

ERRATA — Modifications to the December 22, 2009 City of Martinez Draft Housing Element

Based on HCD Technical Assistance of February 4, 2010 (See “Responses to HCD Technical Assistance”) and Responses to the HCD Review Letter Dated February 18, 2010 (See “Summary, Responses/Modifications to the Draft Housing Element Based on HCD Comments”), and additional modifications based on discussions with HCD staff.

ERRATA Prepared August 24, 2010

Page 30

Modify Housing Element Program 1 on page 30, as follows:

1 Review the Housing Element Annually. As required by State law, the City will review the status of Housing Element programs by April of each year, beginning April 2011. The review would cover the status of implementing actions, accomplishments, and a review of housing sites identified in the Housing Element. In particular, the annual review will cover development assumptions and actual development activity on sites by assessing projected development potential compared to actual development approval and construction. This will also include residential units anticipated on mixed use zoned sites. The intent of the annual review is to maintain adequate sites during the Housing Element planning period.

Responsibility: Community and Economic Development Department; Planning

Commission: City Council

Timing: Annual review

Funding: General Fund

Target: Review and monitoring of Housing Element implementation; submittal to HCD.

Page 39

Modify Housing Element Program 15 on page 39, as follows:

“15 Continue to Implement the Downtown Specific Plan. Continue to implement the programs, policies and development standards ~~for the Downtown~~ to facilitate and encourage residential development in the downtown area. This would include the implementing actions contained in the Downtown Specific Plan, such as actions to promote walk-ability, development incentives, financing and funding mechanisms, and other policies and actions contained in the Downtown Specific Plan to encourage infill, higher density, and mixed-use development. The Downtown Specific Plan identifies “priority catalyst projects” to help achieve the goals and policies of the Specific Plan. Specific incentives contained in the Downtown Specific Plan and identified as catalyst projects include:

- (1) Zoning changes as a result of the Downtown Specific Plan adoption encourage development of townhomes and condominiums, which were not allowed under previous Zoning regulations;

- (2) Improvements to infrastructure, including the utility grid; and,
- (3) Evaluation of financing and funding mechanisms to implement the Downtown Specific Plan, including Housing Element Program 9 to “Consider Establishment of a Redevelopment Area.”

Further, to promote residential development affordable to lower income households in the Downtown Specific Plan, the City will target a variety of support, including expediting and prioritizing review, coordinating applications with the project review committee, consider waivers or reductions of fees, or grant concessions and incentives beyond density bonus law and specifically meet with developers including non-profit to identify and implement target sites and strategies at least twice in the planning period. As part of this effort, the City will apply or support applications for funding at least twice in the planning period, annually monitor the effectiveness of the strategy and add or revise programs as necessary to promote affordability in the Downtown Specific Plan.

Page 40

Add the following to Program 18 on page 40 of the December, 2009 Draft Housing Element:

“18 Provide Expedited Review, and Fee Reductions, and Other Support for Affordable Housing. Continue to provide expedited review of affordable housing developments through the coordinating activities of the Project Review Committee, and give priority to such projects in scheduling meetings of the Design Review Committee, Zoning Administrator, and Planning Commission to maintain a shortened review period and evaluate recommendations to avoid constraints on production of affordable housing. The City will also consider waivers or reductions of development fees where feasible as a means of promoting the development of housing affordable to extremely low, very low, and low income households. In addition, the City will review funding options as part of the annual Housing Element review as described in Program 1, and will apply for funding or support funding applications as opportunities are available, and will undertake other actions (such as modifications to parking requirements and granting concessions and incentives) to assist in the development of housing for extremely low income households.

Responsibility: Community and Economic Development Department; City Council
Timing: ~~Ongoing~~ Annual Review as part of Housing Element Program 1 and apply for funding at least twice in the planning period
Funding: General Fund
Target: Incentives for affordable housing.”

Page 41

Modify Program 22 as follows:

“22 **Enact Zoning for Emergency Shelter for the Homeless.** The City will establish zoning to allow emergency shelters for the homeless as a permitted use within the NC (Neighborhood Commercial), CC (Central Commercial), and R-1.5 (High-density residential) zoning districts, excluding the Downtown Specific Plan area, where the property is located within one-quarter mile of a transit stop. Zoning will also be established to allow religious facilities to open a permanent, year-round shelter with a use permit. In addition, the City will establish development standards that encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zones above. The City will also establish written and objective standards, as allowed in State law, for the following:

- (1) Maximum number of beds;
- (2) Off-street parking based upon demonstrated need;
- (3) Size and location of on-site waiting and intake areas;
- (4) Provision of on-site management;
- (5) Proximity to other shelters;
- (6) Length of stay;
- (7) Lighting; and,
- (8) Security during hours when the shelter is open.”

Responsibility: Community and Economic Development Department; City Attorney; Planning Commission; City Council

Timing: 2010

Funding: General Fund

Target: Zoning Ordinance amendment.”

Page 41

Modify Program 23 on page 41 of the December, 2009 Draft Housing Element as follows:

“23 **Enact Zoning for Transitional, Supportive and Special Needs Housing.** Amend residential zones to specifically allow transitional and supportive housing, as required by State law, so they are treated as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone. In addition, remove or revise the definition of family contained in the City of Martinez Municipal Code, which appears not to be in compliance with California Fair Housing Law and may pose a constraint to providing housing for people with disabilities. To be compliant, the definition of family cannot distinguish between related and unrelated persons, and should not impose numerical limitations on the number of persons that may constitute a family.”

Responsibility: Community and Economic Development Department; City Attorney; Planning Commission; City Council

Timing: 2010
Funding: General Fund
Target: Zoning Ordinance amendment.”

Page 42

Add the following new program after Program 25 on page 42 to address multi-family parking requirements:

“26 Revise Multi-Family Parking Requirements. Simplify and consolidate the City’s requirements for Off-Street Parking for multi-family housing for both City-wide and the Downtown Overlay District to be more in sync with actual demand and current best practices. This would include reductions in requirements for the number of covered and non-covered spaces for one-bedroom units in multi-family housing projects.”

Responsibility: Community and Economic Development Department; City Attorney; Planning Commission; City Council
Timing: 2010
Funding: General Fund
Target: Zoning Ordinance amendment.”

Page 42

Add the following new program after Program 25 (and new 26) on page 42 to address zoning for group homes for seven or more persons:

“27 Modify Requirements for Group Homes for Seven or More Persons. Amend the Zoning Ordinance to allow group homes for seven or more persons with a Conditional Use Permit in additional residential zones.”

Responsibility: Community and Economic Development Department; City Attorney; Planning Commission; City Council
Timing: 2011
Funding: General Fund
Target: Zoning Ordinance amendment.”

Page 75

Modify page 75 of the December 22, 2009 Draft Housing Element as follows:

“The approach recommended in the Housing Element is for the City to designate locations within the NC (Neighborhood Commercial), CC (Central Commercial), and R-1.5 (High-density residential) zoning districts, exclusive of the Downtown Specific Plan area, where emergency shelters for the homeless are allowed “by right.” It is also recommended that any property must be located within a one-quarter mile of a transit stop, since this could be considered a reasonable distance for a person to walk to/from a transit stop to/from a facility. In addition, the Housing Element recommends that if a property containing a

religious facility wants to open a permanent, year-round shelter that a use permit be required.

Under the proposed zoning designation under the criteria described above, a total of 274 acres of land in the City of Martinez would qualify as allowing an emergency shelter for the homeless as a use allowed “by right,” and not subject to discretionary review. Parcel sizes ranges from smaller parcels (generally 0.25 – 0.70 acres in size) to larger parcels (up to 13.0 acres in size). The area designated provides sufficient opportunity for a facility for the homeless to be built in compliance with SB2 requirements.

The map below shows potential locations within one-quarter mile of a transit stop where an emergency shelter could be allowed without a conditional use permit or other discretionary action. The identified locations have a realistic potential for redevelopment or reuse, and have access to transportation and services. As part of the rezoning action, the City will establish written and objective standards, as allowed in State law, covering:

- Maximum number of beds
- Off-street parking based upon demonstrated need
- Size and location of on-site waiting and intake areas
- Provision of on-site management
- Proximity to other shelters
- Length of stay
- Lighting
- Security during hours when the shelter is open”

Replace the map on page 76 with map below which shows potential homeless facility sites — in green — in compliance with SB2 requirements.

Page 82

Modifications to Appendix A, pages 1-12, which are attached, include General Plan land use and Zoning designations, and a legend for the Zoning categories. In addition, modify the last paragraph and table on page 82 as follows:

“Since Martinez has adequate sites currently zoned at 30 units/acre no further analysis is required to establish the adequacy of the density standard for lower income sites, and this standard is used in this Housing Element. In addition, there must be adequate sites to address the City’s total housing need for the 2007-2014 planning period of 1,060 units. Based on the review of realistic development capacity of potential housing sites (see Appendix A), the City has sufficient sites currently planned and zoned at adequate densities to meet its total RHNA for the 2007-2014 planning period, and the need for lower income housing. This is shown in the table below.

**Summary of Residential Development Capacity in Martinez (2007-2014)
On Sites Currently Zoned for Residential Use**

Site Conditions	Sites Greater than 30 Units/Acre	Sites Less than 30 Units/Acre	Total Units
Vacant Residential	60	538	598
Vacant Mixed Use	95	427	522
Underutilized Sites	284	86	370
Total	439	1,051	1,490

Note: The realistic development capacity on specific housing sites is shown on the tables in Appendix A under “Potential Units — Maximum.” The projected residential development capacity of mixed use sites assumes a mixture of residential and non-residential development.

Source: City of Martinez, 2009

Page 90

Add the following as a new sub-section before the section entitled “Recent Approvals Under the Downtown Specific Plan” on page 90:

“Downtown Specific Plan Implementation Actions

Implementation of the Downtown Specific Plan (adopted July 2006) is a very high priority for the City. Chapter 16 of the DSP contains a number of implementing actions to facilitate and encourage residential development in the downtown area. Actions cover “priority catalyst projects” (such as changes to land use regulations), and financing and funding mechanisms. In addition, the Downtown Specific Plan contains a number of supporting policies to encourage infill, higher density, and mixed-use development, including density bonuses, financing incentives, lot consolidation incentives, etc. The success of the Downtown Specific Plan is underscored by recent City approvals, is described below.

The Downtown Specific Plan focuses on 32 opportunity sites in the downtown. The proposed new uses include single family housing, townhouses, multifamily housing, live-work lofts, additional retail space, and additional office space. The firm of Strategic Economics conducted a market feasibility of downtown uses and development potential under the Downtown Specific Plan in 2004. While market conditions have changed since then, the conclusions of the market analysis remain the same. The sites identified in the Housing Element reflect that “. . . land prices for this type of development (multi-family, townhomes, and live-work units) provide incentives for owners and developers to revitalize opportunity sites.” Based on market conditions, and regulatory incentives, potential redevelopment of sites in the downtown are realistic assumptions during the planning period of the Housing Element (2007-2014).”

Page 92

Modify page 92 of the December, 2009 Draft Housing Element as follows:

“Environmental and Infrastructure Conditions

The recent EIR prepared for the Downtown Specific Plan thoroughly examined development potential, capacity and impacts associated with the Downtown Specific Plan, and the potential cumulative impacts that could happen under build-out of the General Plan. The examination covered such issues as land use, population, transportation, air quality, biological resources, cultural resources, geology, soils, seismicity, hydrology, water quality, hazards, visual resources, etc.

Projections for provision of public and community services in the EIR took into account citywide growth scenarios that could occur under build-out of the General Plan. The conclusion is that no citywide cumulative impacts are anticipated. The same is true of utilities capacity, including water and sewer capacity, which is adequate to address the City’s RHNA during the Housing Element planning period (2007-2014).”

Page 96-98

Modify the December 22, 2009 Draft Housing Element beginning on page 96 and through page 98 as follows:

“Setbacks. Setback regulations prescribed by City zoning allow for greater flexibility and responsiveness to varying lot sizes and existing neighborhood development. Front yard setbacks range from ten to 50 feet depending on the zoning district. The variable side yard and front yard requirements provide relief for narrow lots and properties located in neighborhoods with physical and topographical features that limit site development to front yard areas. Additionally, certain exceptions to setback requirements are permitted to allow for even greater design flexibility. For example, a reduced rear yard of five feet is allowed for detached accessory structures- such as second dwelling units - which are less than 15 feet

in height.

Summary of Martinez Residential Development Standards (2009)

Zoning District	Lot Coverage	Building Height (feet)	Minimum Yard Setback			Minimum Lot Area (square feet)	Units per Acre
			Frontyard (feet)	Sideyard with two story (feet)	Rearyard (feet)		
R-1.5	40%	30	10	5 (10)	20 (may be reduced to 10 depending on lot)	10,000	29 Units/ac
R-2.5	35%	25	20	5 (10)	25 (may be reduced to 15 depending on lot)	3,500	17 Units/ac
R-3.5	40%	25	20	5 (10)	25	4,000	12 Units/ac
R-6.0	40%	25	20	5 (10)	25	6,000	7 Units/ac
R-7.0		35	20	5 (15)	15	7,000	6 Units/ac
R-7.5	35%	25	20	5 (10)	25	7,500	5 Units/ac
R-10	30%	25	25	5 (12)	25	10,000	4 Units/ac
R-12		35	20	10 (25)	15	12,000	3 Units/ac
R-20	25%	25	25	10 (15)	25	20,000	2 Units/ac
R-40	20%	25	25	15 (25)	25	40,000	1 Unit/ac
R-80	10%	25	50	25 (35)	25	80,000	0.5 Units/ac
R-100	5%	25	50	30 (40)	25	100,000	0.4 Units/ac
RR	5-25%	25	25-50	10-30 (15-40)	25	20,000-100,000	2-0.4 Units/ac

Source: Martinez Zoning Ordinance (available online at http://www.cityofmartinez.org/depts/planning/rec_and_app.asp)

Note: Standards of Planned Unit Development district are flexible and can change.

“Structure Height. In most zoning districts no residential structure can have more than two stories or exceed 25 feet in height as measured from natural grade. An exception to this 25-foot height maximum allows three stories for multi-family structures up to 30-feet in the R-1.5 district, if designed with two floors over ground level or submerged parking.

Within the Downtown Core Area the Downtown Specific Plan provides for a height limit of 40’, or three stories, and higher with a use permit. The maximum building height in the Downtown Shoreline area is 40 feet, or three stories, for development approved at an R-1.25 density, and 30’ or two stories, for development approved at an R-2.5 density. In some areas, such as transition areas near existing single family residential areas, a two-story maximum height may be determined to be appropriate by the Planning Commission. The Planning Commission may approve taller buildings by use permit.

Lot Coverage and Floor Area Ratios. Structure size is mainly regulated by lot coverage maximums specific to each residential zoning district as shown above. The City also imposes a maximum floor area ratio (FAR) of 0.30 for homes located on substandard hillside lots (i.e., lots that are non-conforming to either the base zoning or slope-density standards for minimum site area required) and where the natural slope of the site under the proposed home exceeds 20 percent. No other FAR standards are applied in the City. Lot coverage

permitted by the City could constitute a constraint on small lots to the development of affordable housing. This potential constraint is addressed through the City’s Downtown Overlay District regulations (see below), which allows 45% lot coverage.

Residential Uses Allowed Under Current Zoning

P = Permitted Use
C = Conditional Use

Zoning District	Single Family Detached	Single Family Attached	Multi-family	Residential Care Fewer than 6 people	Residential Care More than 6 people	Emergency Shelter	Single-Room Occupancy	Manufactured Homes	Mobile Homes	Transitional Housing	Second Units
R-1.5	P	P	P	P	C			P	C		P
R-2.5	P	P	P	P	C			P			P
R-3.5	P	P	P	P				P			P
R-6.0	P			P				P			P
R-7.0	P			P				P			P
R-7.5	P			P				P			P
R-10	P			P				P			P
R-12	P			P				P			P
R-20	P			P				P			P
R-40	P			P				P			P
R-80	P			P				P			P
R-100	P			P				P			P
RR	P			P				P			P
DS	P	P	P	P				P			P
P-1	P	P	P	P				P			P
M-29	P	P	P	P	C			P			P

Source: Martinez Zoning Ordinance (available online at http://www.cityofmartinez.org/depts/planning/rec_and_app.asp)

“Parking. All single-family housing units are required to provide two off-street parking spaces. Two covered spots are required for single-family homes on lots zoned R-6.0 through RR-100, and one covered, one uncovered are required for single-family homes zoned R-1.5 through R-3.5. Multi-family developments are required to provide parking at 2.25 spaces per unit, except that multi-family developments located in the Downtown Overlay District have less restrictive parking obligations with a use permit. Also, in the Downtown Overlay District, parking requirements are based on the specific number of bedrooms, ranging from 1 space for each studio unit, to 2 spaces for a two-bedroom or larger unit. A further reduction in the number of parking spaces required in the DO zone, down to 1 space per unit of any size, may be approved with a use permit. Current parking standards for residential uses are as follows:

Current City of Martinez Residential Parking Standards

<u>Dwelling Type</u>	<u>Zoning Districts</u>	<u>Required Parking Spaces Per Dwelling Unit**</u>	
		<u>Covered</u>	<u>Open</u>
<u>Single family</u>	<u>All districts except R-1.5, R-2.5 and R-3.5</u>	<u>2</u>	<u>0</u>
<u>Single family</u>	<u>R--1.5, R--2.5 and R--3.5</u>	<u>1</u>	<u>1</u>
<u>Multiple family*</u>	<u>All districts except sites included in the Downtown Overlay District</u>	<u>1</u>	<u>1 1/4</u>
<u>Multiple family*</u>	<u>Downtown Overlay District (except projects on streets where bike lanes are proposed)</u>	<u>1</u>	
<u>studio</u>		<u>1</u>	
<u>1 bedroom</u>		<u>1</u>	<u>1/2</u>
<u>2+ bedrooms</u>		<u>1</u>	<u>1</u>

Guest Parking: Additional required guest parking spaces shall be 1/4 space if there are over 4 units. The required guest spaces shall be additive and rounded off to the higher number. The Planning commission may approve tandem guest spaces if it can be found that residents will not be inconvenienced by this arrangement.

Source: City of Martinez Municipal Code

The City is currently considering modifications to the requirements for Off-Street Parking for multi-family housing outside the Downtown Overlay District. The proposed changes would simplify, reduce and consolidate multi-family parking requirements City-wide and within the Downtown Overlay District in line with actual demand and current best practices.

In addition, Policy P-1-5 in the adopted Downtown Specific Plan states that ‘in order to encourage residential uses in the Downtown Core, (the City will) develop an ordinance to allow payment of a fee towards construction of a parking structure, in lieu of providing the normally-required onsite parking spaces.’

Page 100

Modify page 100 of the December, 2009 Draft Housing Element under mixed uses as follows:

“Mixed Use (M) Combining District. The Mixed Use Combining District allows the City to join two or more use districts under the umbrella of a mixed use zone, thereby permitting properties to contain combinations of uses that are permitted individually in each of the underlying zones. The permitted and conditional uses in the Mixed Use District are those allowed in each individual zoning district that has been combined under the Mixed Use

District. Regulations pertaining to density, lot coverage, height and spacing of buildings, yard spaces, open spaces, parking and loading facilities, and other requirements are based on the most restrictive standards of the zoning district included in the combined Mixed Use District. The mixed use area within the Downtown Specific Plan (Downtown Core) allows office, commercial or residential uses with a base allowable maximum “by-right” residential density of 29 units per acre. The Planning Commission may approve densities up to a maximum density of 43 units/acre with a use permit.

While residential use is not a required use, the “by-right” zoning and additional incentives for residential development create significant opportunities for residential development over 30 units per acre. Recent City approvals demonstrate the feasibility and realistic capacity of development under the policies of the Downtown Specific Plan. Included are the recently approved RCD (Resources for Community Development) project, a 49-unit apartment project for low income seniors and the three-unit complex at 231 Main Street (Aiello), which was allowed a density increase subject to the findings of the Downtown Overlay District. An eight-unit complex at 500-528 Berrellesa Street (Villa del Sol) also required a use permit for the density increase above 30 units/acre. It was not subject to the Downtown Specific Plan as the Downtown Specific Plan had not yet been adopted. The 500-529 Berrellesa project required a two-step process to get to the higher density (from 29 units/acre to 35 units/acre) — (1) a zoning district change (to a higher density category), and then, (2) granting of the use permit required in the Downtown Overlay District. With the Downtown Specific Plan in place, that process has been simplified.

All of these projects were found to be superior projects that received approval to exceed the basic allowable densities applicable to their subject Residential Zoning District so they could be built at more than 30 units/acre. The design and appearance aspects of these projects were found to be superior additions to their context because of extensive landscaping, architecture rooted in local styles, and their high level of detailing, building articulation and materials. Superior design, along with the findings described above would be expected of all future projects as well.”

Page 100

Modify page 100 of the December, 2009 Draft Housing Element as follows:

“Housing for Special Needs Populations

The City permits small group and foster care homes (six or fewer persons) by right according to State laws. The City allows large group homes (7 to 15 persons) subject to a use permit in the R-1.5 and R-2.5 zones. There are no specific development standards required for group homes, other than compliance with zoning, building, and other local health and safety codes and compliance with State licensing requirements. There are over 700 parcels comprising over 600 acres of land in the City that are zoned R-1.5 and R-2.5. More than 50 of these parcels are 1.0 acre in size or more. Most sites are located within

one-third to one-half mile of transit, shopping and recreational services and facilities. It is the City's intent to provide options for the location of large group homes while at the same time assuring the proximity of these homes to needed services and facilities. The location, variety and number of potential sites for large groups homes provides an adequate choice for locating large group homes and is not considered a limiting constraint. Meetings with service providers also supported the location of care facilities near services.

The City does not specifically list homeless shelters, transitional housing, or farmworker housing as permitted or not permitted. With respect to farmworker housing, the City has determined that no significant farmworker housing need exists in Martinez as there are no nearby agricultural-zoned lands that would attract farmworkers.

The City's definition of "family" is contained in Section 22.04.170 (Definition of Family) in the City of Martinez Municipal Code. The current definition is as follows:

"Family" means an individual or two or more persons related by blood or marriage, or a group of not more than 6 persons, not including servants, who need not be related by blood or marriage, living as a single housekeeping unit. The limitation of a family to 6 persons who need not be related by blood or marriage shall not be applied to a family, otherwise complying with this chapter, with adoptive or foster children."

According to the HCD website, a legal definition of "family" should not distinguish between related and unrelated persons and should not impose numerical limitations on the number of persons that may constitute a family. The current Municipal Code definition should be reviewed and amended so it is consistent with State and Federal laws and does not preclude special needs housing. The City does not have any spacing or concentration requirements related to group homes for more than 7 persons, so as a result, the issue of concentration poses no constraint to the development of this type of housing."

Page 101

The City recognizes that the time required to process a development proposal can be a barrier to housing production if it is lengthy. The City has streamlined its development review process over the years to make it more efficient, while still providing adequate opportunity for public review and input. Based on experience with recent projects, design review is considered an important step in simplifying and expediting project review, and in achieving community acceptance of higher density and affordable development proposals. The following are modifications to the Housing Element text, beginning on page 101:

"Design Review Process

The City recognizes that the time required to process a development proposal can be a

barrier to housing production if it is lengthy. Based on experience with recent projects, design review is considered an important step in simplifying and expediting project review, and in achieving community acceptance of higher density and affordable development proposals.

The design review process is set-up to streamline the review of projects. Full staff reports with complete analysis and recommendations are prepared and distributed prior to each meeting of the Design Review Committee. At the meeting, the process involves the refinement of directions and consensus of Committee members regarding project design and any outstanding issues. The intent is to provide clear feedback for the applicant based on objective criteria and the explicit findings that must be made as part of design review. All factors are covered in the staff report prepared for the meeting, along with a staff recommendation. The entire process narrows the focus of controversy and improves community acceptance for projects. Further, it provides clarity for the applicant so that approval takes less time. As a result of recent improvements in design review procedures, projects take significantly less time to process and approve.

Under the current zoning ordinance residential design review is required for various projects. On average the design review process takes about four to six weeks to complete from the date the application is deemed complete. Specific applications requiring design review include:

- Structures proposed on sites with natural slopes greater than 10 percent.
- Visually significant areas.
- Sites adjoining one or more undeveloped parcel under the same ownership.
- Multifamily projects.

Two committees have been established to review project proposals to provide guidance to the applicants in the early stages of development. The Project Review Committee (PRC), composed of representatives from Planning, Building, Engineering and Police staff, usually meets on a weekly basis to review development proposals. The PRC analyzes proposals for compliance with City requirements and provides preliminary feedback on site planning, architecture and public improvements conforming to City standards. This process does not act as a constraint on project development, but rather gives applicants the opportunity to submit projects that are more likely to receive a favorable decision by the Planning Commission or Zoning Administrator, and serves as a tool to expedite the development process.

The Design Review Committee is composed of volunteer design professionals who review the project's architecture, landscape design, and site plan. The Committee usually meets twice per month, and is advisory to the Planning Commission, Zoning Administrator, and Planning Staff. The design review process ensures greater community acceptance of proposed projects by reviewing them against community-accepted standards and assuring

they fit in with the area.

The City's design review standards require projects to be compatible with the surrounding neighborhood in terms of height, bulk, massing and overall design. They require the use of appropriate materials and colors, appropriately designed lighting and landscaping, and parking layout and circulation that maximizes safety and convenience and minimizes negative impacts to the surrounding streets. Finally, they require that new development preserve views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the surrounding property owners. These standards are detailed and relatively straightforward thus providing applicants clear direction on what is expected of their projects in terms of design.

Below is a listing of the design standards and criteria applied to new development. The standards are intended, as much as possible, to be objective and provide a high level of clarity, direction and certainty for the applicant.

- a. Complying with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions;
- b. Providing desirable surroundings for occupants as well as for neighbors. Emphasis is placed upon exterior design with regard to height, bulk, and area openings; breaks in the facade facing on a public or private street; line and pitch of the roof; and arrangement of structures on the parcel;
- c. Having a harmonious relationship with existing and proposed neighboring developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;
- d. Using a limited palette of exterior colors; those colors must be harmonious and architecturally compatible with their surrounding environment;
- e. Using a limited number of materials on the exterior face of the building or structure. In addition, all interior surfaces normally visible from public property shall be finished;
- f. Having exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors;
- g. Effectively concealing work areas, both inside and outside of buildings, in the case of non-residential facilities;
- h. Undergrounding all utility boxes unless it can be shown that they can be effectively screened from the view of the general public.
- i. Designing the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting;
- j. Establishing a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and

- convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered;
- k. Ensuring that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same;
 - l. Substantially preserving views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the affected property owner(s).

Page 103

Add the following under “Planning Fees and Permit Procedures” on page 103:

“Planning Fees and Permit Procedures

Planning fees are charged to cover the cost of processing development proposals. The fee for processing planning applications is \$130.00 per hour of staff time worked on the application. Costs of planning permit processing vary greatly, depending on site constraints, applicable specific plans, and environmental impacts.

Most residential projects in Martinez require the following sequence of review/approvals:

- Staff review of site plans.
- Design Review Committee review of proposals subject to design review.
- Zoning Administrator and Planning Commission review and public hearing for projects involving subdivisions, use permits, conditional use permits, variances, and design review.
- Planning fees and typical timeframes for permit approval.

The City recognizes that the time required to process a development proposal can be a barrier to housing production if it is lengthy. The City has streamlined its development review process over the years to make it more efficient, while still providing adequate opportunity for public review and input. In addition, much of the permit processing time frame is dictated by state-mandated noticing and processing procedures which help assure community review of projects. Processing times for projects in Martinez are similar to, if not faster than, other jurisdictions in Contra Costa County.

The City has a maximum of 30 days to conduct an initial review of the project and determine whether it is “complete,” or whether additional information is needed to evaluate the project. While this may seem like a long time, it includes time to refer the application to different departments and outside agencies involved in development review; and to receive and consolidate these comments. Staff tries to anticipate analyses that will be needed for environmental review or during the public hearing process (such as any special studies). If the project does not meet various City standards, it may also need to be revised. In the past

several years, the City has improved submittal checklists and handouts to identify what information is required for an applicant to be deemed “complete.”

Within 30 days of receiving a complete application, the City must determine whether the project requires a Negative Declaration, Environmental Impact Report or can be categorically exempt. If not categorically exempt, staff prepares an “Initial study”. If a Negative Declaration is prepared, the state-required public review period is 20 to 30 days, depending on whether a state agency is involved in the review. If an Environmental Impact Report (EIR) is required it can add an additional 120 to 180 days for preparation and review of the Draft EIR, responses to comments, and preparation of the Final EIR.

In general, the design review process takes about 45 days to complete for both single family and multiple family projects. Generally, a conditional use permit will require an additional 45 days, a Planned Unit Development 90-120 days, Rezoning 90-120 days, and a Variance 30 days. A Minor Subdivision takes about 60 days and a Major Subdivision varies depending on the complexity of the issues.

Additional staff to process building permits and subdivision plans could shorten the review time; both building and engineering staff state that there have been shorter turnaround time frames in the past due either to lower building activity levels or additional staff. Reviews are completed on a first come, first served basis; no uniform priority has been given for affordable projects at the engineering review stage to date.”

Page 107

Modify and add to the following discussion of on-and off-site improvements standards on page 107:

“On-and Off-Site Improvement Standards

The City requires developers to provide all on-site utility connections and meet City standards for curbs, gutters, and sidewalks. The City requires developers to pay impact fees to contribute to off-site drainage, water, sewer, and street improvements. Street and infrastructure standards also have a direct impact on housing construction costs, as well as on subdivision design. Under State law, all requirements related to off-site improvements must establish a nexus between the project’s impact and the specific requirement (fee or improvement). In addition, exceptions to the subdivision regulations which are necessary to make the planned unit development practicable may be authorized by the City.

Because Martinez is nearly built out, street widths are established by the existing street system. It is unlikely that a new development would be of a size requiring significant new streets. Street design criteria are the same for both public and private streets in Martinez, and requires all work to conform to the latest revisions of the Standard Specifications for Public Works Construction prepared by the Southern California Chapter of the APWA and

Associated General Contractors of America. Street widths are similar to other jurisdictions in Contra Costa County and other communities in the suburban Bay Area. They are 80-feet for an arterial street, 40-feet for a collector street, 36-feet for a local street, and 28-feet for a hillside street. Any internal streets required to serve a development would be improved for strictly local use by project users. The City's site improvement standards, while contributing to the cost of housing, are not unreasonable in relation to the health and safety goals they seek to achieve."

Appendix A

See modifications to Appendix A, pages 1-26, which are attached.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



February 18, 2010

Mr. Terry Blount
Planning Manager
Community and Economic Development Department
City of Martinez
525 Henrietta Street
Martinez, CA 94533

Dear Mr. Blount:

RE: Review of the City of Martinez' Draft Housing Element

Thank you for submitting the City of Martinez' draft housing element received for review on December 22, 2009 along with additional revisions on February 11, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with you and your consultant, Mr. Jeffery Baird of Baird and Driskell Community Planning, facilitated the review.

The Department recognizes the City's recent adoption of land-use strategies, including the Downtown Specific Plan, which promotes higher-density mixed-uses. The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). For example, the element must include a complete analysis of sites and potential governmental constraints. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department appreciates yours as well as Mr. Baird's cooperation and assistance throughout the course of the review and is committed to assist Martinez in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell
Deputy Director

Attachment 3

Enclosure

**APPENDIX
CITY OF MARTINEZ**

The following changes would bring Martinez's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

The City has a regional housing needs allocation (RHNA) of 1,060 housing units, of which 427 are for lower-income households. To address this need, the element relies on vacant and underutilized sites, including sites in the Downtown Specific Plan Area. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses as follows:

Sites Inventory: While the General Plan designations for some sites are included in Appendix A, the General Plan designations for vacant mixed-use sites (pages A-8 and A-9) must also be included.

Realistic Capacity: The inventory must include a determination of the number of housing units that can be accommodated on each specific site. Appendix A lists both the minimum and maximum capacity for each site but does not estimate the number to be accommodated on each site. The element must describe the methodology for determining the residential capacity and include analysis as appropriate to support the assumptions of the methodology (Government Code Section 65583.2(c)(1 and 2)). Refer to the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

For non-residentially zoned and/or mixed-use sites, the capacity estimate must account for the potential of non-residential development. Projected residential development capacity of mixed-use sites should not, for example, assume residential-only development of all non-residentially zoned sites.

Suitability of Non-Vacant Sites: The element (Appendix A) provides very general descriptions of reasons for redevelopment on underutilized sites (e.g., market factors, ownership) and a general statement that “redevelopment...is a real option due to market conditions and/or the condition of the structure.” However, the element does not describe the actual existing uses on identified sites or include analysis to support the redevelopment assumptions. The element must sufficiently detail existing uses on identified sites to demonstrate the potential for redevelopment and evaluate the extent to which existing uses may impede additional residential development. For sites with residential uses, the inventory could generally describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For non-residential sites, the inventory could generally describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. Refer to the sample analysis on the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvacant.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Local Processing and Permit Procedures: While the element generally describes the sequence of reviews and approvals (page 103), it must specifically describe and analyze processing procedures and time for typical single- and multi-family projects, including type of permit, level of review, and any decision making criteria, such as approval findings for their impacts on cost, supply, timing and approval certainty. For further assistance, refer to the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

Constraints on Persons with Disabilities: The element includes an analysis of standards and requirements such as the definition of family and separation and parking requirements. However, the element states group homes for seven to fifteen persons are permitted only in the R-1.5 and R-2.5 zones. The element should evaluate the impacts of limiting group homes for seven to fifteen persons to these residential zones. Further information can also be found on the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/CON_disabilities.php.

On/Off-Site Improvements: While the element concludes site improvement standards “...are not unreasonable in relation to the health and safety goals...” (page 107), it should identify actual standards (e.g., 40-foot minimum street width) and analyze potential impacts on the cost and supply of housing. Refer to the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/CON_offsite.php.

B. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including factory-built housing, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A-1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition:

Mixed-Use and Infill Incentives: The element describes the community's vision and focus to promote infill, higher density, and mixed-use development, especially downtown. For example, public comments include using housing to jumpstart development downtown (page B-5), energizing the economy with higher density development downtown (page B-11), and focusing on priority sites (page B-20). However, the element does not include any specific actions to promote mixed-use, infill, and higher density development. The element includes only two programs: 1) to consider creating a redevelopment agency with no commitment to subsequent action upon consideration; and, 2) to continue the downtown specific plan without any new action to promote development downtown. Given the importance of infill, higher density, and mixed-use development to the community's values and addressing other issues such as climate change, preserving open space and facilitating economic development, the City should consider including specific actions to promote such uses. Examples of incentives could include: 1) organizing special marketing events geared towards the development community; 2) posting the sites inventory on the local government's webpage; 3) identifying and targeting specific financial resources; and, 4) reducing appropriate development standards.

In addition, the element notes the need for lot consolidation (page 88) and development opportunities with adjacent sites (Appendix A). As a result, the element could include programs to encourage lot consolidation, such as allowing density bonuses and modifications above State density bonus law, or targeting financial or other resources.

Emergency Shelters (Program 22): While Program 22 (page 41) proposes to amend zoning to permit emergency shelters without a conditional use permit or other discretionary action, it should also commit to establish development standards that encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zones. See the Department's Chapter 633, Statutes of 2007 (SB 2), technical assistance memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf.

2. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

While Program 18 commits to "...apply for funding or support funding applications and other actions..." to assist in the development of housing for extremely low-income (ELI) households, it should describe when or how often (e.g., at least bi-annually) the City will apply for funding or support funding applications. In addition, the Program could clarify "other actions". For example, the Program could commit granting concessions and incentives.

3. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, since the element notes the City is considering modifications to parking requirements, it could include a program to commit to revising multifamily parking requirements. This is particularly important given public comment regarding parking requirements (page B-20).

C. Other

The City should also note recent statutory changes to Government Code Section 65302 (Chapter 369, Statutes 2007 [AB 162]) which requires amendment of the safety and conservation elements of the General Plan to include analysis and policies regarding flood hazard and management information upon the next revision of the housing element on, or after, January 1, 2009. For additional information, refer to Department's website at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf.

D. For Your Information

The City is considering a citywide inclusionary ordinance (Program 14). Please be aware, if the City adopts an inclusionary ordinance, the element should be amended to evaluate the requirement for potential impacts on the cost and supply of housing. This analysis is particularly important given current market conditions. For example, the evaluation should address whether sufficient regulatory and financial incentives are offered to facilitate compliance with the requirements.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



February 18, 2010

Mr. Terry Blount
Planning Manager
Community and Economic Development Department
City of Martinez
525 Henrietta Street
Martinez, CA 94533

Dear Mr. Blount:

RE: Review of the City of Martinez' Draft Housing Element

Thank you for submitting the City of Martinez' draft housing element received for review on December 22, 2009 along with additional revisions on February 11, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with you and your consultant, Mr. Jeffery Baird of Baird and Driskell Community Planning, facilitated the review.

The Department recognizes the City's recent adoption of land-use strategies, including the Downtown Specific Plan, which promotes higher-density mixed-uses. The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). For example, the element must include a complete analysis of sites and potential governmental constraints. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department appreciates yours as well as Mr. Baird's cooperation and assistance throughout the course of the review and is committed to assist Martinez in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

A handwritten signature in cursive that reads "Cathy E. Creswell".

Cathy E. Creswell
Deputy Director

Attachment 3

Enclosure

**APPENDIX
CITY OF MARTINEZ**

The following changes would bring Martinez's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

The City has a regional housing needs allocation (RHNA) of 1,060 housing units, of which 427 are for lower-income households. To address this need, the element relies on vacant and underutilized sites, including sites in the Downtown Specific Plan Area. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses as follows:

Sites Inventory: While the General Plan designations for some sites are included in Appendix A, the General Plan designations for vacant mixed-use sites (pages A-8 and A-9) must also be included.

Realistic Capacity: The inventory must include a determination of the number of housing units that can be accommodated on each specific site. Appendix A lists both the minimum and maximum capacity for each site but does not estimate the number to be accommodated on each site. The element must describe the methodology for determining the residential capacity and include analysis as appropriate to support the assumptions of the methodology (Government Code Section 65583.2(c)(1 and 2)). Refer to the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

For non-residentially zoned and/or mixed-use sites, the capacity estimate must account for the potential of non-residential development. Projected residential development capacity of mixed-use sites should not, for example, assume residential-only development of all non-residentially zoned sites.

Suitability of Non-Vacant Sites: The element (Appendix A) provides very general descriptions of reasons for redevelopment on underutilized sites (e.g., market factors, ownership) and a general statement that “redevelopment...is a real option due to market conditions and/or the condition of the structure.” However, the element does not describe the actual existing uses on identified sites or include analysis to support the redevelopment assumptions. The element must sufficiently detail existing uses on identified sites to demonstrate the potential for redevelopment and evaluate the extent to which existing uses may impede additional residential development. For sites with residential uses, the inventory could generally describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For non-residential sites, the inventory could generally describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. Refer to the sample analysis on the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvacant.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Local Processing and Permit Procedures: While the element generally describes the sequence of reviews and approvals (page 103), it must specifically describe and analyze processing procedures and time for typical single- and multi-family projects, including type of permit, level of review, and any decision making criteria, such as approval findings for their impacts on cost, supply, timing and approval certainty. For further assistance, refer to the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

Constraints on Persons with Disabilities: The element includes an analysis of standards and requirements such as the definition of family and separation and parking requirements. However, the element states group homes for seven to fifteen persons are permitted only in the R-1.5 and R-2.5 zones. The element should evaluate the impacts of limiting group homes for seven to fifteen persons to these residential zones. Further information can also be found on the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/CON_disabilities.php.

On/Off-Site Improvements: While the element concludes site improvement standards “...are not unreasonable in relation to the health and safety goals...” (page 107), it should identify actual standards (e.g., 40-foot minimum street width) and analyze potential impacts on the cost and supply of housing. Refer to the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element2/CON_offsite.php.

B. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including factory-built housing, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A-1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition:

Mixed-Use and Infill Incentives: The element describes the community's vision and focus to promote infill, higher density, and mixed-use development, especially downtown. For example, public comments include using housing to jumpstart development downtown (page B-5), energizing the economy with higher density development downtown (page B-11), and focusing on priority sites (page B-20). However, the element does not include any specific actions to promote mixed-use, infill, and higher density development. The element includes only two programs: 1) to consider creating a redevelopment agency with no commitment to subsequent action upon consideration; and, 2) to continue the downtown specific plan without any new action to promote development downtown. Given the importance of infill, higher density, and mixed-use development to the community's values and addressing other issues such as climate change, preserving open space and facilitating economic development, the City should consider including specific actions to promote such uses. Examples of incentives could include: 1) organizing special marketing events geared towards the development community; 2) posting the sites inventory on the local government's webpage; 3) identifying and targeting specific financial resources; and, 4) reducing appropriate development standards.

In addition, the element notes the need for lot consolidation (page 88) and development opportunities with adjacent sites (Appendix A). As a result, the element could include programs to encourage lot consolidation, such as allowing density bonuses and modifications above State density bonus law, or targeting financial or other resources.

Emergency Shelters (Program 22): While Program 22 (page 41) proposes to amend zoning to permit emergency shelters without a conditional use permit or other discretionary action, it should also commit to establish development standards that encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zones. See the Department's Chapter 633, Statutes of 2007 (SB 2), technical assistance memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf.

2. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

While Program 18 commits to "...apply for funding or support funding applications and other actions..." to assist in the development of housing for extremely low-income (ELI) households, it should describe when or how often (e.g., at least bi-annually) the City will apply for funding or support funding applications. In addition, the Program could clarify "other actions". For example, the Program could commit granting concessions and incentives.

3. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, since the element notes the City is considering modifications to parking requirements, it could include a program to commit to revising multifamily parking requirements. This is particularly important given public comment regarding parking requirements (page B-20).

C. Other

The City should also note recent statutory changes to Government Code Section 65302 (Chapter 369, Statutes 2007 [AB 162]) which requires amendment of the safety and conservation elements of the General Plan to include analysis and policies regarding flood hazard and management information upon the next revision of the housing element on, or after, January 1, 2009. For additional information, refer to Department's website at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf.

D. For Your Information

The City is considering a citywide inclusionary ordinance (Program 14). Please be aware, if the City adopts an inclusionary ordinance, the element should be amended to evaluate the requirement for potential impacts on the cost and supply of housing. This analysis is particularly important given current market conditions. For example, the evaluation should address whether sufficient regulatory and financial incentives are offered to facilitate compliance with the requirements.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



September 28, 2010

Mr. Terry Blount, Planning Manager
Community and Economic Development Department
City of Martinez
525 Henrietta Street
Martinez, CA 94533

Dear Mr. Blount:

RE: Review of the City of Martinez' Revised Draft Housing Element

Thank you for submitting Martinez' revised draft housing element received for review on July 30, 2010, along with additional revisions on August 27, 2010 and September 28, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with you and your consultant, Mr. Jeffrey Baird of Baird + Driskell Community Planning facilitated the review.

The revised draft element addresses the statutory requirements described in the Department's February 18, 2010 review. For example, the element now demonstrates adequate sites to accommodate Martinez' regional housing need based on vacant sites with appropriate density and size to facilitate housing for lower-income households. The Department commends the City's commitment to promote development affordable to lower- and moderate-income households on identified sites in the Downtown Specific Plan, including "priority catalyst projects" and modifying development standards. These efforts will maximize land resources while promoting a mix of uses and walkability. The revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

The Department appreciates the effort and cooperation provided by you and Mr. Baird throughout the course of the review and looks forward to receiving Martinez' adopted housing element. If you have any additional questions, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

A handwritten signature in blue ink that reads "Cathy E. Creswell".

Cathy E. Creswell
Deputy Director



MARTINEZ HOUSING ELEMENT UPDATE

INITIAL STUDY

**Prepared for the City of Martinez
by Baird+Driskell**

November 18, 2010

**Project Contact: Terry Blount, Planning Manager
City of Martinez
525 Henrietta Street
Martinez, CA 94553
(925) 372-3534**

CEQA ENVIRONMENTAL CHECKLIST

PROJECT DESCRIPTION:

1. **Project Title and Number:** City of Martinez General Plan
Housing Element Update 2007-2014
2. **Lead Agency Name and Address:** City of Martinez, Planning Division
525 Henrietta Street
Martinez, CA 94553
3. **Contact Person and Phone Number:** Terry Blount, AICP
Planning Manager
(925) 372-3534
tblount@cityofmartinez.org
4. **Project Location and APN:** The entire City of Martinez. The City limits include a total area of 13.4 square miles (34.8 km²), of which 12.2 square miles (31.7 km²) is land and 1.2 square miles (3.1 km² or 8.92%) is water. The City is located in Contra Costa County on the south side of the Carquinez Strait, and is bisected by California State Route 4.
5. **Project Sponsor's Name & Address:** City of Martinez, Planning Division
525 Henrietta Street
Martinez, CA 94553
6. **General Plan Designation:** Various Citywide Categories. This is a proposed amendment to the City of Martinez General Plan that would replace the Housing Element adopted in 2005. The Housing Element (and General Plan) covers all land within the City limits.
7. **Zoning:** Various Zoning Designations
8. **Description of Project:** All California cities and counties are required to have a Housing Element included in their General Plan which establishes housing objectives, policies and programs in response to community housing conditions and needs. The 2010 Housing Element Update is a comprehensive statement by the City of Martinez of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs. The proposed Housing Element is a policy level document. It provides policy direction for the implementation of various programs to accommodate the housing needs of projected population growth, and to encourage the production of housing units in a range of prices affordable to all income groups.

In April 2009 the Martinez City Council created a 17-member Housing Element Update Task Force to provide guidance and technical assistance throughout the update process. In

addition to Task Force meetings, there were a number of other opportunities for community members to provide input to the Housing Element update. The most prominent of these was a community workshop held on August 10, 2009, which provided the community a chance to ask questions and to offer direction for the Housing Element update. Additionally, there were a number of meetings that were tailored to reach out to specific stakeholder groups, with the goal of connecting with all segments of the population.

The City's 2005 Housing Element provides a strong starting point for this update. The Martinez Housing Element was adopted by the City Council in 2005 and certified by the California Department of Housing and Community Development (HCD). Two program areas that have been the most effective are the adoption and implementation of the Downtown Specific Plan in 2006, and continued collaboration and coordination with Contra Costa County and its Housing Division, which administers housing rehabilitation, homebuyer assistance, emergency shelter and services, multi-family housing, and other programs that are available to residents and developers in the City of Martinez. Key changes from the Housing Element adopted in 2005 include the following:

(A) New Programs Supporting Housing for Special Needs Populations. The updated Housing Element contains programs to adopt procedures for "reasonable accommodation," and to adopt modifications to the City's Zoning Ordinance to incorporate State Density Bonus law incentives. New requirements as a result of SB2 are contained in the updated Housing Element to address homeless, transitional and supportive housing. SB2, adopted after the 2005 Housing Element, requires all cities and counties in California to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit. The 2005 Housing Element contained a program to "adopt definitions, specify standards, and designate zoning districts in which transitional housing and emergency shelters for homeless persons will be permitted." That program was not implemented because of new requirements under SB2 required in 2008.

The updated Housing Element calls for the City to "establish zoning to allow emergency shelters for the homeless as a permitted use within the NC (Neighborhood Commercial), CC (Central Commercial), and R-1.5 (High-density residential) zoning districts, excluding the Downtown Specific Plan area, where the property is located within one-quarter mile of a transit stop. Zoning will also be established to allow religious facilities to open a permanent, year-round shelter with a use permit." Specific new programs related to special needs housing include:

- #23 Enact Zoning for Transitional, Supportive and Special Needs Housing
- #24 Adopt Procedures for Reasonable Accommodation
- #27 Modify Requirements for Group Homes for Seven or More Persons.

(B) Refinement of Programs to Provide Incentives for Development of Housing. The updated Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan and implementation of zoning changes

as a result of the 2005 Housing Element. No changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. In addition, as with the 2005 Housing Element, the updated Housing Element is consistent with Association of Bay Area Government (ABAG) projections for Martinez. The updated Housing Element contains programs to reduce any potential governmental constraints to the development housing. Specific new programs include:

- #15 Continue to Implement the Downtown Specific Plan
- #26 Revise Multi-Family Parking Requirements

(C) Updated Data on Employment, Housing and Population Projections, Housing Needs, Affordability, Land Availability, Potential Governmental and Non-Governmental Constraints. The updated Housing Element contains updated statistics and analysis of housing issues per State law. The projections in the Housing Element are consistent with ABAG projections and the California Department of Finance.

The Housing Element has been prepared to meet the requirements of State law and local housing objectives. The update includes an evaluation of the current element to review its effectiveness, its progress in implementation, and the appropriateness of stated goals, objectives, and policies. This update will be submitted for review and certification by the State of California Housing and Community Development Department (HCD). The proposed Housing Element Update addresses housing needs and opportunities for the 2007-2014 planning period. The Housing Element Update is structured around three strategic goals: (1) provide an adequate supply of housing to meet future needs, (2) preserve the existing housing supply, and (3) provide adequate housing for groups with special needs.

State law establishes detailed content requirements for Housing Elements and requires a regional “fair share” approach to distributing housing needs. The updated Housing Element utilizes the Association of Bay Area Government’s (ABAG) projections to determine the City’s share of the Regional Housing Needs Allocation (RHNA) for a 7 year period from 2007-2014. In developing the method for distributing the latest regional housing needs, ABAG gave increased weight to areas along major transit corridors and where there are a high number of existing jobs as well as employment growth. The new method is intended to allocate fewer units to outlying areas to reduce development pressures on agricultural lands and areas further from job centers. This new approach has resulted in a lower “fair share” housing need for Martinez (reduced from 1,341 units during the 1999-2006 planning period under the 2005 Housing Element to 1,060 units during the 2007-2014 planning period). Other regional benefits of this approach include reduced vehicle miles traveled, and reduced green house gas emissions. A comparison of the last two RNHA allocations for Martinez is shown below.

City of Martinez Regional Housing Needs Allocation (1999-2006 and 2007-2014)

Income Level	1999-2006		2007-2014	
	Units	Percent	Units	Percent
Very Low	248	18%	261	25%
Low	139	10%	166	16%
Moderate	341	25%	179	17%
Above Moderate	613	46%	454	43%
Total	1,341	100%	1,060	100%

Source: Association of Bay Area Governments

Other than modifications proposed for homeless, transitional and supportive housing, the proposed Housing Element is consistent with City development standards and practices contained in the Martinez Municipal Code (Zoning), and all development projections are consistent with land use designations and residential development amounts currently allowed under the City’s Zoning Ordinance. City policies contained in the Downtown Specific Plan are also consistent with the proposed Housing Element. The Downtown Specific Plan encourages land use opportunities for Downtown Martinez to serve as a cultural, arts and entertainment center offering a wide range of opportunities for residential lifestyles, work environments, shopping, entertainment, culture and the arts. Additional discussion of the Downtown Specific Plan and the Downtown Overlay District is contained in the proposed Housing Element (see discussion in Section VII — B — Available Land for Housing). Both of those documents, and the proposed Housing Element, are consistent with City policies contained in the General Plan in the following ways:

- Land Use Element, Residential Uses, High Density Residential Areas supports high density residential development in limited areas. The primary purpose is provision of housing to serve the needs of single persons, young families, and childless households.
- Central Martinez Specific Area Plan, Housing identifies areas that encircle the central business district to increase the housing supply and eliminate the threat of visual and structural blight to adjacent residential neighborhoods.
- Central Martinez Specific Area Plan, Housing states that new construction of multi-family housing should be encouraged to meet present demand and to “reconstruct” blighted areas, where such construction will not threaten the character of existing neighborhoods. In addition, infill development of vacant and underutilized parcels at a higher density should be encouraged if development reinforces architectural styles, a higher quality development, and encourages the consolidation of smaller parcels.

9. Surrounding Land Uses and Setting: Martinez is bounded by the Carquinez Strait to the north, Pleasant Hill to the south and by unincorporated county lands to the east and west.

10. Requested Applications: General Plan Amendment, Housing Element

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).** Review by the State of California Housing and Community Development Department (HCD), although does not require approval.

EVALUATION OF ENVIRONMENTAL IMPACTS:

The following sections of this study address potential environmental effects of the project as proposed. The environmental checklist recommended by the California Environmental Quality Act guidelines identifies environmental effects that should be addressed by this initial study and to what degree they are potentially significant impacts. A discussion and brief explanation of the answers as to each topic follows. In addition, measures as required by the Martinez Municipal Code, other policy or law, or other mitigation that could reduce or minimize effects to less than significant are also identified.

Environmental Factors Potentially Affected: None

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation Incorporation" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

Signature:	Date:
Printed Name:	For:

CHECKLIST SOURCES:

The following sources are referenced in the Initial Study Checklist, and are hereby incorporated by reference into this document:

1. City of Martinez, General Plan
2. City of Martinez, Downtown Specific Plan
3. City of Martinez, Downtown Specific Plan EIR
4. City of Martinez, Municipal Code
5. Project Description
6. State Planning and Zoning Law
7. Subdivision Map Act
8. National Pollution Discharge Elimination System (NPDES) Permit
9. Composite Flood Hazard Areas - HUD National Flood Insurance Program
10. Planning Manager
11. Project Plans and Reports
12. Field Inspection
13. Experience with other projects of this size and nature
14. Aerial Photography
15. USGS Data Contribution
16. California Natural Diversity Database
17. Federal Environmental Standards
 - (a) Water Quality Standards - 40 CFR 120
 - (b) Low-Noise Emission Standards - 40 CFR 203
 - (c) General Effluent Guidelines & Standards - 40 CFR 401
 - (d) National Primary & Secondary Ambient Air Quality Standards - 40 CFR 50
18. State/Federal Environmental Standards
 - (a) Ambient Air Quality Standards
 - (b) Noise Levels for Construction Equipment
19. Bay Area Air Pollution Control District
20. California Natural Areas Coordinating Council Maps
21. U.S. Census
22. Historical Resource Inventory
23. ABAG Projections
24. BAAQMD CEQA Guidelines Assessing the Air Quality Impacts of Projects and Plans
25. Department of Fish & Game
26. US Army Corps of Engineers

1. Aesthetics Would the project have:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

A substantial adverse effect to visual resources could result in situations where a project introduces physical features that are not characteristic of current development, obstructs an identified public scenic vista, or has a substantial change to the natural landscape. All new development under the 2010 Housing Element would be consistent with the City’s General Plan and current Zoning. The 2010 Housing Element will not effect scenic vistas or damage scenic resources because any new development, including possible homeless facilities, would be subject to the City’s design review requirements intended to protect the visual character and quality of areas. The City’s current development standards are consistent with the 2010 Housing Element in the regulation of building height, setbacks, massing, and overall design in Martinez. These general guidelines are provided to give property owners and designers basic development and design criteria to reinforce the desired building and character. Policies in the General Plan also cover conservation lands, circulation, downtown development, hillside development, etc. to protect open hillsides, open space, and environmentally sensitive land areas. No rezoning which would permit new or increased construction in areas near scenic vistas or State scenic highways

is proposed in the Housing Element. Based on the above, the project would a less than significant impact on aesthetics and visual resources.

2. Agriculture and Forestry Resources:				
Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The City has established an Urban Growth Boundary and Urban Limit Line. The proposed 2010 Housing Element does not change any boundaries or the potential for agricultural activities. There are no proposals contained in the 2010 Housing Element to convert Prime Farmland or any farmland of unique or Statewide importance. In addition, there is no rezoning or development proposed on forest land or land or timber property zoned Timberland Production. There are also no proposals that would conflict with existing agricultural zoning or a Williamson Act contract, or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or conversion or loss of forest land. Based on the above, the proposed project would result in no impacts to agricultural or forest resources.

3. Air Quality				
Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1, 2, 3, 4, 5, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 1, 2, 3, 4, 5, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 1, 2, 3, 4, 5, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The project site (City of Martinez) is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. Three pollutants are known to exceed the state and federal standards in the City: ozone, particulates (PM₁₀), and carbon monoxide. Both ozone and PM₁₀ are considered regional pollutants, because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant, because elevated concentrations are usually only found near the source (e.g., congested intersections).

The 2010 Housing Element will not generate added vehicles from the 2005 Housing Element or any more vehicle trips than permitted under the City’s current zoning. Further, there are a number of City policies intended to address air pollutants and/or odors in the City. The number of dwelling units that would be developed through the 2010 Housing Element would not result in significant cumulative impacts to air quality as growth and land use intensity are consistent with the City’s current General Plan and current Zoning. Development under the 2010 Housing Element is also consistent with ABAG’s projections for Martinez. Since the 2010 Housing Element is consistent with ABAG projections and the City’s current General Plan and Zoning, development under the 2010 Housing Element will not conflict with or obstruct implementation of the applicable air quality plans. Because they generate few vehicle trips traffic and few air pollutants, homeless facilities, transitional and supportive housing uses will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, nor would they result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

The 2010 Housing Element contains policies to encourage housing near transit. These policies are in line with current City policies as they relate to the Downtown Specific Plan and the identification of potential sites for housing. High density and mixed use sites are located along major corridors where transit is available. The location of homeless facilities (required under SB2) requires a facility to be located within one-quarter mile of a transit stop. These facilities generate minimal traffic and potential air pollutants and will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people. Based on the above, the proposed project would result in no impact or less than significant impact to air quality.

4. Biological Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: 1, 2, 3, 4, 5, 12, 13, 16, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: 1, 2, 3, 4, 5, 12, 13, 16, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 2, 3, 4, 5, 12, 13, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Depending on the location, any future urban development in the City has the potential to affect important biological resources by disturbing or eliminating areas of remaining natural communities. This could include (a) a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, (b) a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service, (c) a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, or (d) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, the proposed 2010 Housing Element would not modify the location or amount of residential designated lands allowed un the City’s current General Plan and Zoning. Development of possible homeless facilities, transitional and supportive housing would be allowed in current zoned residential and commercial areas. All new development under the 2010 Housing Element would be consistent with the General Plan and current Zoning, and would be consistent with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and it will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Based on the above, the proposed project would result in no impact or less than significant impact to biological resources.

5. Cultural Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1, 2, 3, 4, 5, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Depending on the location, any future urban development in the City has the potential to (a) cause a substantial adverse change in the significance of a historical resource as defined in '15064.5, (b) cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064, (c) directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or (d) disturb any human remains, including those interred outside of formal cemetery. The current General Plan and zoning, City development standards, and project review, including review by the City's Park, Recreation, Marina and Cultural Commission, are intended to protect any impact to cultural resources. All new development under the 2010 Housing Element and the changes from the 2005 Housing Element would be consistent with the General Plan and current Zoning. Development of possible homeless facilities, transitional and supportive housing would be allowed in currently zoned residential and commercial areas. No development is being permitted where it is not permitted now. Based on the above, the proposed project would result in no impact or less than significant impact to cultural resources.

6. Geology And Soils

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p>				
<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2, 3, 4, 5, 15)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>ii) Strong seismic ground shaking?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iii) Seismic-related ground failure, including liquefaction? (Sources: 1, 2, 3, 4, 5, 15)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iv) Landslides? (Sources: 1, 2, 3, 4, 5, 15)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, 3, 4, 5, 15)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 1, 2, 3, 4, 5, 15)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 1, 2, 3, 4, 5, 15)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (Sources: 1, 2, 3, 4, 5, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion

Martinez consists of two general topographic areas: the lowland area and the upland area. The lowland area extends from the Carquinez Strait south along Alhambra Creek in the western portion of Martinez, and along Pacheco Boulevard in the eastern portion of Martinez. The upland areas consist of hills that border the lowland areas on the west, east, and south. These hills represent the surface expression of structural folding and uplift. The entire San Francisco Bay Area is located in a region of active seismicity. The seismicity of the region is primarily related to the San Andreas Fault Zone (SAFZ). The SAFZ is a complex of active faults forming the boundary between the North American and the Pacific lithospheric plates. Historically, numerous moderate to strong earthquakes have been generated in northern California by several major faults and fault zones in the SAFZ system. Active faults in the region include the Antioch, Calaveras, Concord, Green Valley, Greenville, Hayward, Rodgers Creek, and the San Andreas.

Most lowland areas with relatively level ground surface are not prone to landslides. Other forms of slope instability, such as the formation of slumps, translational slides, or earth flows, are also unlikely to occur except along stream banks and terrace margins. The highland areas are more susceptible to slope instability. The strong ground motion that occurs during earthquakes is capable of inducing landslides and debris flow (mudslides). These types of failure generally occur where unstable slope conditions already exist. The City has in place hillside development regulations and geologic review procedures to address these hazards. Hillside areas with landslide potential are of particular concern, and slope stability requires appropriate treatment of vegetative cover during and after residential development. The City's General Plan and Zoning do not prohibit new development on areas of geologic hazard, however many precautionary recommendations and restrictions are established in the policies and City requirements in order to minimize potential impacts from developing on geologically hazardous land. City regulations and policies cover slope stability, landslides, earthquake faults, seismic shaking requirements, requirements for sewerage, and expansive soils. All new development would be consistent with the Downtown Specific Plan, General Plan and current Zoning and development regulations.

Depending on the location, any future urban development in the City has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death. This could include (a) rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure, including liquefaction, (b) result in substantial soil erosion or the loss of topsoil, (c) be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, (d) be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property, or

(e) have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. No development is being permitted where it is not permitted now, and all new development under the 2010 Housing Element is not proposed in areas not already designated for residential or mixed use development. Any new construction would be required to meet UBC requirements and all development regulations of the City of Martinez. Development. Based on the above, the proposed project would result in no impact or less than significant impact on geology and soils.

7. Greenhouse Gas Emissions:				
Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

On June 2, 2010, the Bay Area Air Quality Management District’s Board of Directors unanimously adopted new CEQA thresholds of significance. The thresholds of significance are included in the Air District’s updated CEQA Guidelines. The updated CEQA Guidelines address recent changes in air quality standards for ozone and particulate matter (PM) from the State of California and the U.S. EPA. The new health-protective air quality standards are in response to growing scientific evidence that exposure to ozone, fine particles and air toxics have greater health effects than previously estimated. In addition, the Air District’s new greenhouse gas thresholds were developed to ensure that the Bay Area meets the State’s plan to address climate change. The CEQA Guidelines also address exposure to toxic air contaminants, which is associated with increased risk for cardiovascular disease, asthma, reduced birth weight and mortality. Although air quality in the Bay Area has improved over the last thirty years, fine PM and other air toxic contaminants released by transportation and industrial activities threaten the health of local residents. The updated CEQA Guidelines seek to better protect the health and well-being of Bay Area residents. Development under the proposed Housing Element is

consistent with ABAG projections, the City's General Plan, and current zoning and, therefore, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment over current projections. It will also not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The City has adopted a Climate Action Plan (CAP) that establishes strategies to reduce the greenhouse gas emissions known to contribute to climate change, to conserve energy and other natural resources, and to prepare the community for the expected effects of global warming. The CAP includes specific goals and objectives to reduce greenhouse gas emissions, including policies, programs, and actions that facilitate the efforts of residents and businesses to reduce their own greenhouse gas emissions. Specifically, the CAP address uses that (a) generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The CAP establishes priorities in four key GHG emissions categories for adapting to the local physical changes in the environment that are already being felt as a result of global climate change, and that are expected to intensify in the coming years. Specific strategies address ways to reduce trips and vehicular travel (local shopping, support for safe routes to schools, support for the Downtown Martinez Community Based Transportation Plan, etc.). Changes from the 2005 Housing Element primarily relate to special needs housing (disabled, seniors, homeless, transitional and supportive housing, etc.), which is primarily non-auto dependent housing. In addition, the criteria for a homeless facility requires that it be located within one-quarter mile of a transit stop. This requirement is also consistent with the City's CAP. Based on the above, the proposed project would result in no impact or less than significant impact on greenhouse gas emissions.

8. Hazards And Hazardous Materials				
Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 2, 3, 4, 5, 13)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 1, 2, 3, 4, 5, 13)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 2, 3, 4, 5, 13)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 2, 3, 4, 5, 13)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 1, 2, 3, 4, 5, 13)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 1, 2, 3, 4, 5, 13)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Depending on the location, any future urban development in the City has the potential to affect important biological resources by disturbing or eliminating areas of remaining natural communities. This could include (a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, (b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, (c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, or (d) be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

The 2010 Housing Element will not result in potential impacts from hazards and hazardous material that may endanger residents or the environment. No hazards are associated with the policies or programs contained in the updated Housing Element. Implementation of the updated Housing Element will also not generate significant quantities of hazardous materials, significantly affect the mitigation of hazardous materials manufacture, storage, transport or use within the City, or expose residences to hazardous materials. All new development under the 2010 Housing Element would be consistent with the Downtown Specific Plan, General Plan and current Zoning. This includes the City's emergency response plan and any impacts related to air safety or risk from fire.

Development under the 2010 Housing Element is not proposed in areas not already designated for residential or mixed use development. Areas designated for possible homeless facilities are already developed areas and many areas are already built upon. Any new construction, such as homeless facilities, transitional and supportive housing, would also be required to meet UBC requirements. Based on the above, the proposed project would result in no impact or less than significant impact on or from greenhouse hazards and hazardous materials.

9. Hydrology And Water Quality

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Development under the 2010 Housing Element will have no impact or less than significant impact in (a) violating any water quality standards or waste discharge requirements, (b) substantially depleting groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, (c) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, (d) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, (e) create or contribute runoff water which would exceed the capacity of existing or planned storm-water drainage systems or provide substantial additional sources of polluted runoff, (f) substantially degrade water quality, or (g) expose people to risks from flooding. The 2010 Housing Element is consistent with ABAG projections, the City’s General Plan, and current zoning, and any

new development would require consistency with other City regulations and development standards related to flood control and drainage. The 2010 Housing Element will not generate a significant impact on hydrology and water quality over current projections for population and housing units. No development is being permitted where it is not permitted now, and all new development under the 2010 Housing Element is not proposed in areas not already designated for residential or mixed use development. Areas designated for possible homeless facilities are already developed areas and many areas are already built upon. Any new construction, such as homeless facilities, transitional and supportive housing, would also be required to meet UBC

Areas of development will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow. Housing location within the 100-year flood hazard area would be covered under current City policies and regulations protecting future development (floor elevations and mitigation). Development under the 2010 Housing Element is the same amount and location as allowed under the General Plan and current Zoning. The provision of sufficient infrastructure capacity to accommodate the levels of growth expected to occur under the 2010 Housing Element is consistent with ABAG’s projections. Based on the above, the proposed project would result in no impact or less than significant impact on or from hydrology and water quality.

10. Land Use And Planning				
Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Sources: 1, 2, 3, 4, 5, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion

No development is being permitted under the 2010 Housing Element where it is not permitted now, and all new development under the 2010 Housing Element is proposed in areas already designated for residential or mixed use development. Implementation of the 2010 Housing Element will not (a) physically divide an established community, (b) conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, or (c) conflict with any applicable habitat conservation plan or natural community conservation plan. The 2010 Housing Element is consistent with current City policy documents, including the Downtown Specific Plan, General Plan and Zoning. It is also consistent with ABAG projections for Martinez. The Martinez General Plan, Downtown Specific Plan and the Zoning Ordinance include measures to reduce potential incompatibilities between neighboring land uses, such as buffers to mitigate incompatibilities between residential, commercial and industrial uses. The updated Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan. No changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. It is the City's intent to establish zoning to allow emergency shelters for the homeless as a permitted use within the NC (Neighborhood Commercial), CC (Central Commercial), and R-1.5 (High-density residential) zoning districts, excluding the Downtown Specific Plan area, where the property is located within one-quarter mile of a transit stop. State law also allows the City to establish written and objective standards for the maximum number of beds, off-street parking based upon demonstrated need, size and location of on-site waiting and intake areas, provision of on-site management, proximity to other shelters, length of stay, lighting, and security during hours when the shelter is open. Based on the above, the proposed project would result in no impact or less than significant impact on land use and planning.

11. Mineral Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

There are no known mineral resources of significant value in the Martinez planning area, or categorized as locally important within the City that would be lost due to residential development under the current General Plan and the proposed Housing Element. As a result, there would be no impact to mineral resources associated with adoption of the 2010 Housing Element.

12. Noise

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The 2010 Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites, which are consistent with the City’s General Plan and Zoning, as well as other City regulations and requirements pertaining to noise impacts and impacts on residents who might live in housing that could be constructed. The 2010 Housing Element will not result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies because all land use designations are consistent with current plans. The same is true regarding the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and for the same reasons. The 2010 Housing Element contains policies to encourage housing near transit. These policies are in line with current City policies as they relate to the Downtown Specific Plan and the identification of potential sites for housing. The 2010 Housing Element will not cause a substantial permanent increase in ambient noise levels in Martinez above levels existing levels as high density and mixed use sites are located along major corridors where transit is available. Changes from the 2005 Housing Element primarily relate to

special needs housing (disabled, seniors, homeless, transitional and supportive housing, etc.), which is primarily non auto-generating. The location of homeless facilities (required under SB2) requires a facility to be located within one-quarter mile of a transit stop. These facilities generate minimal traffic and potential noise impacts. No new residential developments are expected to be located within 100 feet of the railroad tracks. When construction occurs, City practices are in place to reduce to a less than significant level any substantial temporary or periodic increase in ambient noise levels in the City. The City is not affected by noise levels from air traffic. Based on the above, the proposed project would result in no impact or less than significant impact to the noise environment in Martinez or on future residents of the housing that may be constructed.

13. Population And Housing				
Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The updated Housing Element utilizes Association of Bay Area Governments (ABAG) projections to determine the Regional Housing Needs Allocation (RHNA) for a 7 year planning period. ABAG projects the City of Martinez will grow five percent between 2010 and 2020 and six percent between 2020 and 2030. By comparison, the County population is projected to increase at a steady nine percent. Since the 2010 Housing Element is consistent with the current General Plan

and Zoning, as well as ABAG projections, it will not) induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). The 2010 Housing Element proposes various housing programs to assist in providing housing for low and moderate income households. Therefore the project would likely not displace any existing residents, but would facilitate adequate housing for City residents. Implementation of the updated Housing Element will create a positive impact by addressing population and housing needs. The 2010 Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan and implementation of zoning changes as a result of the 2005 Housing Element. No changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. Therefore, the 2010 Housing Element will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere

Changes from the 2005 Housing Element primarily relate to special needs housing (disabled, seniors, homeless, transitional and supportive housing, etc.), which generate little impact. The location of homeless facilities (required under SB2) requires a facility to be located within one-quarter mile of a transit stop. In regard to homeless facilities, State law allows the City to establish written and objective standards for the maximum number of beds, off-street parking based upon demonstrated need, size and location of on-site waiting and intake areas, provision of on-site management, proximity to other shelters, length of stay, lighting, and security during hours when the shelter is operating. The 2010 Housing Element contains a program to adopt objective standards covering these topics. In general, these facilities generate minimal traffic and potential population and housing impacts. Based on the above, the proposed project would result in no impact or less than significant impact on population and housing in Martinez.

14. Public Services				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

All potential impacts to public services, including fire and police protection, medical aid, schools, parks, maintenance of public facilities and other governmental services are considered in the 2010 Housing Element in determining whether a housing site is available for and appropriate for development. The 2010 Housing Element evaluates the zoning, the slope and topography, whether the site is sufficiently served by public facilities, such as sewer and water, and whether there are environmental barriers to development. The estimated unit capacity is based on all applicable land-use controls and site improvement requirements, including standards such as maximum lot coverage, height, open space, and parking. Since all housing sites are consistent with the current General Plan and Zoning, the 2010 Housing Element will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the public services listed above (fire, police, parks, schools and others). For sites identified as being underdeveloped, the projected development considers existing development trends and site redevelopment potential. A significant number of the underdeveloped sites were evaluated, determined to be appropriate, and are encouraged for development in the recently adopted Downtown Specific Plan. All new development projected under the updated Housing Element and special needs housing policies and programs are consistent with the service levels established in the Downtown Specific Plan, General Plan, current Zoning, and ABAG projections.

Changes from the 2005 Housing Element primarily relate to special needs housing (disabled, seniors, homeless, transitional and supportive housing, etc.), which generate little impact. The location of homeless facilities (required under SB2) requires a facility to be located within one-quarter mile of a transit stop. In regard to homeless facilities, State law allows the City to establish written and objective standards for the maximum number of beds, off-street parking based upon demonstrated need, size and location of on-site waiting and intake areas, provision of on-site management, proximity to other shelters, length of stay, lighting, and security during hours when the shelter is operating. The 2010 Housing Element contains a program to adopt objective standards covering these topics. In general, these facilities generate minimal traffic and potential public services impacts. Based on the above, the proposed project would result in no impact or less than significant impact on public services in Martinez.

15. Recreation				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

No development is being permitted under the 2010 Housing Element where it is not permitted now, and all new development under the 2010 Housing Element is proposed in areas already designated for residential or mixed use development. Implementation of the 2010 Housing Element will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The 2010 Housing Element will not result in recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The availability, maintenance, and management of park and recreation facilities are covered under the General Plan, the City's Capital Improvement Program (CIP), and the City's budget. The City of Martinez residents approved Measure H park improvement parcel assessment in the fall of 2008. The bond raises 30 million dollars for improvements to the library, re-construction of Rankin Pool and renovation of the City's parks. Bond funds became available at the end of May 2009. The newly formed Parks, Recreation, Marina and Cultural Commission have appointed Commissioners to serve on subcommittees for the pool, library and parks. The subcommittee is staffed by Engineering and Recreation City representatives. Each subcommittee works with staff and the community to develop facility and park designs and scope of work for each project. All projects are subject to review by the Measure H oversight committee which meets regularly to review project progress and expenditures. No specific recreational facilities or the construction or expansion of recreational facilities which might have an adverse physical effect on the environment is included in the updated Housing Element. Development under the proposed Housing Element is consistent with ABAG projections, the City's General Plan, and current zoning and, therefore, will not generate a significant impact on the environment over current projections for recreation needs. Based on the above, the proposed project would result in no impact or less than significant impact on recreation in Martinez.

16. Transportation/Traffic

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Result in inadequate emergency access? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Development under the 2010 Housing Element will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections). No development is being permitted under the 2010 Housing Element where it is not permitted now, and all new development under the 2010 Housing Element is proposed in areas already designated for residential or mixed use development. Traffic levels and improvements are identified as part of the City’s planning documents, including the Downtown Specific Plan and the Downtown Martinez Community Based Transportation Plan. Project specific impacts that could result from residential development under the Housing Element will be evaluated on case-by-case basis through an appropriate level of environmental review under the California Environmental Quality Act as new projects come forward. All new development under the 2010 Housing Element would be consistent with the Downtown Specific Plan, General Plan and current Zoning. The 2010 Housing Element will not increase hazards due to a design feature, result in inadequate emergency access, result in inadequate parking capacity, or conflict with adopted policies, plans, or programs supporting alternative transportation. The 2010 Housing Element contains policies to encourage housing near transit. The 2010 Housing Element supports current City policies as they relate to the Downtown Specific Plan and the identification of potential sites for housing. High density and mixed use sites are located along major corridors where transit is available. The location of homeless facilities (required under SB2) requires a facility to be located within one-quarter mile of a transit stop. Based on the above, the proposed project would result in no impact or less than significant impact on transportation/traffic in Martinez.

17. Utilities And Service Systems

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing commitments? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The 2010 Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan. No changes are made in the 2010 Housing Element as they relate to the density or development potential on housing sites. No development is being permitted under the 2010 Housing Element where it is not permitted now, and all new development under the 2010 Housing Element is proposed in areas already designated for residential or mixed use development. All new development under the 2010 Housing Element would be consistent with the Downtown Specific Plan, General Plan and current Zoning. Development under the proposed Housing Element is also consistent with ABAG projections, which provide the basis for planning for water, solid waste, and wastewater treatment. Therefore, the 2010 Housing Element will not (a) exceed wastewater treatment requirements, (b) require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, or (c) require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. With the above policies associated with land use, impacts to the community as a result of implementing the 2010 Housing Element are less than significant. All new development under the 2010 Housing Element would be consistent with the Downtown Specific Plan, General Plan and current Zoning. Thus, no changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. It is the City’s intent to establish zoning to allow emergency shelters for the homeless as a permitted use within the NC (Neighborhood Commercial), CC (Central Commercial), and R-1.5 (High-density residential) zoning districts, excluding the Downtown Specific Plan area, where the property is located within one-quarter mile of a transit stop. Other than allowing this new use, the 2010 Housing Element would not alter the intensity or density of development allowed within the broader Zoning land use category. Based on the above, the proposed project would result in no impact on utilities and service systems in Martinez.

Mandatory Findings Of Significance				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No development is being permitted under the 2010 Housing Element where it is not permitted now, and all new development under the 2010 Housing Element is proposed in areas already designated for residential or mixed use development. All new development under the 2010 Housing Element would be consistent with the Downtown Specific Plan, General Plan and current Zoning, and development would occur consistent with current City regulations and development review practices. Development under the proposed Housing Element is also consistent with ABAG projections, which provide the basis for planning for future needs. Thus, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species,

cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

The updated Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan. Key changes from the 2005 Housing Element adopted in 2005 include new programs supporting housing for special needs populations, a program to adopt procedures for “reasonable accommodation,” and adoption of modifications to the City’s Zoning Ordinance to incorporate State Density Bonus law incentives. The updated Housing Element also calls for the City to “establish zoning to allow emergency shelters for the homeless as a permitted use within the NC (Neighborhood Commercial), CC (Central Commercial), and R-1.5 (High-density residential) zoning districts, excluding the Downtown Specific Plan area, where the property is located within one-quarter mile of a transit stop. Zoning will also be established to allow religious facilities to open a permanent, year-round shelter with a use permit.” These limited modifications contained in the 2010 Housing Element will not have impacts that are individually limited, but cumulatively considerable because the 2010 Housing Element is consistent with the City’s current General Plan and Zoning.

No changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. The 2010 Housing Element carries forward many of the programs contained in the 2005 Housing Element and would be consistent with other City policies related to environmental protection. The 2010 Housing Element will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly related to potential housing sites, which are consistent with current Zoning. The 2010 Housing Element is also consistent with and the California Department of Finance and Association of Bay Area Government (ABAG) projections for Martinez. The updated Housing Element contains updated statistics and analysis of housing issues per State law, which provides a more up-to-date foundation for future planning. Impacts to all of the City’s resources are therefore considered less than significant. There are no new impacts anticipated.

Based on the above, the proposed project would result in no impact on items covered under the Mandatory Findings of Significance.

RESOLUTION NO. PC 10-09

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ
RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION
AND APPROVE A GENERAL PLAN AMENDMENT TO ADOPT THE REVISED
DRAFT HOUSING ELEMENT OF THE CITY OF MARTINEZ GENERAL PLAN
GPA #10-04**

WHEREAS, Article 10.6 of the California Government Code requires each county and city in California to adopt a Housing Element; and

WHEREAS, in April 2009 the City Council created an 18-member Housing Element Update Task Force to provide guidance and technical assistance throughout the Update process; and

WHEREAS, the Task Force meetings provided an opportunity for members of the public to offer comments and suggestions for the items being discussed; and

WHEREAS, there have been other opportunities for persons representing all economic segments of the community to provide input to the Housing Element Update, including:

- (1) A community workshop held on August 10, 2009, which provided the community a chance to ask questions and to offer direction for the Housing Element Update; and
- (2) Two outreach meetings tailored to specific stakeholder groups, with the goal of connecting with organizations representative of all economic segments of the population; and

WHEREAS, on October 7, 2009, the City Council and Planning Commission conducted a public study session to provide direction to the Task Force for the preparation of the Housing Element Update; and

WHEREAS, at its meeting on November 19, 2009, the Task Force reviewed a preliminary draft of the Housing Element, made modifications, and unanimously voted to recommend the policies and programs contained in the "Discussion Draft Housing Element;" and

WHEREAS, the Discussion Draft Housing Element was then reviewed at a joint City Council and Planning Commission study session on December 16, 2009, and with minor changes and additions was determined to be adequate to send to the California Department of Housing and Community Development (HCD) for their review. The requested revisions were made by staff. This revised document is referred to as the

“Draft Housing Element;” and

WHEREAS, the Draft Housing Element was submitted to HCD on December 22, 2009 for their review as required by State law; and

WHEREAS, the City received a letter from HCD dated February 18, 2010 asking that additional information be included in the Draft Housing Element; and

WHEREAS, City staff worked with HCD staff to respond to all of HCD’s comments and to include modifications to the Draft Housing Element in compliance with State law requirements; and

WHEREAS, the Draft Housing Element and Errata, which together comprise the “Revised Draft Housing Element,” referred to in HCD’s letter, respond to all of HCD’s comments; and

WHEREAS, HCD submitted a letter to the City dated September 28, 2010 stating that “[t]he revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g);” and

WHEREAS, key changes from the Housing Element adopted in 2005 by the City include the following:

- (1) **New Programs Supporting Housing for Special Needs Populations.** The updated Housing Element contains programs to adopt procedures for “reasonable accommodation,” and to adopt modifications to the City’s Zoning Ordinance to incorporate State Density Bonus law incentives. New requirements as a result of SB2 are contained in the updated Housing Element to address homeless, transitional and supportive housing. Specific new programs related to special needs housing include: #23 Enact Zoning for Transitional, Supportive and Special Needs Housing; #24 Adopt Procedures for Reasonable Accommodation; and #27 Modify Requirements for Group Homes for Seven or More Persons; and
- (2) **Refinement of Programs to Provide Incentives for Development of Housing.** The updated Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan and implementation of zoning changes as a result of the 2005 Housing Element. No changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. In addition, as with the 2005 Housing Element, the updated Housing Element is consistent with Association of Bay Area Governments (ABAG) projections for Martinez. The updated Housing Element contains programs to reduce any potential governmental constraints to the development of

housing. Specific new programs include: #15 Continue to Implement the Downtown Specific Plan; #26 Revise Multi-Family Parking Requirements;

- (3) **Updated Data on Employment, Housing and Population Projections, Housing Needs, Affordability, Land Availability, Potential Governmental and Non-Governmental Constraints.** The updated Housing Element contains updated statistics and analysis of housing issues per State law. The projections in the Housing Element are consistent with ABAG projections and the California Department of Finance; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) the City prepared an Initial Study finding that no significant impacts will occur as a result of adoption of the Revised Draft Housing Element. A Negative Declaration has therefore been prepared. The Planning Commission reviewed and considered the Initial Study and Negative Declaration prior to making its recommendation on the Revised Draft Housing Element; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on December 14, 2010, listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter; and

WHEREAS, the record of proceedings ("Record") upon which this decision is based includes, but is not limited to: (1) the project staff report, City and other documents, prepared for and/or submitted to the City relating to the project; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) all documentary and oral evidence received at the public hearing or submitted to the City during the comment period relating to the project; and (4) all other matters of common knowledge to the Planning Commission including, but not limited to, city, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Martinez and its surrounding areas.

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

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

1. That, the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. That based upon the Record and the findings contained in Exhibit A, attached hereto and incorporated herein by reference, the Planning Commission recommends that the City Council adopt a Negative Declaration.

3. That based upon the Record and the findings contained in Exhibit B, the Project and each and every action which is a part thereof is consistent with the Martinez General Plan and the Downtown Specific Plan.
4. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council amend the General Plan to adopt the Revised Draft Housing Element, as set forth in Exhibit C, attached hereto and incorporated herein by reference.
5. That, based on the Record and the findings set forth herein, the Planning Commission hereby determines that the Revised Draft Housing Element meets the statutory requirements regarding housing elements. HCD has reviewed the Revised Draft Housing Element and has indicated that, with the revisions requested, the document meets the State's statutory requirements delineated in California Government Code Section 65583.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 14th day of December, 2010:

AYES: Avila Farias, Burt, Marchiano, Keller & Kelly

NOES: Allen

ABSENT: Ford

ABSTAINED:

BY: 

Donna Allen
Planning Commission Vice Chair



Terry Blount, AICP
Planning Manager

EXHIBIT A

California Environmental Quality Act (CEQA) Determination

The Planning Commission of the City of Martinez has determined that the proposed draft Negative Declaration is adequate for the proposed update to the Housing Element of its General Plan:

1. On the basis of the whole Record before it, including the Initial Study and any comments received thereto, there is no substantial evidence that the project will have a significant effect on the environment, as based in findings as set forth in said Initial Study, attached hereto and incorporated herein by reference.
2. That in acting on the Negative Declaration, the Planning Commission has exercised its independent judgment and analysis.
3. That the Negative Declaration for said project is complete and in compliance with CEQA and the City's Environmental Review Regulations.

EXHIBIT B

General Plan Consistency Determination:

The City's update to the Housing Element of its General Plan is consistent with the General Plan's policies regarding land use, as well as the Central Martinez Specific Area Plan policies regarding the restoration and rehabilitation of existing housing and increasing the housing supply in those areas encircling downtown that are underutilized or in light industrial or commercial use . Specifically:

LAND USE ELEMENT PURPOSE AND POLICIES

21.1 PURPOSE

The Land Use Element represents the pattern of uses established by the other general plan elements and policies. It serves as the primary means of ensuring integration of these policies with land use policies relating to residential, commercial and industrial facilities and their land, locational and public service needs. The Land Use Policy Map designates the location of the major land uses components.

The proposed update to the Housing Element and its listing of opportunity sites is consistent with the location of the major land uses components delineated on the General Plan's Land Use Policy Map.

21.311 Existing neighborhoods shall retain their present housing roles and the existing residential character preserved and enhanced. Non-residential uses, other than those providing services primarily to residents within the neighborhoods, shall be prohibited.

The implementation of the above policy will continue as the proposed updated Housing Element makes no changes to the type, intensity, or location of residential uses. The City has sufficient existing land inventory available to meet the City's share of the Regional Housing Needs Allocation (2007-2014) therefore no changes to the existing General Plan Land Use designations of any properties is required.

21.341 Residential development of up to twenty units per gross acre shall be permitted in appropriate areas close to shopping, transportation and other public services. In the Downtown Specific Plan area up to forty-three dwelling units per gross acre shall be permitted. The primary purpose is provision of housing accommodations to serve the needs of Martinez residents.

The implementation of the above policy will continue as the proposed updated Housing Element supports high density residential development in limited areas. The primary

purpose is provision of housing to serve the needs of single persons, young families, and childless households.

CENTRAL MARTINEZ SPECIFIC AREA PLAN POLICIES

30.521 A program of selective restoration and rehabilitation should be undertaken given the condition of existing housing in Central Martinez.

The implementation of the above policy will continue as the proposed updated Housing Element will continue to contain programs including the City's continued participation in the Contra Costa County Neighborhood Preservation Program and the County Rehabilitation Program.

30.522 Areas which encircle the central business district, now underutilized or in light industrial and commercial use, may be converted to residential use of appropriate density and structure type. This should increase the housing supply and should eliminate the threat of visual and structural blight to adjacent residential neighborhoods.

The implementation of the above policy will continue as the proposed updated Housing Element identifies areas that encircle the central business district to increase the housing supply and eliminate the threat of visual and structural blight to adjacent residential neighborhoods.

EXHIBIT C

2007 – 2014 City of Martinez

Draft Housing Element

Prepared December 22, 2009

(Previously distributed to Planning Commission)

Planning Commission
 Regular Meeting
 December 14, 2010
 Martinez, CA

CALL TO ORDER

The meeting was called to order at 7:01 p.m. by Acting Chair Donna Allen.

ROLL CALL

PRESENT: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, and Michael Marchiano, Commissioner.

EXCUSED: None.

ABSENT: Lynette Busby, Chair.

Staff present: Planning Manager Terry Blount

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of November 18 & 23, 2010, meetings.*

On motion by Donna Allen, Acting Chair, seconded by AnaMarie Avila-Farias, Commissioner, the Commission voted to approve the Minutes of the November 18 & 23, 2010, meetings. Motion unanimously passed 7 - 0 (Chair Busby absent).

NOTE: The actual motion was inaudible, so I'm not sure who made it or seconded it or if there were two motions (or any abstentions). Hopefully Terry can remember.

REGULAR ITEMS

Item 3 taken out of order.

3. *T-Mobile/Landmark Wireless Preliminary Review Study session to discuss and receive public input on a proposal for an installation of a new wireless telecommunications facility at 100 Church Street (Martinez United Methodist Church site). The proposed project consists of adding an 85' monopine tree tower with panel antennas on top of the tower. T-Mobile will be leasing a 30'x20' area at the base of the tower for an equipment enclosure. The proposed project is located in a residential zoning district, which requires a Use Permit and Design Review approval.*
Applicant: T-Mobile/Landmark Wireless - Karen Lienert (AM)

Planning Manager Terry Blount introduced the item, as well as a representative from T-Mobile, Jeff Lienert, who presented the staff report.

Commissioner Burt asked about alternative sites, as well as alternative methods for attaching the antenna. Mr. Lienert referred to the coverage plot maps and discussed other T-Mobile sites in the City.

Commissioner Keller asked about sites used by other carriers, which Mr. Lienert discussed. In response to a question from Commissioner Kelly, Mr. Lienert also discussed coverage areas and signal strength.

Chair Allen asked how other carriers cover the area. Mr. Lienert said he didn't know specifics, but he could research it. He also noted that it is not uncommon for carriers to have only 1/4 to 1/2 mile separation between antennas.

Commissioner Kelly asked if there was a way to reconfigure an existing site to increase coverage. Mr. Lienert said it has been done, but usually to reduce the coverage area due to greater demand and increased bandwidth usage.

Chair Allen asked where she could go to look at an existing mono-pine. Mr. Lienert said he would provide the information, but he didn't know offhand.

Commissioner Burt expressed concern about the appearance of the tree-type pole. Mr. Lienert noted that over the past 15 years a "stealth" design was what many Planning Commissions were asking for. He also added that installing a mono-pine is more expensive than a mono-pole.

Commissioner Burt asked about proposed landscaping at the site, and Mr. Lienert said 2 redwood trees would be planted. Commissioner Burt said she also would like to know nearby locations of similar poles, and even a comparison of an older one with a newer one. Mr. Lienert indicated he could provide that.

Commissioner Burt said she would prefer co-location of the antenna on an existing structure. Mr. Lienert acknowledged that was preferable, but it is also necessary to locate the antenna in the area where coverage is needed.

Commissioner Kelly noted there was a tower at Alhambra and Taylor, configured to look like a redwood tree.

Commissioner Keller asked if the tower at the park across the way was considered. Mr. Lienert said it was but they were discouraged by the planner from trying to use that site.

Chair Allen opened public comment on the item.

COREEN O'CONNOR questioned whether there had been adequate notification of the proposal, since only those within 300' of the site were notified and others in the neighborhood were unaware of it. She also questioned whether the provisions of the Telecommunications Act were

followed, given the narrow parameters set by T-Mobile in selecting the site. She noted that a preschool operates very near to this location, and the children play outside for several hours each day. She asked why other sites were not considered, such as Fire Station 13 and vacant hillsides in the vicinity. She asked that the Commission not allow this site to be considered, and if it does, she indicated the neighborhood would contact the media, the City Council and Congressman George Miller for their assistance.

MONICA HARTMANN expressed concern about the visual pollution from the tower, as well as potential health risks. She shared a handout outlining recent studies on the health impacts. She asked for more research into the matter. She also asked the Commission to consider whether they would want such a tower within 300' of their home or children.

PAT CORR showed a map that demonstrated the tower will be a stone's throw away from her house. She asked whether the future sale of her home would require disclosure of any tower that close. She expressed concern about the potential effects on those with existing health problems, pacemakers, or young children.

RALPH MOULTON echoed Ms. Corr's comments, and he was concerned about his daughter's health and property values.

An unidentified speaker noted she had no problem with cell phone reception in the area. She suggested co-location of the tower with already existing ones.

Another speaker agreed that the potential health effects need to be considered carefully. She urged the Commission to vote no.

Seeing no further speakers, Chair Allen closed public comment on the item.

Rebuttal

Mr. Lienert noted that the preschool was actually on the property that T-Mobile has a lease agreement with. He also discussed exposure studies that were submitted with the application. He added that there is a difference between how the T-Mobile network operates as compared with Verizon or AT&T, notably that its frequency is higher, and that affects the range needed. He noted that cell phones provide an element of safety as well, given the number of 911 calls that are made from cell phones.

Mr. Blount noted that there was a letter received today regarding the application, and it was included on the dais tonight.

Commissioner Marchiano asked if Mr. Lienert could get a copy of the information regarding health impacts, provided by Ms. Hartmann, so T-Mobile could respond to it at subsequent hearings on the application.

Commissioner Keller asked if T-Mobile could switch its network to the same frequency as AT&T and Verizon. Mr. Lienert explained that T-Mobile purchased its frequency from the government, before buildout of all the wireless networks. He commented on the costs paid for

the frequency and their rights to use it. He acknowledged that there could be more frequencies added later, perhaps through a merger with another provider. He discussed distances between Verizon and AT&T towers.

Commissioner Keller asked if there is a map available showing the cell tower facilities in the City. Mr. Blount said he would check with the planners and see if there is a map. Commissioner Burt said she would like to have it mapped if it has not been already done.

Commissioner Avila asked about the possibility of a trial period for the tower. Mr. Lienert said it is a substantial investment, and it is unlikely they would be willing to take it down later. Commissioner Avila asked about the possibility of more community involvement. Mr. Lienert said there was a neighborhood outreach meeting in May, with 3 people in attendance (with 59 notices sent out).

Chair Allen reviewed issues raised by the public and the Commission to be addressed at later meetings - locations of existing towers, sites considered, safety concerns, and disclosure requirements for future real estate transactions in the immediate area. She also told staff that it might be helpful to have a future study session on the Telecommunications Act, what the Planning Commission is able to do, a map of existing sites, and health issues. Mr. Blount said it could be done sometime in the future, but he reminded the Commission that there are strict limitations as to what jurisdictions can do regarding health impacts, according to the Telecommunications Act.

Chair Allen said she would like to have a review of the Act at a future Commission meeting, separate from any applications. Commissioner Burt noted that prior to the health care issue, the Telecommunications Act of 1996 was the most heavily lobbied legislation, primarily by wireless providers, who succeeded in limiting what state and local jurisdictions are able to do. She also noted that there is a greater demand now for wireless service now, as so many people have such service, making society increasingly dependent on them - and requiring further towers. She also acknowledged that there have been conflicting reports on the potential health effects. She wanted to see further investigation into other potential sites that might not have the same issues.

Chair Allen asked for more information about the appearance of the mono-tree poles and nearby locations of similar poles.

Chair Allen re-opened the public comment period to allow two speakers who hadn't yet spoken.

An unidentified speaker asked how long it will take for the redwood trees that will be planted to grow enough to provide adequate coverage. She also asked whether the need for the additional T-Mobile tower has been adequately demonstrated. She asked why not notify the whole community about future hearings. Chair Allen recommended she fill out a speaker card to ensure she will receive notices of future meetings on the matter.

Another speaker asked whether this would set a precedent allowing other companies to add more individual towers instead of co-locating.

A previous speaker agreed with Commissioner Burt that the Telecommunications Act is very restricted, but cities can require that all legitimate sites be considered.

Chair Allen closed the public comment period again.

Mr. Blount noted that the staff planner for the application is Anjana Mevani, who will be available to respond to public comments and concerns.

Commissioner Burt commented on the City's responsibility to have as thorough a notification process as possible. In a situation like this, she thought it should be extended to a 500' feet radius. She noted, however, that everyone who lives in a community has a responsibility to be informed about what is happening there - either through a newspaper or online source, etc.

Commissioner Avila agreed that the 500' radius was more appropriate for this type of application, and she thought the public meeting should be repeated. Mr. Blount said that further public outreach meetings were up to the applicant, and the City cannot require them to hold another one. He also said the study sessions are noticed only as a courtesy - there is no statutory requirement for public noticing, but if the applicant is willing to absorb the additional cost for increasing the notification radius, staff could do that.

Chair Allen asked that the applicant also address the necessity for the tower.

A member of the audience asked if parents of the children at the preschool were notified of the proposed tower, especially since the lease agreement for the site has already been signed by representatives of the church. Chair Allen said if he thought they should be notified, he should let them know.

Commissioner Burt asked when the item would be before the Commission again. Mr. Blount said he couldn't say for sure when it would be.

- 2. Housing Element (2007-2014) of the General Plan GPA #10-04 Public hearing to review the Draft Updated Housing Element of the City's General Plan and make a recommendation to the City Council regarding the adoption of the Draft. The California Department of Housing and Community Development (HCD) has reviewed the City's Draft Updated Housing Element and has indicated that, with the revisions requested, the document meets the State's statutory requirements. (This item was continued from the November 23, 2010, meeting.) Applicant: City of Martinez (TB)*

Planning Manager Terry Blount presented the staff report, giving a brief overview of the Housing Element, changes from the previous one, and a review of the process thus far. He briefly discussed the changes that were requested by the California Department of Housing & Community Development (HCD).

Mr. Blount also responded to questions from the Commission. Commissioner Marchiano asked whether the requirement for zoning for homeless shelters meant that the cities are now responsible for the homeless, rather than it being a county responsibility. Mr. Blount responded

that the zoning requirement does not mean that a city has to provide a shelter, only that there must be zoning districts where homeless shelters are allowed by right.

Commissioner Avila asked about information about the previous goal regarding an inclusionary ordinance and progress made toward that goal. Mr. Blount said it was possible that more background information could be added to the document.

Commissioner Burt agreed with Commissioner Avila, noting that one frustration with the document in the past was the number of goals and policies and whether the City was realistically going to try to implement the policies. She asked how many of those goals and policies could be implemented through the General Plan update process now underway.

Mr. Blount explained that HCD is now more strictly concerned with how many policies and goals a city can and will implement. He also clarified that there will be no further update of the Housing Element with the General Plan update.

Commissioner Kelly asked about the additional housing units that the City will need to provide by 2014. Mr. Blount explained it is not a mandate for the construction of additional units - only that it must show there is land available to meet those goals.

Commissioner Avila asked how many units were constructed since the last Housing Element was written. Mr. Blount could not say precisely, but he knew it was well below the number set by ABAG.

Commissioner Avila asked about the goals from the previous Housing Element that seem to be missing from the new one. Mr. Blount explained that they had been reduced from 7 to 3, but the same policies were consolidated into the new Housing Element.

Commissioner Avila commented on a provision in the new Element regarding responding to housing discrimination complaints related to affordable housing. She asked how the City would do that since most of the affordable housing programs were administered by other jurisdictions. Mr. Blount said that it was more related to providing information or a referral to the appropriate agency.

Commissioner Burt asked about Appendix A, Map 10, where underutilized sites are marked. She noted that site #2 on the map was largely unusable because of the slope, and she questioned whether it really should be included. Mr. Blount acknowledged that there couldn't be many more units added, but at least 1 more (and maybe as many as 10) could be added.

Commissioner Burt asked about site 10, which is the Freitas site that already has one unit and the rest was designated open space. Mr. Blount said he would follow up with staff, but it seemed like Commissioner Burt's analysis was correct.

Commissioner Avila commented on the different approach taken with this Housing Element, wherein all available sites are identified with footnotes explaining the status or special circumstances. Mr. Blount said that was due to new specificity requirements from the state.

Chair Allen commented on the Errata section regarding residential development under the Downtown Specific Plan, and she made editing suggestions so that it reflects ownership housing as was intended under the Specific Plan. Mr. Blount explained the options for very-low and low income housing, noting that there is virtually nowhere else in the City that would allow the density necessary for that type of housing. He did not think there was a conflict with the Specific Plan since there will be no reference to ownership or rental housing in that section of the Housing Element.

Chair Allen said she thought the proposed language conflicts with the intent of the Specific Plan. Mr. Blount noted that this does not supersede the Specific Plan nor amend it, and the list of incentives are not all-inclusive, but instead are varied options.

Commissioner Avila agreed with Mr. Blount, noting that if the low and very low income housing is not included in the Element, HCD will reject it altogether. Chair Allen thought it was confusing when compared with the Specific Plan because it seems to be giving development incentives for low and very-low income housing that are not available for all housing types.

After extensive discussion among the Commission and staff, Mr. Blount recommended asking the rest of the Commission for input regarding the suggestions made by Commissioner Avila (regarding background information on the inclusionary ordinance) and Chair Allen (regarding housing in the Downtown Specific Plan area).

The Commission was supportive of Commissioner Avila's suggestion.

Commissioner Avila expressed appreciation for the updated Housing Element and the good job done by staff in condensing it and making the goals more achievable. Mr. Blount noted that much of the credit goes to consultant Jeff Baird.

As a member of the Housing Element Update Task Force, Commissioner Keller said he thought staff and the consultant did a great job. The other Commissioners echoed his comments.

At the request of Mr. Blount, Chair Allen clarified her recommendation regarding development incentives. She stated that she was opposed to the last paragraph of Item 15 - she would rather that it not specify housing types nor target the Downtown Specific Plan area.

On motion by AnaMarie Avila-Farias, Commissioner, seconded by Jeffrey Keller, Commissioner, the Planning Commission voted to modify the information on Item 14, implementation of the inclusionary ordinance, to add the history and background on the ordinance that was drafted under the previous Housing Element.

Motion unanimously passed 7 – 0 (Chair Lynette Busby absent).

Donna Allen, Acting Chair, moved to amend Item 15, Continue to implement the Downtown Specific Plan, to modify the last paragraph to eliminate the reference of affordable and low income households in the Downtown Specific Plan area; and to move the portion that identifies

target sites at least twice in the planning period for nonprofit and affordable housing from Item 15 to Item 18, which deals with affordable housing, making it Citywide; or add "for all types of development or any type of development."

Motion failed due to lack of a second.

The Commission continued the discussion with an explanation of why affordable housing is needed and what the purpose of the Housing Element is, with Chair Allen and Commissioner Kelly asking why the incentives are not available to all types of developers. Chair Allen also asked why this particular program needed to be under the Specific Plan section (Item 15), rather than under Item 18, thus allowing all areas of the City to be considered as target areas.

Eventually Commissioner Burt suggested going forward without the changes requested by Chair Allen, and Commissioner Avila added that the City Council hearing on the issue would allow for the change to be made then if they so choose.

On motion by AnaMarie Avila-Farias, Commissioner, seconded by Harriett Burt, Commissioner, the Commission voted to keep Program 15 as written in the Revised Draft Updated Housing Element, without the modification proposed by Chair Allen.

Motion passed 6 - 1 (No: Donna Allen, Acting Chair; Absent: Lynette Busby, Chair).

On motion by AnaMarie Avila-Farias, Commissioner, seconded by Michael Marchiano, Commissioner, the Commission voted to recommend that the City Council adopt the revised Draft Updated Housing Element of the City's General Plan, with the modification to Program 14 as discussed by the Commission.

Motion passed 6 - 1 (No: Donna Allen, Acting Chair; Absent: Lynette Busby, Chair).

COMMISSION ITEMS

Commissioner Avila reported that she has been appointed by the mayor to chair the Redevelopment Task Force, so she is resigning from the Planning Commission. She expressed appreciation for all that the Commission has accomplished during her ten years on the Planning Commission.

STAFF ITEMS

Mr. Blount announced that Commission Alternate Paul Kelly would now be a full Commissioner, and at the next City Council meeting Sigrid Waggener would be considered for appointment to the Planning Commission as well, with Kimberly Glover considered for the new Alternate. Commissioner Burt noted that Ms. Glover is the sister of former Planning Commissioner Bob Glover.

Mr. Blount also noted that copies were available to the Commission of a bi-monthly publication from the League of Women Voters.

He discussed upcoming meetings and potential items for those agendas, and he also commented on the Commission's rules and procedures, and the need to elect a new Chair since Commissioner Busby has resigned. There was some discussion among the Commission as to the frequency of the elections.

Mr. Blount indicated that there will be a full review of the Planning Commission rules and policies at an upcoming meeting.

COMMUNICATIONS

The meeting adjourned at 9:45 p.m.

RESOLUTION NO. -11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
APPROVING A NEGATIVE DECLARATION AND AMENDING THE MARTINEZ GENERAL
PLAN TO ADOPT THE REVISED DRAFT HOUSING ELEMENT GPA #10-04**

WHEREAS, Article 10.6 of the California Government Code requires each county and city in California to adopt a Housing Element; and

WHEREAS, in April 2009 the City Council created an 18-member Housing Element Update Task Force to provide guidance and technical assistance throughout the Update process; and

WHEREAS, the Task Force meetings provided an opportunity for members of the public to offer comments and suggestions for the items being discussed; and

WHEREAS, there have been other opportunities for persons representing all economic segments of the community to provide input to the Housing Element Update, including:

- (1) A community workshop held on August 10, 2009, which provided the community a chance to ask questions and to offer direction for the Housing Element Update; and
- (2) Two outreach meetings tailored to specific stakeholder groups, with the goal of connecting with organizations representative of all economic segments of the population; and

WHEREAS, on October 7, 2009, the City Council and Planning Commission conducted a public study session to provide direction to the Task Force for the preparation of the Housing Element Update; and

WHEREAS, at its meeting on November 19, 2009, the Task Force reviewed a preliminary draft of the Housing Element, made modifications, and unanimously voted to recommend the policies and programs contained in the "Discussion Draft Housing Element;" and

WHEREAS, the Discussion Draft Housing Element was reviewed at a joint City Council and Planning Commission study session on December 16, 2009, and with minor changes and additions was determined to be adequate to send to the California Department of Housing and Community Development (HCD) for their review. The minor changes and additions were made by staff. This revised document is referred to as the "Draft Housing Element;" and

WHEREAS, the Draft Housing Element was submitted to HCD on December 22, 2009 for their review as required by State law; and

WHEREAS, the City received a letter from HCD dated February 18, 2010 asking that additional information be included in the Draft Housing Element; and

WHEREAS, City staff worked with HCD staff to respond to all of HCD's comments and to include modifications to the Draft Housing Element in compliance with State law requirements; and

WHEREAS, the Draft Housing Element and Errata, which together comprise the "Revised Draft Housing Element," referred to in HCD's letter, respond to all of HCD's comments; and

WHEREAS, HCD submitted a letter to the City dated September 28, 2010 stating that "[t]he revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g);" and

WHEREAS, key changes from the Housing Element adopted in 2005 by the City include the following:

- (1) **New Programs Supporting Housing for Special Needs Populations.** The updated Housing Element contains programs to adopt procedures for "reasonable accommodation," and to adopt modifications to the City's Zoning Ordinance to incorporate State Density Bonus law incentives. New requirements as a result of SB2 are contained in the updated Housing Element to address homeless, transitional and supportive housing. Specific new programs related to special needs housing include: #23 Enact Zoning for Transitional, Supportive and Special Needs Housing; #24 Adopt Procedures for Reasonable Accommodation; and #27 Modify Requirements for Group Homes for Seven or More Persons; and
- (2) **Refinement of Programs to Provide Incentives for Development of Housing.** The updated Housing Element carries forward many of the programs contained in the 2005 Housing Element related to potential housing sites. Continued actions include implementation of the Downtown Specific Plan and implementation of zoning changes as a result of the 2005 Housing Element. No changes are made in the updated Housing Element as they relate to the density or development potential on housing sites. In addition, as with the 2005 Housing Element, the updated Housing Element is consistent

with Association of Bay Area Governments (ABAG) projections for Martinez. The updated Housing Element contains programs to reduce any potential governmental constraints to the development of housing. Specific new programs include: #15 Continue to Implement the Downtown Specific Plan; #26 Revise Multi-Family Parking Requirements;

- (3) **Updated Data on Employment, Housing and Population Projections, Housing Needs, Affordability, Land Availability, Potential Governmental and Non-Governmental Constraints.** The updated Housing Element contains updated statistics and analysis of housing issues per State law. The projections in the Housing Element are consistent with ABAG projections and the California Department of Finance; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) the City has conducted an Initial Study to evaluate the project's potential impacts on the environment; and

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

WHEREAS, on December 9, 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 December 14, 2010, listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter and by the adoption of Resolution No. PC 10-09 recommended that the City Council adopt the Negative Declaration and the Revised Draft Housing Element; and

WHEREAS, the City Council of the City of Martinez held a duly noticed public hearing on January 19, 2011, listened to testimony from the public and considered all oral and written comments received at or prior to the public hearing on the matter; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its decision herein, 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 City 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, and (7) all other matters of common knowledge to 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 City Council 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 upon the Record and the findings contained in Exhibit A, attached hereto and incorporated herein by reference, the City Council adopts a Negative Declaration.
3. That based upon the Record and the findings contained in Exhibit B, the project and each and every action which is a part thereof is internally consistent with the other elements of the Martinez General Plan and the Alhambra Hills and Downtown Specific Plans.
4. That, based on the Record and the findings set forth herein, the City Council amends the General Plan to adopt the Revised Draft Housing Element, as set forth in Exhibit C, attached hereto and incorporated herein by reference.
5. That, based on the Record and the findings set forth herein, the City Council hereby determines that the Revised Draft Housing Element meets the statutory requirements regarding housing elements. HCD has reviewed the Revised Draft Housing Element and has indicated that, with the revisions requested, the document meets the State's statutory requirements delineated in California Government Code Section 65583.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 19th day of January, 2011 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

EXHIBIT A

California Environmental Quality Act (CEQA) Determination

The City Council of the City of Martinez has determined that the proposed draft Negative Declaration is adequate for the proposed update to the Housing Element of its General Plan:

1. On the basis of the whole Record before it, including the Initial Study and any comments received thereto, there is no substantial evidence that the project will have a significant effect on the environment, as based in findings as set forth in said Initial Study, attached hereto and incorporated herein by reference.
2. That in acting on the Negative Declaration, the City Council has exercised its independent judgment and analysis.
3. That the Negative Declaration for said project is complete and in compliance with CEQA and the City's Environmental Review Regulations.

EXHIBIT B

General Plan Consistency Determination:

The City's update to the Housing Element of its General Plan is consistent with the General Plan's policies regarding land use, as well as the Central Martinez Specific Area Plan policies regarding the restoration and rehabilitation of existing housing and increasing the housing supply in those areas encircling downtown that are underutilized or in light industrial or commercial use. Specifically:

LAND USE ELEMENT PURPOSE AND POLICIES

21.1 PURPOSE

The Land Use Element represents the pattern of uses established by the other general plan elements and policies. It serves as the primary means of ensuring integration of these policies with land use policies relating to residential, commercial and industrial facilities and their land, locational and public service needs. The Land Use Policy Map designates the location of the major land uses components.

The proposed update to the Housing Element and its listing of opportunity sites is consistent with the location of the major land uses components delineated on the General Plan's Land Use Map 1.

21.311 Existing neighborhoods shall retain their present housing roles and the existing residential character preserved and enhanced. Non-residential uses, other than those providing services primarily to residents within the neighborhoods, shall be prohibited.

The implementation of the above policy will continue as the proposed updated Housing Element makes no changes to the type, intensity, or location of residential uses. The City has sufficient existing land inventory available to meet the City's share of the Regional Housing Needs Allocation (2007-2014) therefore no changes to the existing General Plan Land Use designations of any properties is required.

21.341 Residential development of up to twenty units per gross acre shall be permitted in appropriate areas close to shopping, transportation and other public services. In the Downtown

Specific Plan area up to forty-three dwelling units per gross acre shall be permitted. The primary purpose is provision of housing accommodations to serve the needs of Martinez residents.

The implementation of the above policy will continue as the proposed updated Housing Element supports high density residential development in limited areas. The primary purpose is provision of housing to serve the needs of single persons, young families, and childless households.

CENTRAL MARTINEZ SPECIFIC AREA PLAN POLICIES

30.521 A program of selective restoration and rehabilitation should be undertaken given the condition of existing housing in Central Martinez.

The implementation of the above policy will continue as the proposed updated Housing Element will continue to contain programs including the City's participation in the Contra Costa County Neighborhood Preservation Program and the County Rehabilitation Program.

30.522 Areas which encircle the central business district, now underutilized or in light industrial and commercial use, may be converted to residential use of appropriate density and structure type. This should increase the housing supply and should eliminate the threat of visual and structural blight to adjacent residential neighborhoods.

The implementation of the above policy will continue as the proposed updated Housing Element identifies areas that encircle the central business district to increase the housing supply and eliminate the threat of visual and structural blight to adjacent residential neighborhoods.