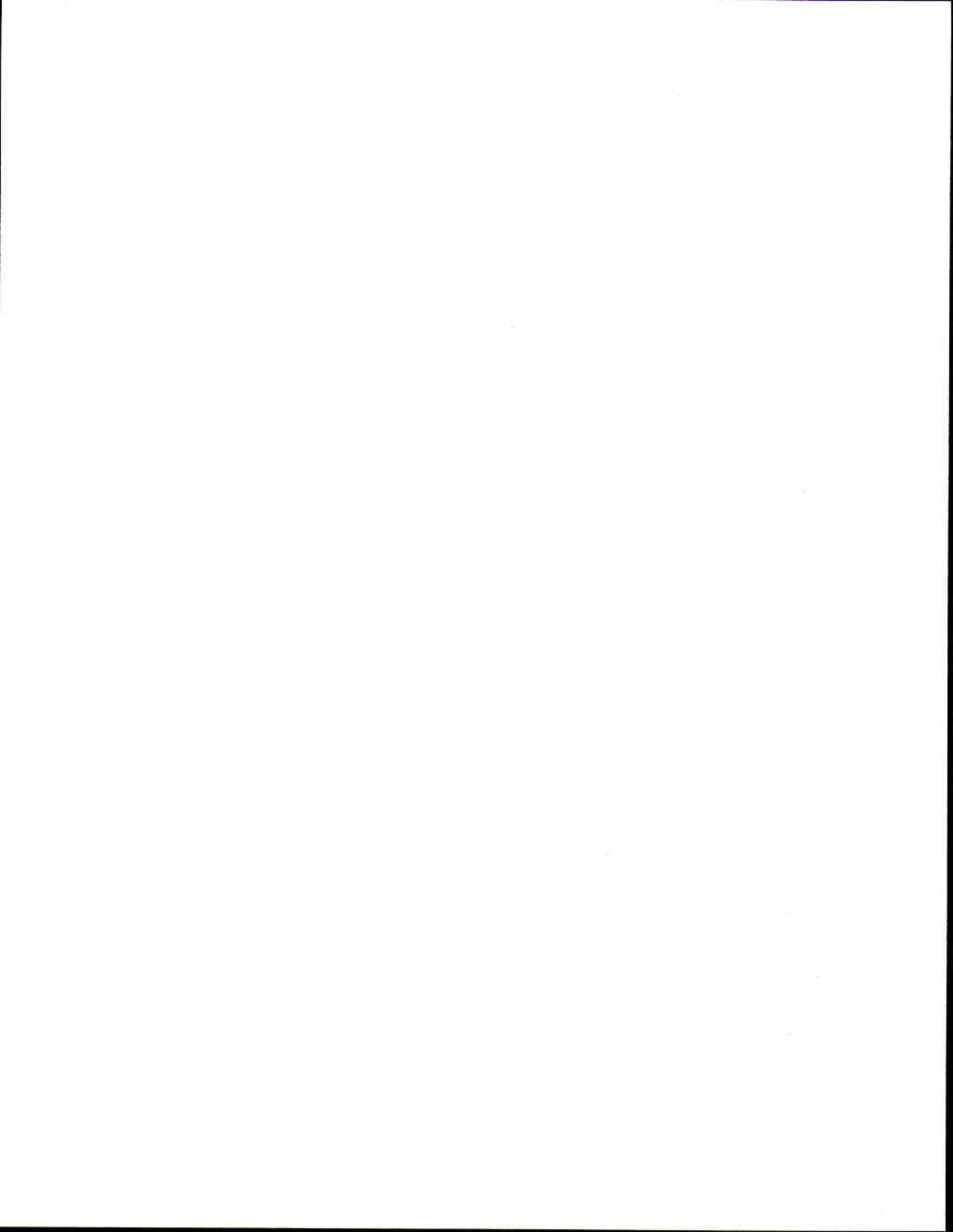


Deferred Annexation Agreements

Legend

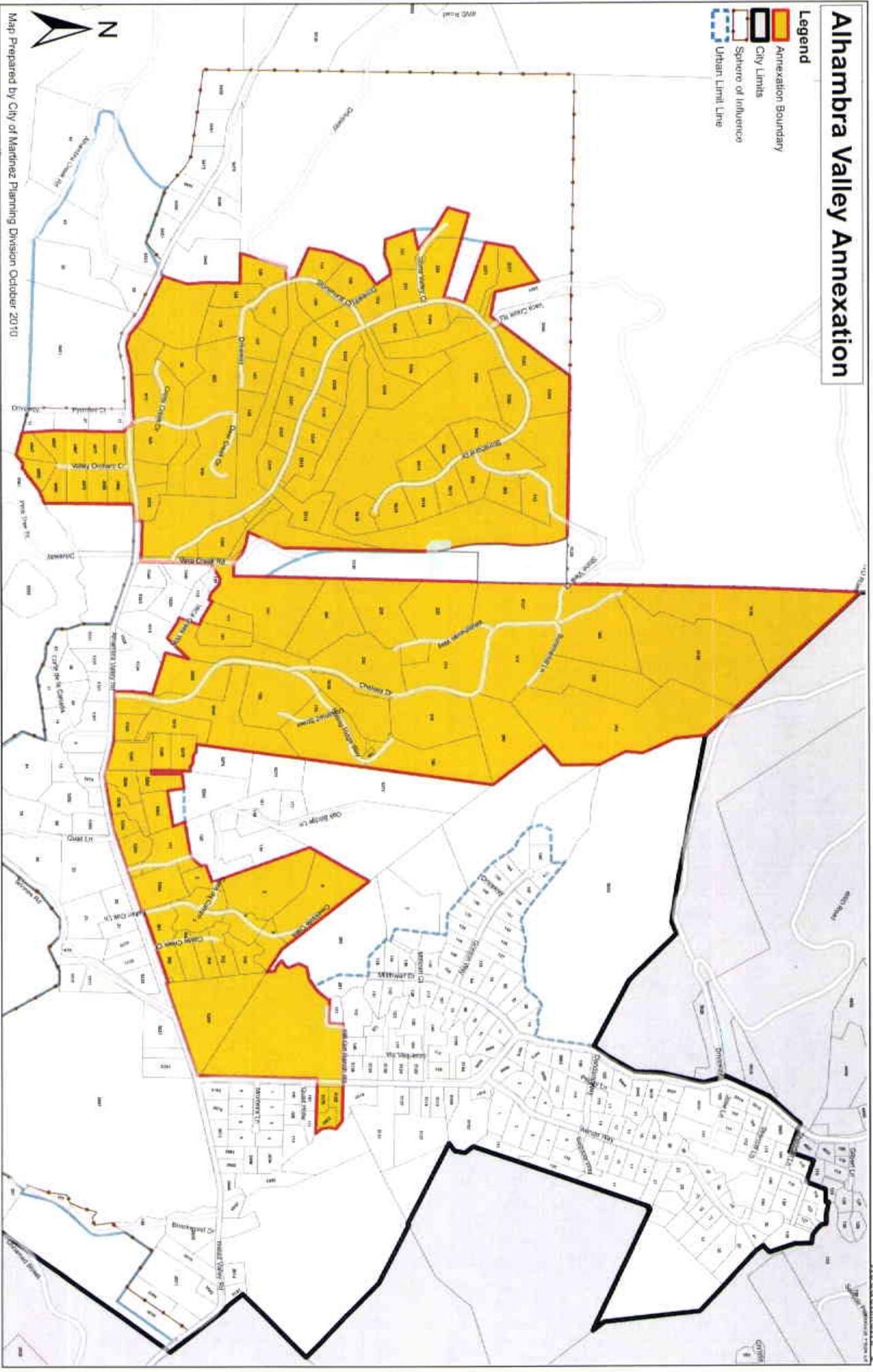
- Parcels with Deferred Annexation Agreements
- Annexation Boundary
- City Limits
- Sphere of Influence
- Urban Limit Line



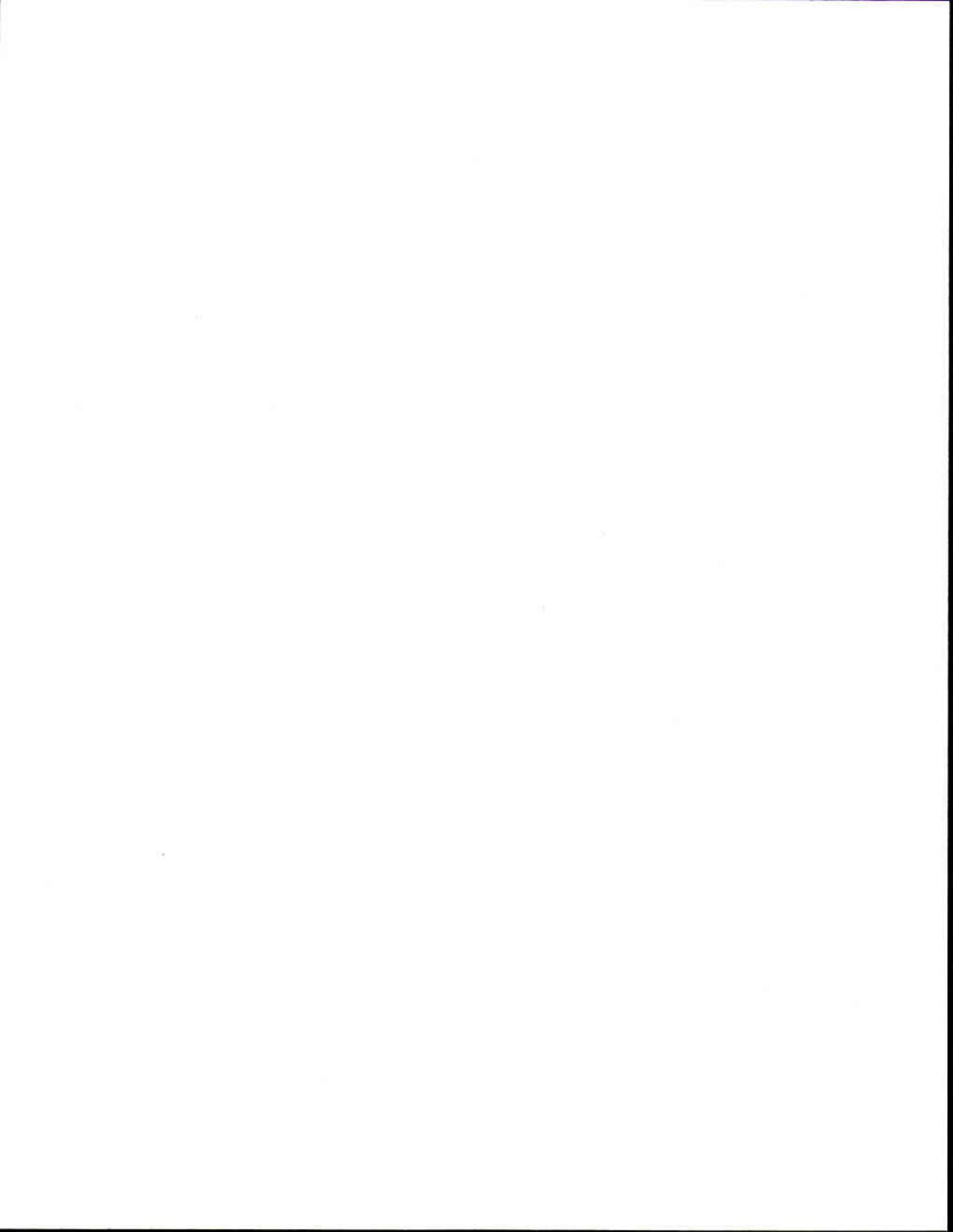


Alhambra Valley Annexation

- Legend**
- Annexation Boundary
 - City Limits
 - Sphere of Influence
 - Urban Limit Line



Map Prepared by City of Martinez Planning Division October 2010



REVISED

**Figure F 21.2 Land Use Policy
Alhambra Valley Annexation**

Legend

- ER-VL: Estate Residential - Very Low
- ER-L: Estate Residential - Low
- AL: Agricultural Lands
- OS: Open Space
- Annexation Boundary
- City Limits
- Sphere of Influence
- Outside Urban Limit Line

