

City of Martinez
Planning Commission Minutes
Regular Meeting
March 22, 2011

CALL TO ORDER

Chair Donna Allen called the meeting to order at 7:05 p.m. with all members present except Commissioner Marchiano.

ROLL CALL

PRESENT: Chair Donna Allen, Commissioners Harriett Burt, Rachael Ford, Jeffrey Keller, Paul Kelly, Sigrid Waggener, and Alternate Kimberley Glover, Commissioner.

EXCUSED: Commissioner Mike Marchiano.

ABSENT: None.

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

AGENDA CHANGES

None.

PUBLIC COMMENT

MIKE ALFORD commented on the need for the Planning Commission to listen to what the people are saying and vote accordingly, rather than waiting it for the City Council to make the decision.

CONSENT ITEMS

1. *Minutes of December 14, 2010 and January 11, 2011, meeting.*

On motion by Harriett Burt, Commissioner, seconded by Jeffrey Keller, Commissioner, the Commission present voted unanimously to approve the Minutes of the December 14, 2010 meeting (Commissioner Marchiano absent).

On motion by Jeffrey Keller, Commissioner, seconded by Harriett Burt, Commissioner, the Commission present voted unanimously to approve the Minutes of the January 11, 2011, meeting (Commissioner Marchiano absent).

REGULAR ITEMS

2. *Alhambra Highlands Project (2008) PUD #08-1/Sub #9257/UP #08-17 Public hearing to consider amendment and approval of the Alhambra Highlands Project (2008). The project site consists of 297.5 acres of undeveloped lands along the crest and side-slopes of a ridge in the Alhambra Hills area of the City (APNs: 164-010-019, 164-010-025, 164-010-026, 164-150-016, 164-150-022, 164-150-030, 366-010-007, and 366-060-007). The proposal includes the construction of 112 single-family homes and necessary infrastructure on 76.2 acres. Project approvals required include:*

- 1) *Certification of the Final Subsequent Environmental Impact Report (SEIR);*
- 2) *Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);*
- 3) *Vesting Tentative Map (Subdivision 9257); and*

- 4) *Use Permit (UP) 08-17 (construction of a water reservoir tank). Applicant: Richfield Investment Corporation (CG)*

Planning Manager Terry Blount presented the staff report. He noted that Chip Griffin, Consulting Planner, is the project lead but he was unable to be present tonight. Mr. Blount also reviewed the meeting purpose and schedule for the hearing, as well as aerial photographs of the area, the project boundary, and the project history from 1973 - 2000, Specific Plan Area requirements and the 2008 Alhambra Highlands Project, changes from the 1990 project, reviewing agencies, mitigation for the Alameda Whipsnake, vesting tentative map for the mitigated/alternate access alternative (recommended by staff) and comparisons between the 2008 project and the recommended alternative. He further reviewed the Design Review Committee's recommendation for approval of the Development Guidelines and Design Criteria (for the architectural design, site planning, landscape design, and hardscape), and he highlighted the draft Conditions of Approval that are not typical - sound attenuation and slope stability for Wildcroft Drive, visual impacts, and tree replacement/maintenance.

Lynette Dias, Urban Planning Partners, gave an overview of the purpose of the California Environmental Quality Act (CEQA) and the Subsequent Environmental Impact Report (SEIR) process thus far (due to changes from the original project). She also reviewed the definitions of the significance criteria, Initial Study findings for areas determined to not need further review, and those determined to be significant. She discussed the SEIR Alternatives that were evaluated, SEIR Findings for the Alternatives and reviewed the comments received on the Draft SEIR from agencies/individuals, key issues raised (for which a Master Response was provided, and other areas of concern for which separate letters of response are written), and she summarized the conclusions for the Final SEIR Findings - one significant and unavoidable impact and all others less-than-significant through mitigation measures. Ms. Dias also explained what it means to certify an EIR and what it does not mean.

Mr. Blount concluded the presentation with information about the Statement of Overriding Considerations, which will allow the project to be approved even though it has a significant unavoidable impact (social and community benefits, economic/public revenue benefits and benefits to natural resources). He noted that staff recommends the Planning Commission certify the Final SEIR, adopt the findings and statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program, and approve the project entitlements subject to the Conditions of Approval, for the recommended Alternative.

RICK SABELLA, Richfield Investment Corp, made a presentation as well, reviewing the 24+ year history, details of the project site, a photo of the plateau where most of the development will occur, and a photo of the open space area.

ALICIA GUERRA, Bristow, Ivester & Basil, continued the presentation with a review of the original 1990s project plan approved by the City as compared with the 2008 Plan and Alternate 1 (as recommended by staff). She also discussed key issues - Wildcroft Drive location, entrance and alignment, tree removal, and offsite mitigation locations for the Alameda Whipsnake (constrained with conservation easements for perpetuity). She concluded by noting that Richfield agrees with the Final SEIR analysis and conclusions, the staff recommendation for Alternative #1, the Mitigation Monitoring and Reporting Plan, the proposed Conditions of Approval, the City's finding that the project and Alternative #1 is consistent with the General Plan, the Alhambra Hills Specific Plan and zoning, and the City's findings that all concerns of

the 1990 project approvals have been addressed in the 2008 and Alternative #1 plans.

Mr. Blount commented on errors in the article in the local newspaper regarding the home sizes (what the article mentioned were actually the lot sizes) and that the project will only go to the City Council if the Planning Commission decision is appealed.

Commissioner Burt asked for an explanation of any City requirements for ridgeline development. Mr. Blount deferred to Senior Planner Corey Simon who explained that the Alhambra Hills Specific Plan and General Plan do not limit ridge line development per se, but only set guidelines for that development.

Assistant City Attorney Veronica Nebb added that the City did identify properties in the Specific Plan area that were more suitable for development.

Commissioner Burt asked whether the areas proposed for this development were included in the Specific Plan. Ms. Nebb said yes.

Commissioner Ford asked for confirmation that the project was approved in the early 1990s and was originally larger, but was constrained by state and federal agencies due to Whipsnake habitat. Ms. Nebb said yes, it is now consistent with the state and federal agencies' requirements.

Commissioner Ford asked why it had to come back to the Planning Commission, considering earlier approvals - Ms. Nebb said it was due to changes in the project and changes to the environmental impacts. She noted that the earlier project did not receive the final map approval.

Commissioner Ford also asked whether the purpose of the Planning Commission review is only to certify the revised EIR; Ms. Nebb reviewed additional requirements for planned unit developments.

Chair Allen asked whether the applicant was complying with the original project Conditions of Approval when it went to state and federal agencies. Ms. Nebb explained that that consultation with state and federal agencies is required whether a threatened species is known or not.

MALCOLM SPROUL, LSA biologist, cited the formal endangered species document, which noted that July 2000 was the first time the request was made that the site be surveyed for Whipsnake habitat, but there was no formal notification until 2003. Commissioner Burt, who was on the Planning Commission, concurred with the history.

Commissioner Keller asked if one water tank would be adequate for meeting the emergency needs in the area. Bill Pfister, consultant, said a single water tank for a development at the top of a water system was standard.

City Engineer Tim Tucker agreed, also noting that the number of units had been reduced so fewer tanks were necessary.

Commissioner Kelly asked about the proposed tree removal and replacement and whether those in the landscape plan included the tree replacements. Ms. Nebb said yes and no - the replacements will be included in the landscape plan and there will be additional trees as well.

Commissioner Kelly asked whether the water tank will also work with Zone 3, the Sage & Webster water systems. Mr. Pfister said yes, those areas are small developments that did not require water storage above - this development will improve service for those neighborhoods and there will be improved safety and upgrades to the existing pumping stations.

Commissioner Waggener asked whether there will be a condition restricting the removal of trees from the custom home lots. Ms. Nebb said yes. Chair Allen asked if more could be removed during development. Ms. Nebb said yes, but they must meet the same standards and provide the same replacements.

Commissioner Glover asked why changes were proposed for the recreational area. Mr. Blount said to reduce the number of trees removed, but he also noted that the recreation area will be a more passive use, except for the tot lot.

Chair Allen asked for a more detailed explanation of the Geologic Hazard Abatement District (GHAD) - its purpose, funding source, and responsibilities. Eric Harrow, NCEO Incorporated, discussed their purpose and role. Mr. Blount added that for this project, the City Council will administer the GHAD. Chair Allen asked if this is the typical size for a GHAD - Mr. Harrow said it could be much larger or much smaller. In response to further questions, Mr. Harrow also discussed specific responsibilities of this GHAD.

Commissioner Waggener asked about funding of the GHAD during the development phase (over 10 years). Mr. Harrow explained how adequate funding is ensured in case of geologic impacts during development.

Commissioner Burt asked if the GHAD would address issues in neighboring areas (that might impact those within). Mr. Harrow said it would only address areas within the GHAD - otherwise it would provide benefits without corresponding assessment.

Commissioner Burt asked who monitors the GHAD to insure it is meeting its obligations and collecting and administering the financing. Mr. Harrow said either a property owner board or the local formation agency. Mr. Tucker clarified that staff is recommending the City Council be the GHAD Board, and there will be a public review process for development of the GHAD.

Commissioner Keller asked about the lots designated for custom homes - he asked what the current permit process is for tree removal. Mr. Simon gave a brief overview of the requirements and process.

Chair Allen opened the Public Hearing.

TAMARA SCHULTZ, Valley Glen resident, noted her house had been built on a previous landslide. She discussed subsequent issues and expressed concern about the potential for future slides. She also showed a comparison between requirements made by the City for her addition and what is being required for this development. She asked who will protect the existing homes.

CHUCK SUTTON, Reliez Valley Rd resident, expressed concern about the loss of the view along the ridgeline. He asked the Commission to consider the big picture of environmental impacts - greenhouse gases, water service impacts, slides, tree removal, natural habitat, and

wildlife. He did not think that painting the houses and planting shrubs will mitigate the visual impacts. Instead, he suggested preserving the land for future generations.

MIKE ARNOLD noted many are currently experiencing effects from slides. He was concerned about future slide impacts.

TANYA BRUGGER agreed with prior speakers, noting her concern about slides and the loss of trees. She was very opposed to the project.

ELLEN VISSER expressed concern about the process, specifically the findings regarding the greenhouse gas emissions. She also thought the public and the Planning Commission should be given the opportunity to review the draft findings. She also discussed the simulated views and the inappropriate response from the consultant. She distributed pictures of actual views, including of Briones Park - she said the visual impact will be much greater than predicted.

AIMEE DURFER asked who is going to buy these homes, noting there are currently 62,000 vacant homes in eastern Contra Costa County. She thought affordable housing is needed more than more large homes. She noted that Martinez is a "Tree City USA" and the home of John Muir so why is this project proposing to destroy 484 trees, which will have a significant impact. She was also concerned about the GHAD and potential erosion hazards.

RICHARD PYLE, Valley Glen resident, agreed with previous speakers. He indicated that he raised issues with the placement of Wildcroft Drive and serious drainage issues with consultant Chip Griffin, but no one came out and spoke with current residents regarding existing problems.

JAMIE FOX, Valley Glen, expressed support for enhancing the trails in the area, but he did not think the proposed trails (under the power line) were in the best interests of the trail users.

MIKE ALFORD asked why the City hired a consultant to manage this project. He commented on the Vision for 2035 as presented at last week's joint meeting - and preservation of views, ridgelines and trees. He was also concerned about the accuracy of the hydrology reports and the potential for flooding. He asked the Planning Commission to protect the citizens rather than push the decision on to the City Council.

SANDRA LIONE, City resident, reiterated that Martinez is the home of John Muir, and yet the beauty of its hills might be taken away. She commented on the viability of project, hillside development, risks from subcontractors who will not follow guidelines of the plan, and risks from the downhill flow of water.

LESLIE TREMAINE, Forest Hills resident, acknowledged there were valid concerns about flooding and drainage. She also was concerned about road maintenance.

LOUIS RODRIGUES, Valley Glen, agreed with concern about drainage, as well as traffic impacts from the curve in Wildcroft Drive.

BILL NICHOL, Martinez resident and East Bay Parks employee, said it is absurd to even consider this development in the City where John Muir lived and is buried. As a firefighter, he expressed concern about fire risks (inadequate EVA) from wind-driven fires.

RON DEBACKER, Valley Glen resident, said he thought the project should be tabled. He recommended that people take a walk around the perimeter of the project area and see the number of slides currently. He also expressed concern about noise impacts from the new road. He noted that the newspaper reported that the developer may be willing to sell the property for expansion of the Briones recreation area.

VINCE GARAMBONE, Horizon Drive resident, reiterated earlier concerns with drainage. He noted that there has never been public support for the project - only from consultants and developers.

ROSEMARY WESCOTT expressed concern about fire hazards and drainage. She urged the Planning Commission to visit the project site, and she expressed doubt that the site is that buildable.

MONICA HUERTA, Lindsay Drive resident, agreed with earlier speakers. She also agreed no one here wants the project; she urged the Planning Commission to not approve it. She was also concerned about the tree removals and the effect on hillside stability.

VIRGINIA DIXON reiterated earlier comments about the instability of the area and the potential for future slides. She was equally concerned about fire impacts and costs; she cited experiences in the Oakland Hills 20 years ago. She asked how many more of these large developments the City is planning to approve.

VANESSA NYBORG agreed with earlier concerns with fire risk and landslides. She asked the Planning Commission to deny the application.

JIM HEIN expressed puzzlement about the project and potential future design if this is denied. He wants to put 4-5 houses on his 45 acres, and he was concerned about the impacts on the hills from 112 houses. He was confident that the contractor and subcontractors do know what they are doing, but he was not sure this is good idea.

BRIAN FITZSIMMONS, Valley Glen resident, expressed concern about safety from excess drainage and slides and traffic. He noted that John Muir died in 1915, and Shell broke ground in 1916 - what a different City Martinez would be without the refineries.

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

The Commission recessed for 10 minutes, and reconvened with all members present as indicated.

Rebuttal

Mr. Blount asked for a response to comments related to Wildcroft Drive, drainage, landslides, and fire prevention.

Andy Powellfield, DK Consulting, civil engineer, noted that the Wildcroft Drive location was relocated because of issues with trees, noise, and traffic, but the site was constrained by the Specific Plan limitations. This layout is the best option. He also discussed the Fire District review and approval of the EVA route and its adequacy. Regarding hydrology and runoff, he noted that the detention basin is designed to collect runoff and deter it from downstream neighbors.

Commissioner Burt confirmed with Mr. Powellfield that the detention ponds only collect runoff from impervious surfaces within the project, not underground. Mr. Powellfield reviewed the proposed mitigation measures.

Commissioner Ford asked about slide impacts from the tree removal. Mr. Powellfield deferred to the geotechnical consultant.

Commissioner Weggener asked about the improved traffic safety from the rerouting of Wildcroft Drive access - Mr. Powellfield said it will be 400' uphill, which will have better visibility.

Phil Stuckley, NCEO, acknowledged it is a steep hillside site, and corrective action will be taken before development will take place. He stated that NCEO is aware of the risks and work will be done carefully, conservatively, and as up-to-date as possible. He expressed confidence that the groundwater flow will be improved for the downhill development. Ms. Ford repeated her question about erosion due to the tree removal. Mr. Stuckley said the grading plan will ensure stability and limit erosion. He discussed details of the storm drain system that will reroute the flow. He noted there are strict guidelines in the bay area for erosion control - during development and after.

Commissioner Ford asked if there is potential for some improvement downhill from the project than what is current. Mr. Stuckley said yes, especially below Wildcroft Drive.

Commissioner Burt expressed concern about impacts on lower properties if the system fails. Mr. Stuckley said it is not in NCEO's interest to be careless with risks.

Regarding road noise and view impacts, Ms. Dias stated that the SEIR did find some noise impacts from the Wildcroft Road and recommended mitigations to bring it to a less than significant level.

Ms. Dias, explained why the photo of Les Schwab was given (to show the view of the project from Les Schwab). She also discussed the number of homes that will be visible from Mt. Wanda and Briones.

Commissioner Keller asked about the simulation from the trestle and the replacement of the park with new homes - and whether that will change the simulated view from the trestle. Ms. Dias explained that the initial visual simulations did not include the trestle because it was decided that any views of the project from that location would be minimal.

Mr. Keller said he thought that the four additional lots in Alternative #1 would be very visible from the trestle.

Regarding approval of the resolutions, Mr. Blount said it was originally intended for the draft resolutions to be delivered with the meeting packet, but due to the complexity of the project, staff was not able to do so. He suggested the Planning Commission give their input, and staff will have the final appropriate resolutions for action at the next meeting (April 12th).

Ms. Nebb also asked for input as to whether the Planning Commission would support Alternative 1.

Chair Allen asked who will maintain the roads. Ms. Nebb said the HOA will unless the City Council agrees to. Even so, the HOA and CCRs will have maintenance standards for the roads in the development, and provisions for enforcement by the City.

Regarding trail alignment, Malcolm Sproul, LSA Associates, said the trail will be done to EBRPD standards, and he reviewed the proposed route. Mr. Tucker clarified it will be maintained by the HOA.

Ms. Nebb asked for additional information on why the trail was situated as proposed, and Mr. Sproul explained it will pass through Conservation Easements on private property and is designed to minimize impacts on the Whipsnake habitat.

Chair Allen asked for a response to the concern about the amount of time between construction of the roads and completion of the project, and who will maintain the roads during that time, given the current economy. Ms. Nebb said the internal project streets are constructed first (within a 2-year period) and will be secured with bonds requiring the roads be complete within a specified time limit. She acknowledged that completion of the houses, etc., could take longer.

Commissioner Burt agreed that the open space preservation and protection of the hills is a long-enduring issue. She appreciated staff's efforts to develop Alternative #1, but even that is not enough, in her opinion.

Commissioner Ford expressed appreciation for the years of experience that Commissioner Burt brings to the City, but she noted it is impossible to mitigate every eventuality, and she did not think that was the role of the Planning Commission. She was concerned about precedent - especially given the opposition to every new development that is proposed for the City - and especially the financial necessity for future needs in the City.

Commissioner Burt agreed with Commissioner Ford that not everything can be mitigated against - but her position is based on what is actually happening in the hills and the neighborhoods adjacent. She is not opposed to all development, just ones with risks like this one has.

Chair Allen said she was not comfortable with the responses to some of the comments in the SEIR - she is not opposed to development either, but she is concerned about hydrology and slide impacts of properties downhill. She also did not think that the tree replacement ratio is adequate, and that some replacements do not even have to be onsite. She commented on the need for adequate mitigation monitoring, noting the City does not even have an arborist on staff. She also was not satisfied that the comments have been adequately addressed, especially relating to visual impacts. Ultimately she does not think this document is adequate, and she could not vote on the project for that reason.

Chair Allen asked about the statement of overriding consideration. Mr. Blount said it will be included with the next packet, and a copy will be published online for public access by the Friday prior to the April 12, 2011, meeting.

Mr. Blount asked for a motion to continue the hearing to April 12, 2011.

On motion by Harriett Burt, Commissioner, seconded by Rachael Ford, Commissioner, continue

the Alhambra Highlands Project (2008) PUD #08-1/Sub #9257/UP #08-17 public hearing to the next regular meeting April 12, 2011. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner , Kimberley Glover, Commissioner (alternate).

COMMISSION ITEMS

None.

STAFF ITEMS

Mr. Blount discussed potential items for the next meeting, April 12, 2011, in addition to a continuation of the Alhambra Highlands public hearing.

COMMUNICATIONS

None.

The meeting was adjourned at 11:03 p.m. to the next Regular Meeting, April 12, 2011, at 7:00 p.m.

Respectfully Submitted,

Approved by the Planning Commission
Chairperson

Transcribed by Mary Hougey

Donna Allen