

RESOLUTION NO. PC 11-03 [DRAFT]

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT WITH UP TO 110 SINGLE -
FAMILY UNITS (“ALHAMBRA HIGHLANDS”) ON AN APPROXIMATE 297.5 ACRE
SITE, WITH APPROXIMATELY 240 ACRES OF PERMANENT OPEN SPACE,
GENERALLY LOCATED WEST OF ALHAMBRA AVENUE AT WILDCROFT DRIVE
(APN: 164-010-019,025 & 026; 164-150-016,022 & 030; 366-010-007; 366-060-007)**

WHEREAS, in March 1987, by the adoption of Resolution No. 56-87, the City Council approved the Alhambra Hills Specific Plan (the “Plan”), which prescribed areas for single-family home development and open space preservation in a 591 acre area, of which the 298 acre site is a part; and

WHEREAS, prior to the adoption of the Plan, the City Council, on June 4, 1986, denied an appeal of the Planning Commission’s decision to certify, and certified an Environmental Impact Report (the “Plan EIR”) and mitigations measures for the Plan; and

WHEREAS, pursuant to the Plan and the Plan EIR, the City Council denied an appeal of the Planning Commission’s decision to approve, and approved Subdivision #7245 (“Alhambra Highlands Unit I”) with the adoption of Resolution No. 147-90, and Subdivision #7244 (“Alhambra Highlands Unit II”) with the adoption of Resolution No. 147-90, which together allowed 148 units on the northerly 190 +/- acre portion of the project site in July 1990; and

WHEREAS, pursuant to the Plan and the Plan EIR, the Planning Commission, on September 28, 1993 approved Subdivision #7606 (“Briar Rose/Images”), which allowed 68 additional units on the southerly 60 +/- acre portion of the project site; and

WHEREAS, concurrent approvals were granted for Planned Unit Developments, amending the development standards for the subject R-10 (Residential, Single-family, 10, 000 sq. ft. minimum lot size) Zoning District, and

WHEREAS, the City approved a series of extensions for the three approved subdivisions, the last of which was in 1999; and

WHEREAS, Since 1999, the developer of Alhambra Highlands has received the approval of multiple outside agencies which are required for construction of the project including the US Army Corps of Engineers (Corps) Section 404, December 2008; United States Fish and Wildlife Service (Biological Opinion, November 2005); and the San Francisco Regional Water Quality Control Board (Section 401 water quality

certification, amended August 2008); and

WHEREAS, the acquisition of additional land for Alameda whipsnake habitat preservation was integral to the outside agencies' approvals, thus the Developer acquired the adjacent site of the un-built Subdivision #7606 ("Briar Rose/Images") and "Monteros" property, increasing the project site from approximately 190 acres to approximately 298 acres; and

WHEREAS, on December 8, 2008, the current developer, Richfield Investment Corporation, made a revised application to the City for a revised vesting tentative map for 112 detached single-family homes on an approximate 297.5 acre site, with approximately 240 acres of permanent open space, an approximate 2.2 acre water tank site (Parcel J) and an approximate 4.3 acre site adjacent to Alhambra Avenue (Parcel I) reserved for potential future development; modifications to the previously approved Planned Unit Developments; and application for Use Permit for a single water tank, reflecting the reduced scope of development since the original 1990 and 1993 vesting tentative map approvals (the "2008 Alhambra Highlands Project"); and

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

WHEREAS, on the basis of said Initial Study, the City issued a Notice of Preparation on February 18, 2010 and held a scoping meeting on March 9, 2010 to discuss and comment on the scope, focus, and content of the Subsequent Environmental Impact Report; and

WHEREAS, the City extended the comment period from 30 days to 45 days to allow maximum opportunity for public comment; and

WHEREAS, based on the Initial Study, the public comments and scoping meeting, the City prepared a Subsequent Environmental Impact Report pursuant to Public Resource Code Section 21116 and CEQA Guidelines Section 15162, to analyze the environmental impacts associated with the 2008 Alhambra Highlands Project; and

WHEREAS, upon completion of the Draft SEIR and in compliance with CEQA, the City issued a Notice of Availability ("NOA") on October 21, 2010, State Clearinghouse Number 2010022053, the City circulated the Draft SEIR for public review and comment; and

WHEREAS, the public comment period for the Draft SEIR began on October 21, 2010 and ended on December 6, 2010, during which time the City conducted a public hearing a public meeting on November 18, 2010 to accept comments from the public on the Draft SEIR; and

WHEREAS, the City prepared a Final SEIR that includes, but is not limited to, the Draft SEIR, technical appendices accompanying the Draft SEIR, the comments and

recommendations received on the Draft SEIR, the responses of the City to the comments and recommendations received during the review and consultation process, and the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project; and

WHEREAS, on May 14, 2010, the applicant submitted a revised plan (“Alternative #1), illustrating the design changes called for by the mitigation measures, as set forth in said Subsequent Environmental Impact Report and reducing the maximum number of units from 112 to 110; and

WHEREAS, on March 22, 2011, the City provided proper public notice of completion of the Final EIR and, consistent with Public Resources Code section 21092.5 and CEQA Guidelines sections 15088(b) and 15089(b), *posted the Final EIR for public review on the City’s website and provided copies to those public agencies that commented on the Draft SEIR and including its technical appendices*; and

WHEREAS, the Record of Proceedings (“Record”) upon which the Planning Commission bases its decision regarding the Project includes, but is not limited to: (1) the Alhambra Hills Specific Plan Final EIR (the “AHSP Final EIR”) and the appendices and technical reports cited on and/or relied upon in preparing the AHSP Final EIR, (2) the Alhambra Highlands Final Subsequent Environmental Impact Report (the “Final SEIR”) and the appendices and technical reports cited on and/or relied upon in preparing the Final SEIR, (3) the Mitigation Monitoring and Reporting Program for the Final SEIR, (4) all staff reports, City files and records and other documents prepared for and/or submitted to the Planning Commission, the City Council and the City relating to the AHSP Final EIR, Final SEIR, the previous project approvals and/or the Project, (5) the evidence, facts, findings and other determinations set forth in this resolution, (6) the City of Martinez General Plan, the 1987 Alhambra Hills Specific Plan and the Martinez Municipal Code, (7) all applications, designs, plans, studies, data and correspondence submitted by the Applicant in connection with the Final SEIR and/or the Project, (8) all documentary and oral evidence received at public hearings or submitted to the City during the comment periods relating to the Final SEIR and the Project, (9) 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 and its surrounding areas; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on its independent judgment, makes the findings and determinations regarding the Final SEIR for the Alhambra Highlands Project and Statement of Overriding Considerations as set forth in the Findings attached hereto as Exhibit A and incorporated herein by this reference and further finds that:

1. The Final SEIR has been completed in compliance with CEQA;
2. The Final SEIR was presented to the Planning Commission and the Planning Commission reviewed and considered the information contained in the Final

SEIR prior to approving the Alhambra Highlands Project;

3. The Final SEIR reflects the City's independent judgment and analysis; and
4. No significant new information has been added to the SEIR since the City of Martinez provided public notice of the Draft SEIR, and therefore, recirculation of the SEIR is not required under section 21092.1 of the Public Resources Code or section 15088.5(a) of the CEQA Guidelines.

NOW, BE IT FURTHER RESOLVED that the Planning Commission certifies the Final SEIR for the Alhambra Highlands Project as adequate and complete.

NOW, BE IT FURTHER RESOLVED that the Clerk of the City of Martinez is hereby directed to file a Notice of Determination ("NOD") in accordance with CEQA Guidelines section 15094 with the County of Contra Costa and with the State Clearinghouse.

* * * * *

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 12th day of April, 2011:

AYES:

NOES:

ABSENT:

ABSTAIN:

BY: _____
Donna Allen
Planning Commission Chair

Terry Blount
Planning Manager