

BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

Alicia Guerra
Partner
aguerra@briscoelaw.net

April 4, 2011

Terry Blount, AICP, Planning Manager
City of Martinez
Community Development Department
525 Henrietta Street
Martinez, CA 94553

Re: Alhambra Highlands Project Planning Commission

Dear Terry:

On behalf of Richfield Investment Corporation, thank you and Staff for all of your thorough and comprehensive analysis of the Alhambra Highlands Project. The materials the City of Martinez ("City") prepared were instrumental in educating the Planning Commissioners regarding the Alhambra Highlands Project and Subsequent EIR ("SEIR").

Based on the Planning Commission's direction to Staff at the March 22nd hearing, it is our understanding that the Planning Commission intends to take action on its final decision and approve the resolutions at its meeting of April 12th. In anticipation of the upcoming Planning Commission action, we wanted to take this opportunity to respond to several comments and questions that arose after the Planning Commission closed the public hearing during Tuesday evening's deliberations. We understand that the City Staff and the City's SEIR consultant may be preparing responses to the Planning Commission's questions. To assist you in your review, and to provide clarifying information that you may find helpful, we are enclosing additional technical information and responses from Richfield's team of consultants as follows:

- Geology, Geotechnical & GHAD Issues – ENGEO (Attachment A)
- Tree Impacts – LSA Associates, Inc. (Attachment B)

In each enclosed technical memorandum, we identified the Planning Commissioner who posed the question, followed by a summary of the question or comment and the response from the applicable consultant.

ATTACHMENT 1

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Funds for City Consultant Review

Finally, this letter includes several additional responses to those questions warranting a response from Richfield as the applicant. Specifically, Commissioner Allen expressed some concern that the Mitigation Monitoring Plan did not require the applicant to pay for the City to hire a monitor or an arborist to confirm that the tree replacement measures were being implemented. In response, we note that Condition of Approval VIII.K of PUD 08-01, Sub 9257. UP 08-17 requires that the applicant shall be responsible for all required reviews and costs associated with the City's technical consultants, including, but not limited to, geotechnical engineer peer review, traffic, water, and GHAD. The Mitigation Monitoring Plan requires that these reviews be conducted as part of the implementation of the mitigation measures. Richfield understands and agrees that this condition would require that Richfield fund such technical reviews including any required review performed by a consulting arborist. Thus, funding will be available for the City to retain technical consultants as required by the Mitigation Monitoring Plan and Conditions of Approval.

Assurances Regarding Mitigation Monitoring Plan Implementation

Commissioner Burt expressed the concern that there were no assurances that the Mitigation Monitoring Plan measures would be implemented. It is Richfield's understanding, however, that Attachment 9 to the March 22, 2011 Planning Commission Staff Report includes the Alhambra Highlands Residential Project Mitigation Monitoring Plan which would be adopted as part of any Project approval (including the Mitigated/Alternate Access Alternative). Richfield agrees to be bound by and implement the mitigation, monitoring and reporting measures required by the Alhambra Highlands Residential Project SEIR and Mitigation Monitoring Plan.

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Please let me know if you have any questions regarding these items, or if we can be of further assistance. We look forward to the Commission's final deliberations on April 12th.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP



Alicia Guerra

Enclosures

cc: Veronica Nebb
Corey Simon
Rick Sabella
Debi Chung

EXHIBIT A

Project No.
4269.400.000

March 31, 2011

Mr. Terry Blount
City of Martinez Planning Department
525 Henrietta Street
Martinez, CA 94553

Subject: Alhambra Highlands - Subdivision 9257
Martinez, California

CLARIFICATION OF GEOTECHNICAL AND GHAD ISSUES

Dear Mr. Blount:

ENGEO has prepared this letter to discuss geotechnical and geologic hazard abatement district (GHAD) issues and respond to questions raised by Planning Commission members during the March 22, 2011, public meeting. The following presents our responses to those comments.

LANDSLIDES AND DRAINAGE CONDITIONS

Commissioners Burt and Allen expressed concern about the landslide activity and drainage conditions on the project site and surrounding vicinity, as well as the potential unknown and unexpected geologic hazards that could affect residents outside of the project boundaries. These issues were previously addressed in some detail in the SEIR response to comments dated March 4, 2010, under Master Response 1, and Responses B9-3, B9-4, B12-4, and B13-4 through B13-10. We offer the following additional minor clarifying responses to the comments from the Planning Commission and related comments from the public that were stated at the public hearing.

LANDSLIDES

Various commenters at the Planning Commission public hearing, including Ms. Schultz, alluded to their concerns regarding landslide hazards. Landslide problems described by Ms. Schultz appear to be related to slopes on the south side of her property. These slopes border proposed open space. The proposed Alhambra Highlands Project grading (which will not occur in open space areas bordering the slopes referenced by Ms. Schultz) will not adversely impact those slopes. The construction of Wildcroft Drive will include a keyway consisting of a 20- to 30-foot-wide level bench that will be cut into bedrock in the hillside under the road forming the foundation of the road. All of the unstable material under the road will be removed as part of this process before fill is compacted in place as the slopes and retaining walls are constructed. Subdrains constructed within the keyway will also drain groundwater from the hill. After road construction, the ten properties along that boundary will be separated from the adjacent steep

slope by a flat, 40-foot-wide road bench constructed of extensively drained engineered fill. The risk from landslides coming off natural slopes where Wildcroft Drive will border these ten properties will be eliminated after the project is completed and surface and subsurface drainage will be greatly improved.

There are no locations other than the Wildcroft corridor where the project construction will directly border neighboring improved land; the main portion of the development is located on the ridge top bordered by open space. In the ridge top areas, landslides will be mitigated by removal to bedrock and replacement with subdrained engineered fill. The project will be designed with its foundations in stable bedrock, so natural landslide activity in the surrounding open space will not threaten the project. Likewise, the project will be designed not to increase the instability of surrounding slopes, since all of the perimeter keyways will bear on stable bedrock below any adjacent unstable soils. In addition, the subdrains installed during grading will reduce seepage coming from the ridge top. As with Wildcroft Drive, the storm drain system will intercept most of the surface water run-off from the developed area and route it directly to the stormwater basin at Alhambra Avenue. Therefore, the surface run-off flowing from the ridge and over naturally unstable or erodible slope areas will be decreased after the project construction.

Development of Alhambra Highlands will not increase landslide activity and erosion in the open space areas surrounding the project. Landslide movement and erosion, however, are natural processes and will continue to occur in areas prone to these problems, irrespective of whether or not the Alhambra Highlands Projects site is developed. ENGEEO and prior consultants extensively documented the locations of unstable areas over the years. As depicted on Figures 3A and 3B of the ENGEEO January 12, 2004 report and Figure 4 of the ENGEEO May 2, 2006 report, geotechnical explorations at the site have included over 120 test pits and borings across the property. The exploration points are located both within the grading envelope for the project streets and lots, and outside the grading envelope in proposed EVA routes and on slopes below and surrounding the project. The extensive explorations thoroughly characterized the site soil conditions and were subject to independent review by the City of Martinez geotechnical peer review consultant. Response to Comment B13-5 in the Final SEIR provides a detailed description of how the geotechnical information informed the design slope stabilization and drainage measures. As noted in that response, these measures have been used successfully for decades throughout California.

DRAINAGE CONDITIONS

Public commenters described drainage problems at the Elderwood subdivision, especially at Ms. Schultz residence (268 Valley Glen Lane) and the Fitzsimmons residence (204 Valley Glen Lane). Ms. Schultz described problems with landslides in her back yard and problems with groundwater seepage affecting the road near her house. Mr. Fitzsimmons described seepage problems from the hill north of his house affecting his swimming pool and yard. The portions of the Elderwood subdivision that border proposed construction in the Alhambra Highlands project are limited to ten residences on Valley Glen Lane. These properties are located at the base of the ridge slope where surface run-off and groundwater flows are currently directed generally south.

The drainage problems described by the commenters will not be increased and can only be improved by the proposed improvements for the following reasons:

- After construction of Wildcroft Drive, the road will intercept all surface water flows coming from the hill above the road and the road will direct all surface water flows to the storm drain detention basin at Alhambra Avenue. This will reduce the area of slope that currently drains toward the Schultz Residence at the end of Valley Glen Lane from about 25 acres to about 15 acres. For the other nine residences, the road will reduce the surface run-off from the slope to close to zero.
- In addition to intercepting surface run-off, the project storm drainage system will also intercept subsurface (groundwater) flow with an extensive system of subdrains, or “French drains” as they are sometimes called. These drains will be constructed in keyways proposed under Wildcroft Drive. The keyways will form the foundation of the road, and will consist of a 20- to 30-foot-wide level bench that will be cut into bedrock in the hillside under the road. All of the unstable material under the road will be removed as part of this process before fill is compacted in place as the slopes and retaining walls are constructed. The subdrains will intercept much of the groundwater flow from upslope before it reaches the Elderwood subdivision and carry the water away to the detention basin.

FOREST HILLS LANDSLIDES

Commissioners Burt, Allen, and several commenters raised questions about whether or not the landslide activity in the Forest Hills Neighborhood would be affected by grading on the Alhambra Highlands site. The landslides affecting the Forest Hills Neighborhood have occurred on a cut slope located approximately one-third of a mile from the east boundary of the Alhambra Highlands project on property owned by another party. The slope is separated from the project by an intervening canyon and ridgeline, so there is no surface run-off flowing from Alhambra Highlands to the slope. Based on a review of historic images, it appears that the landslides and erosion have been occurring on this cut slope for many years dating back to the late 1950s, when the slope was graded as part of the construction of the Forest Hills project. The proposed project would not have any effect on this hillside given:

- Its location of approximately 1/3 of a mile away from the Forest Hills landslides;
- The existence of the intervening canyon and ridgeline; and
- The direction of surface run-off from Alhambra Highlands away from the Forest Hills slopes.

Therefore, as stated in the Final SEIR, the proposed Alhambra Highlands Project will not result in a significant landslide impact to offsite properties.

APPLICABILITY OF EXISTING GEOTECHNICAL STUDIES

Commissioner Waggener asked if ENGEO updated the geotechnical reports and investigations since 2004. Response to Comment B13-10 in the Final EIR addresses the comment regarding the

applicability of existing geotechnical reports. The design-level geotechnical report was published on January 12, 2004. ENGEO reviewed the current VTM and published an update letter on November 13, 2009, confirming that the prior geotechnical conditions documented in 2004 have not changed. Modifications to the VTM since the 2004 ENGEO design report have included a revised detention basin and EVA. These changes are minor from a geotechnical standpoint, and occurred in areas where soil conditions were previously characterized. Based on that assessment it is our opinion that the 2004 report is still adequate and appropriate for the VTM approval process. As noted in Response to Comment B13-10, the geotechnical report and corrective grading plans will be updated when 40-scale plans are produced and prior to issuance of a grading permit.

The level of investigation and peer review scrutiny that have already been completed for this project are well beyond the level of detail typical for projects seeking tentative-map level approvals and would more often accompany final maps and improvement plans. The existing reports are sufficient to assess geotechnical risk for the proposed project and incorporate applicable seismic safety standards, State, and City of Martinez building code requirements.

GHAD

Planning Commissioners Burt, Allen, and commenters asked who would be responsible for addressing impacts caused by the Alhambra Highlands Project to people outside of the project boundaries and on the periphery of (but not included in) the Project site and/or the GHAD.

Based on our knowledge and experience with GHADs, the following instances of landslide or erosion hazards would be the responsibility of the GHAD if there is an actual or threatened impact to the adjacent or nearby property.

- Instability originating on the GHAD's property.
- Instability threatening an improvement within the GHAD boundaries.
- Repairs outside the GHAD boundaries which may be incidental to repairs required within the GHAD boundaries.
- Negligence by the GHAD.
- Other instances which may be approved by the GHAD board and are in compliance with the provisions of Proposition 218.

In addition, a property owner could contract with the GHAD to provide services. For example, this could involve a joint construction project where the GHAD is undertaking mitigation on the District's property and the adjacent or nearby property owner contracts with the GHAD to complete repairs on their property. Potentially this could result in cost savings to the GHAD and the adjacent property owner.

CLOSURE

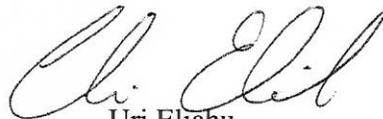
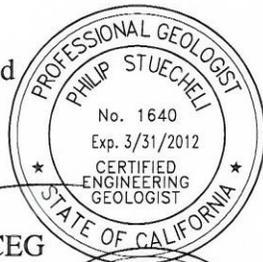
We hope that these clarifications provide an adequate response to the questions raised during the planning commission meeting. If you have any questions, please do not hesitate to contact us.

Sincerely,

ENGEO Incorporated



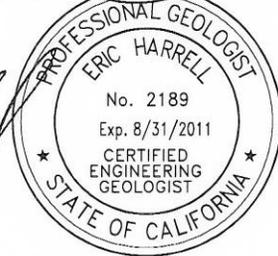
Philip J. Stuecheli, CEG



Uri Eliahu



Eric Harrell, CEG
pjs/ue/rc



Attachment: List of Selected References

cc: 1 – Ms. Alicia Guerra, Briscoe Ivester & Bazel LLP
1 – Ms. Grace Chen, Richfield Investments

SELECTED REFERENCES

1. ENGEO; Geotechnical Exploration, Alhambra Highlands Water Tank Sites 1 and 2, Martinez, California; Project No. 4269.2.052.01; September 12, 2000.
2. ENGEO; Supplemental Exploration for Proposed Detention Basin, Alhambra Highlands Subdivision 7245-7244, Martinez, California; Project No. 4269.2.052.01; September 13, 2000.
3. ENGEO; Summary Report of Geotechnical Recommendations, Alhambra Highlands Subdivision 7245-7244 and Wildcroft Drive Extension, Martinez, California; Project No. 4269.2.053.01; January 12, 2004.
4. ENGEO; Consultation Regarding Temporary Internalization Measures to Reduce Debris/Soil Shedding Downslope to Neighboring Property, Alhambra Highlands – Subdivision 7244, Martinez, California; Project No. 4269.2.054.02; January 26, 2006.
5. ENGEO; Consultation Regarding Reported Landslide, 6180 Alhambra Ave, Martinez, California; Project No. 4269.2.054.03; February 9, 2006.
6. ENGEO; Response to Review Comments by Cal Engineers and Geology Dated August 2005, Geotechnical Records Requested by KCA Engineers and Contra Costa County Flood Control District, Alhambra Highlands and Images, Subdivision 7244, 7245 and 7606, Martinez, California; Project No. 4269.2.054.01; May 2, 2006.
7. ENGEO; Geotechnical Report Update, Alhambra Highlands and Images Subdivisions 7244/7245 and Tract 7606 Martinez, California; Project No. 4269.2.054.01; November 13, 2009.

EXHIBIT B

MEMORANDUM

DATE: March 31, 2011

TO: Alicia Guerra, Briscoe, Ivester & Bazel

FROM: Malcolm Sproul, LSA Associates

SUBJECT: Alhambra Highlands Response to Planning Commission Comments

Commissioner Allen

Comment: Commissioner Allen expressed concern that the tree replacement ratio (1.5:1) was not high enough to replace native trees that would be removed. She noted that oak tree plantings at Shell Ridge and Lime Ridge in Walnut Creek (City open space) are reported to have an approximately 35 percent survival rate which is lower than the standard of 75 percent established for this project.

Response: Master Response 3: Tree Removal of the SEIR addresses this issue. The response discusses how tree replacement ratios vary depending on the level of care/maintenance the planted trees receive. Survival is lower where the level of care/maintenance is lower and is higher where a greater level of care/maintenance can be provided.

The oak plantings in the Walnut Creek open space lands are undertaken by the Walnut Creek Open Space Foundation, a volunteer organization. The plantings do not have survival requirements and the Foundation uses techniques that reduce the amount of maintenance provided due to their reliance on volunteer labor. These plantings are made with the expectation that the amount of tree mortality will be fairly high as a result.

The Alhambra Highlands replacement plantings will receive a greater amount of care and maintenance. All trees in the wildland areas will be caged to protect them from deer. Summer watering will occur for three years and weeding of the planting basins will occur for five years. Protection cages will not be removed until a tree is at least six feet in height with a trunk diameter of at least two inches. This level of care will result in a survival rate which is expected to exceed 75 percent.

Comment: Commissioner Allen was concerned that the City of Martinez would be responsible for undertaking monitoring and reporting for the tree replacement plantings. She recommended that this work be done by others with the City acting in a review capacity.

Response: Responsibility for the maintenance and monitoring of the replacement tree plantings is that of the project sponsor. Mitigation Measure B10-5C as amended in the Response to Comments (Master Response 3) and Condition of Approval V.B4 includes the requirement to submit Annual Reports on the status of mitigation plantings to the City for review until maintenance activities have ended.

Comment: Commissioner Allen stated that using an off-site location(s) for replacement tree planting as allowed for by Mitigation Measure B10-5d would not fully mitigate for tree loss on the project site.

Response: As noted in Master Response 3, there appears to be sufficient locations on-site for all replacement tree plantings and there will be no need to use an off-site location. B10-5d was included in the Draft SEIR to guarantee that all replacement tree plantings could occur at a suitable location:

Comment: Tree mitigation does not reflect tree size and does not mitigate for the loss of smaller trees.

Response: The size of trees subject to mitigation is based on the definition of a “protected tree” in the City of Martinez Tree Protection ordinance.

Comment: The SEIR does not identify the amount of tree loss that will occur on the custom lots (Lots 1-7, 37-43, 70-80, and 107-112) or where mitigation for this tree loss will occur.

Response: The number of trees which may be removed with development of the custom lots will not be known until home designs are submitted to the City for review and approval. Mitigation locations are the same as those identified for the subdivision as a whole with one addition; tree replacement could also occur on the custom lot where the tree removal took place.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Chip Griffin, AICP, Consulting Planner

REVIEWED BY: Terry Blount, AICP, Planning Manager

DATE: March 22, 2011

SUBJECT: Alhambra Highlands Project (2008)

GENERAL INFORMATION

APPLICANT/OWNER: Richfield Investment Corporation

LOCATION: Multiple parcels within the Alhambra Hills Specific Plan area (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)

GENERAL PLAN: SDO (Slope Density Ordinance) and PPOS (Permanent Open Space); Alhambra Hills Specific Plan (1986)

ZONING: R-10 (Single Family Residential: 10,000 sq. ft. minimum lot area)

ENVIRONMENTAL: The Alhambra Hills Specific Plan Environmental Impact Report (EIR) evaluated development of the Alhambra Highlands project. The Specific Plan EIR analyzed impacts resulting from the development of 493 units within the Alhambra Highlands Project area. A Draft Subsequent Environmental Impact Report (SEIR) has been circulated for public comment and those comments are addressed in the Final SEIR for Planning Commission review and proposed certification.

PROPOSAL: Application to allow 112 residential lots and necessary infrastructure within a development area of 76.2 acres (overall project area is 297.5 acres).

RECOMMENDATION

Staff recommends that the Planning Commission certify the Final Subsequent Environmental Impact Report (SEIR) and approve the following:

1. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
2. Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative;
3. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
4. Alhambra Highlands Development Guidelines and Design Criteria.

BACKGROUND

The Alhambra Highlands Project consists of 297.5 acres of undeveloped lands along the crest and side-slopes of a ridge (elevation approximately 250 to 630 feet). The project site is primarily nonnative annual grassland, with scattered oak woodlands, scrub habitat, and wetlands. The majority of the site is grazed by cattle, especially the hilltop plateau area where the project's residential lots are proposed. The project site is generally bounded by Alhambra Avenue to the north, Alhambra Valley Road and Reliez Valley Road to the west, and Skyline Drive to the south. Portions of the property around the project site are undeveloped. Properties to the north, south, and west of the project site are zoned residential (R-7.5 and R-10). Properties to the east and southeast of the site are zoned residential (R-20 and R-7.5) and open space (OS).

The Alhambra Hills Specific Plan and Environmental Impact Report (EIR) contemplated development of the Alhambra Highlands project as one of several residential development projects proposed within the Specific Plan boundaries. On December 8, 2008, Richfield Investment Corporation submitted a revised Vesting Tentative Map (VTM) application for the Alhambra Highlands project as further discussed below. For purposes of this analysis, the revised Alhambra Highlands project is referred to as the "2008 Project."

The City certified the Alhambra Hills Specific Plan EIR in June 1986 and adopted the Alhambra Hills Specific Plan in March 1987. The Specific Plan area is comprised of 590.7 acres and is generally bounded by Alhambra Valley Road, Alhambra Avenue, and Reliez Valley Road. The Specific Plan designated approximately 296 acres within the Specific Plan area for residential development. The proposed 2008 Project site is a subset of the larger 590.7-acre area.

In July 1990 the City approved a Vesting Tentative Map for Tract No. 7245 creating 69 residential lots on 114.32 acres (including 30.14 acres for the Wildcroft Drive Extension access road), Planned Unit Development (PUD) 89-5, and Design Review 89-42 for Alhambra Highlands Unit I. Concurrently, the City approved a Vesting Tentative Map for Tract No. 7244 creating 79 residential lots on 79.01 acres, PUD 89-6, and Design Review 89-41 for Alhambra Highlands Unit II. In September 1993, the City approved a Vesting Tentative Map for Tract No. 7606 and PUD 91-4 and Design Review 91-64, authorizing another 68 individual lots and common parcels on approximately 60 acres

located north and east of Horizon Drive, east of Reliez Valley Road, referred to as the Images Subdivision. Reductions in the lot count for the Alhambra Highlands Units I and II Subdivisions during final engineering design and drawings resulted in a total of 216 lots permitted (versus the 493 that were previously analyzed in the EIR for the project site) within the Specific Plan area.

Since September 2000, the Alhambra Highlands Residential Project has received multiple outside agency approvals including:

- US Army Corps of Engineers Section 404 (December 2008);
- US Fish and Wildlife Service Biological Opinion (November 2005); and
- San Francisco Regional Water Quality Control Board (Section 401 Water Quality Certification, amended August 2008).

As a result of the consultation process and State and federal agency review, the project was modified to reduce the density and number of dwelling units and eliminate a proposed subdivision, revise the utility needs, and increase the amount of on-site and off-site habitat mitigation for the Alameda whipsnake. A total of 218 acres of on-site whipsnake habitat and 309 acres of off-site are included in the project in accordance with the 2005 US Fish and Wildlife Service Biological Opinion.

PROPOSED PROJECT: DESCRIPTION

As described above, a proposed project was previously approved by the City for this site; however, since its approval, the project has undergone significant revisions in response to the federal and State permitting process. In 2008 the applicant filed applications to modify the 1990 project approvals. These modifications resulted in a reduction in the number of dwelling units from 216 to 112 and developable acreage from 122.4 to 76.2 acres. It is important to note that the street configuration and lot layout of the 2008 Project are very similar to the previously approved Alhambra Highlands Unit I and Unit II subdivisions. The following sections describe the specifics of the proposed project.

Land Subdivision

The 2008 Project includes subdivision of the 297.5-acre site into 11 parcels, A through K, and 112 residential lots (see Attachment 1). The proposal includes parcels A-D as open space (106.8 acres), parcel E as a recreational facility (2.1 acres), parcels F-H as open space (127.5 acres), parcel I along Alhambra Avenue for future development, not part of the current proposal (4.3 acres), parcel J as the water tank site (2.2 acres), and parcel K as a private street within the project area (0.5 acres). The 112 residential lots (40.8 acres) would range in size from 7,900 square feet to 16,000 square feet. Within the 297.5-acre site, a total of 214.33 acres will be maintained as permanent open space and 3.6 acres of the open space must be enhanced for Alameda whipsnake habitat mitigation.

Project Phasing

The project would be constructed in multiple phases over a 10-year period. The first

phase would include the project infrastructure and rough grading of the subdivision and residential lots. Construction of this first phase is anticipated to be completed in 18 months to two years. Because the residential lots would be developed as custom- and semi-custom homes, the construction of the individual lots will depend on market demand.

Planned Unit Development

The project includes a request to amend the previously approved Planned Unit Developments (PUD) for this site. The term PUD is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by certain land use regulations applicable to the site. A PUD can be used to allow clustering of structures, designation of common open space, and incorporation of a variety of building types and mixed land uses. PUDs are required under the Alhambra Hills Specific Plan for subdivision projects. In this case the PUDs previously issued were for reductions in the following development standards:

- Lot sizes (20 percent of the lots comply with the R-7.5 lot size standards as permitted by the Alhambra Hills Specific Plan);
- Building setbacks; and
- Minimum distances between structures.

The current application is not requesting any changes to these previously approved exceptions. They have been included in the draft conditions of approval for the project.

Wildcroft Drive Extension

Consistent with the Specific Plan and the 1990 project approvals, the 2008 Project proposes public access to the project via an extension of Wildcroft Drive from Alhambra Avenue. Wildcroft Drive currently terminates approximately 200 feet just northeast of Alhambra Avenue. As part of the project, Wildcroft Drive would extend up to the project site, generally parallel to an existing pedestrian and equestrian easement. The Wildcroft Drive extension proposed includes a 36-foot wide public street within a 72-foot right-of-way.

Streets

The 2008 Project includes development of new roads, sewer, domestic water system, and stormwater collection system. Project street improvements include a main entry road (extension of Wildcroft Drive) and new streets to connect the proposed residential lots to Wildcroft Drive. A new emergency vehicle access (EVA) and water service road would be provided to connect the water tank site to Wildcroft Drive. Two new on-site stormwater detention basins would also be constructed as part of the project. One of the new detention basins would be located near Wildcroft Drive and Alhambra Avenue, and one would be located near Reliez Valley Road.

The street system is a modified loop system with Aberdeen Road (47-foot right-of-way) as the spine. Two streets, Cumberland Road (42-foot right-of-way) and Heath Lane/Wicklow Road (47-foot right-of-way) loop off of Aberdeen Road. In addition, there

are seven courts and/or cul de sacs (40-foot right-of-way) stemming from these looping roads. Two of these, Darley Way and Heath Court are proposed as private streets, the remainder will be offered to the City for public dedication. The City is not obligated to accept the dedication of streets and/or other improvements (recreational facility, trails, open space, and/or water tank parcel) that are offered. If the City does not accept the offer of dedication, the streets will remain private and will be maintained by the homeowners association (HOA) to be formed for this project subject to specific maintenance standards to be included in the project covenants, conditions and restrictions (CC&Rs). Due to financial and other concerns, staff is recommending that the subdivision streets remain private to be maintained by the HOA.

Water Tank/Water System

The 2008 Project includes a water tank to serve the project site. The tank would be located within Parcel J in the eastern portion of the project site as shown on sheet 5/22 of the project plans (see Attachment 1). The water tank and the associated water conveyance system would be effectively integrated into Zone 3 of the City's water system not only to service the proposed project, but also to provide redundancy and improve the existing system that serves existing area residents in Zone 3. The tank will be sourced via pumpstations located on Webster Drive (Webster Booster Pump Station) and Reliez Valley Road (Stage Booster Pump Station). Overall improvements will be made at both pumping facilities to accommodate the proposed development. The water tank parcel and improvements will be dedicated to the City.

Stormwater Collection

There are two stormwater detention basins proposed. One is on the east side of the project along Alhambra Avenue and north of the proposed Wildcroft Drive extension. The other is on the western side of the project along Reliez Valley Road. These basins receive water via a stormwater collection system designed to collect water from the developed portion of the project. The basins are designed for a 100-year storm event which means they are capable of handling the calculated runoff of a storm that has a 1% chance of occurring in any given year. The water detained in these basins will be released via pipeline and outfall to existing creeks (Reliez Valley basin to Alhambra Creek and Alhambra basin to Grayson Creek) at a rate less than the pre-construction (current) rate. This is a requirement of Section C.3 of the Municipal Regional Permit (MRP) in compliance with the National Pollution Discharge Elimination System (NPDES) requirements.

Stormwater collected within the EVA and from Parcel J (water tank) will be conveyed via V-ditch which then connects to an existing 30-inch storm drain pipe at the top of Horizon Drive. The drainage system, as designed, will significantly reduce the amount of natural stormwater flow to the lower elevations by conveying it to the outlined facilities.

Habitat Mitigation and Open Space

The 2008 Project would provide a total of 218 acres of on-site Alameda whipsnake habitat. Of this on-site habitat, the project includes 3.6 acres of enhanced whipsnake habitat. The proposed project also includes two off-site habitat mitigation areas totaling

309 acres. Both the on-site and off-site areas will remain in a natural state and be maintained by a resource/management agency through a conservation easement.

The proposed project would also include active recreational open space, including a two-acre recreational facility within the project site (to be maintained by the HOA) and 2760 linear feet of trail to connect to Briones Regional Park. In addition to the proposed trails, the EVA commencing from the intersection of Wildcroft Drive and Aberdeen Road to Horizon Drive includes pedestrian access for those residents that choose to walk but prefer a paved road over a dirt trail.

The applicant has proposed the formation of a Geologic Hazard Abatement District (GHAD), a description of which is provided below. If a GHAD is formed, in addition to its responsibilities of geologic hazard abatement, maintenance, and management, it would also be charged with other peripherally related open space responsibilities, such as mowing and other maintenance associated with the open space it is responsible for.

Landscaping

The landscaping plans include plantings, fencing details, entry features, and retaining wall aesthetics for the common areas within the subdivision. In addition to the common areas, the plans show trees across the private property frontage and also address landscape treatments to slope areas on private properties that will be included in scenic easements to be maintained by the HOA. Those specific lots with landscape treatments are shown on sheet L1.00 of Attachment 2; please refer to the "Treatment Types" as shown.

The plans provide details of the detention basins, the EVAs, water tank area, and the Wildcroft Road entrance leading from Alhambra Avenue to the top of the hill. Final landscape plans will need to be submitted for review and approval by City staff. Revisions to the submitted plans would include alterations/additions required by the mitigation measures and, if approved by the Commission, those indicated in the Mitigated/Alternate Access Alternative discussed below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

As noted previously, the City certified the Alhambra Hills Specific Plan Environmental Impact Report (EIR) in June 1986 and adopted the Alhambra Hills Specific Plan in March 1987. The Alhambra Hills Specific Plan and EIR contemplated development of the Alhambra Highlands project as one of several residential development projects proposed within the Specific Plan boundaries. Although the 2008 Project is similar to the 1990 project approvals, the City, as lead agency for the project under the California Environmental Quality Act (CEQA), believes that the proposals differ sufficiently to result in modifications and revisions to the prior Specific Plan EIR and as such the preparation of a Subsequent EIR was warranted.

Milestones to Date

1	Submittal deemed complete	12/21/2009
2	Publish Notice of Preparation/Initial Study	02/18/2010
3	Subsequent Environmental Impact Report (SEIR) Scoping Session	03/09/2010
4	Design Review Committee Design Guidelines review	07/28/2010
5	Publish Draft SEIR	10/21/2010
6	Planning Commission Meeting to review Draft SEIR	11/18/2010
7	Draft SEIR comment period closed	12/06/2010
8	Planning Commission public hearing on Final SEIR and project	03/22/2011

Final Subsequent Environmental Impact Report (SEIR)

CEQA section 15132 requires the following items be included in the Final SEIR:

1. The Draft SEIR or a revision of the Draft;
2. Comments and recommendations received on the Draft SEIR either verbatim or in summary;
3. A list of persons, organizations, and public agencies commenting on the Draft SEIR;
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
5. Any other information added by the Lead Agency.

Environmental Topics Covered by the Draft SEIR

Comments received in response to the Notice of Preparation and Initial Study raised a number of issues that were taken into consideration and have been addressed in the Draft SEIR. The issues raised by these comments are summarized in Chapter II: Summary and further addressed in Chapter IV: Setting, Impacts, and Mitigation Measures, Chapter V: Alternatives, and/or in the Initial Study. The following topics are the focus of study in the Draft SEIR:

- Aesthetics
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology/Water Quality
- Noise

Impacts and Mitigation Measures

Below is an overview of the analysis contained in Chapter IV: Setting, Impacts, and Mitigation Measures. CEQA requires that the Draft SEIR include a discussion of:

1. Significant impacts and proposed mitigation measures;
2. Cumulative impacts; and
3. Significant irreversible and unavoidable impacts.

Significant Impacts and Significant and Unavoidable Impacts

Under CEQA, a significant impact on the environment is defined as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area

affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Information in Table II-1, Summary of Impacts and Mitigation Measures of the Draft SEIR (see Attachment 3, pp. 17-39), summarizes the impacts and mitigation measures discussed in Chapter IV. Implementation of the proposed project would not result in any significant and unavoidable project-level impacts. Implementation of the proposed project would result in several significant project-level impacts that would be reduced to a less-than-significant level with implementation of the recommended mitigation measures, as discussed in Chapter IV.

Cumulative Impacts

Cumulative impacts are discussed within each environmental topic section within Chapter IV: Setting, Impacts, and Mitigation Measures. The 2008 Project in conjunction with other foreseeable projects would result in a significant unavoidable cumulative impact related to greenhouse gas emissions. Mitigation measures are recommended to reduce this impact; however, the mitigation measures would not reduce the project’s contribution to this cumulative impact to a less-than-significant level.

The Draft SEIR identified the following unavoidable significant impact as identified in Section 4b, Air Quality and Greenhouse Gas Emissions. It states that the proposed project would exceed the recently adopted Bay Area Air Quality Management District (BAAQMD) CEQA thresholds for cumulative greenhouse gas emissions.

Overriding Considerations

When mitigation measures cannot reduce all of a project’s impacts to a less-than-significant level a Statement of Overriding Considerations is required as part of the project approval. The Statement contains the responsible agency’s views on the ultimate balancing of the merits of approving a project despite its environmental impacts. A draft Statement in regards to greenhouse gas emissions is included in the draft resolution certifying the Final SEIR and adopting a Statement of Overriding Considerations.

Responses to Comments

During the 45-day public review period of the Draft SEIR the City received twenty-two comment letters or e-mails and two agency letters. The Response to Comments (RTC) document is attached (see Attachment 4). Responses to some of these comments resulted in revisions to the Draft SEIR mitigation measures and/or project conditions of approval. The common issues noted among the twenty-two comment letters from the general public include:

1. Grading and slope stability/drainage and hydrology;
2. Wildcroft Drive entrance design/location and alternative alignment;
3. Offsite aesthetic impacts from tree loss, grading, lighting, and structures;
4. Biological impacts from tree and other habitat loss;
5. Maintenance responsibility for open space, drainage facilities (including detention basins), EVAs, and replacement trees;
6. Benefit to form a Geologic Hazard Abatement District;

7. Noise impacts generated from construction traffic and from everyday use of Wildcroft Drive entryway;
8. Clean water program and NPDES requirements for stormwater;
9. Significant unavoidable impacts from increased greenhouse gas emissions and air pollution;
10. Potential cultural impacts;
11. Loss of Development Impact Fees, citywide park financing, and developer's fee waiver;
12. Alternatives including the alternative Wildcroft Drive design and "No Build;"
13. Access and evacuation issues in terms of public safety;
14. The use of Horizon Drive during construction and long-term; and
15. Water system upgrades.

Revisions to the Draft SEIR were identified in the RTC document. One is the requirement that the planting be done at a ratio of 1.5:1 instead of the proposed 1:1 (see Attachment 4, p. 137). The other is the requirement that annual reports be submitted to the City on the status of the replacement native trees. If a report indicates that the survival rate has not been met, additional replacement native trees would have to be planted (see Attachment 4, p. 138). The only other substantive revisions are related to the Mitigated/Alternate Access Alternative described below. If this alternative is approved the overall number of trees to be removed on the project site would be reduced and the revisions noted would be a reflection of that.

Alternatives

The Draft SEIR identified several alternatives to the proposed project including a "No Build" alternative that essentially eliminates any change to the existing project area. The remaining alternatives were based on the realignment of Wildcroft Drive. With one exception, all were rejected as their cumulative impacts from grading and tree loss were found to exceed the proposed project. The one exception, the Mitigated/Alternate Access Alternative is described below.

Mitigated/Alternate Access Alternative—Preferred Alternative

For the reasons listed below, the Mitigated/Alternate Access Alternative represents staff's preferred alternative. This alternative is shown in the plans entitled Alhambra Highlands, Vesting Tentative Map, Alternative #1 (see Attachments 5 and 6). Key elements of the Mitigated/Alternate Access Alternative are:

1. Reduces number of lots from 112 to 110;
2. Reduces the size of the developable area by 4.1 acres;
3. Proposes to abandon and remove the existing Wildcroft Drive intersection with Alhambra Avenue and shift the intersection/project access 400 feet to the northwest, away from some neighbors, improving safety and sight distance on Alhambra Avenue;
4. Reduces the Wildcroft Drive right-of-way from 72 feet to 40 feet in width and incorporates a step retaining wall system that would reduce grading and allow 65 additional trees to be preserved (as compared to the 2008 Project);
5. Reduces the Wildcroft Drive street width from 36 feet to 28 feet;

6. Includes a sound wall that varies in height from five to seven feet along the southeast side of the Wildcroft Drive extension;
7. Increases the minimum horizontal distance of the Wildcroft Drive curb line from existing residences from 24 feet to 29 feet;
8. Increases the size of the recreational facility from 2.1 acres to 5.3 acres;
9. Relocates the recreational facility (Parcel E) from the southwest side of the project at the intersection of Erica Way and Darley Way to the northwest side of Aberdeen Road adjacent to lot 6;
10. Incorporates a step retaining wall system at the recreational facility to reduce grading and preserve an additional 82 trees;
11. Redistributes lots 1 to 5 to accommodate the new and expanded recreational facility location;
12. Revises grading plan at water tank site to eliminate 10-foot retaining wall;
13. Refines water main service roadway and Horizon Drive EVA connection to reduce grading and retaining wall heights and preserve 54 additional trees;
14. Eliminates proposed retaining walls along Horizon Drive EVA road to accommodate a soil nail wall;
15. Reduces the total disturbed/graded area of the site by approximately 3.9 acres which saves a total of approximately 200 trees; and
16. Reduces street widths for single loaded streets to 28 feet which will accommodate parking on one side, with the exception of Erica Way which would be 36 feet and will accommodate parking on both sides.

Staff believes that this alternative improves the overall project and lessens its impact on the environment in a number of important ways and therefore recommends that the Planning Commission approve the project with this alternative incorporated.

With this alternative, the recreational facility would be relocated and would be 5.3 acres instead of 2.1 acres in size. The recreational use would also change from active to mostly passive. The facility would be located on a steeper hillside and would contain a tot lot and a trailhead to the regional trail system instead of the originally proposed recreation center. While the alternative recreational facility would contain fewer amenities, it would allow for the preservation of more trees for the project overall. One thing the Planning Commission may want to consider is whether the proposed facility associated with the alternative sufficiently provides for the recreational needs of all of the homeowners.

Final Subsequent Environmental Impact Report Certification

The Planning Commission must certify that the Final SEIR has been completed in compliance with CEQA. The Commission must state that they have independently reviewed the Final SEIR prior to certifying the document and approving the project. The Planning Commission can confirm, ratify, and adopt the findings and conclusions of the Final SEIR. A draft set of findings has been prepared by staff. The Final SEIR and findings represent the independent judgment and analysis of the City and the Planning Commission.

DESIGN REVIEW: DEVELOPMENT GUIDELINES AND DESIGN CRITERIA

The Alhambra Highlands Development Guidelines and Design Criteria (AHDG) were developed to work in conjunction with several other regulatory documents in shaping the development of the proposed project. The AHDG provide qualitative direction for architectural style, scale, color, shape, and visual appearance of structures, hardscape, and landscape. They do not provide quantitative design standards, or other quantitative requirements pertaining to setback, coverage, floor area ratio (FAR), or height. Those regulations are set by the Planned Unit Development, the City's Zoning Ordinance, the adopted conditions of approval, and the covenants, conditions and restrictions (CC&Rs).

The AHDG provide the process for review and the criteria for approval of the plans for the individual single-family residences to be constructed within the proposed project. The entity responsible for reviewing proposals from builders/property owners for compliance with the AHDG will be the Alhambra Highlands Architectural Review Committee (AHARC). The AHARC will be a subcommittee of the homeowners association (HOA) boardmembers, established by the HOA. The details of the AHARC formation, purpose, and responsibilities will be presented within the Subdivision's CC&Rs.

The AHDG include six sections and an appendix. The sections are:

1. Introduction	4. Architectural Design Guidelines
2. The Architectural Design Process	5. Landscape Design Guidelines
3. Site Planning	6. Hardscape
Appendix – Submittal and processing forms	

Section 1-Introduction: provides an overview of the AHDG including a project description, the purpose of the document, and goals to achieve in the implementation. In addition, the AHARC and their role is introduced.

Section 2-The Architectural Design Process: introduces, describes, and explains the procedure and requirements necessary for a property owner to get their individual projects approved. For the City this is a unique process and works as follows:

- The AHARC receives a project submittal from a builder/property owner for review.
- The AHARC reviews the project against these guidelines and any applicable development standards that apply to Alhambra Highlands.
- If not approved, comments are given to the builder/property owner who must resubmit a revised project as necessary.
- If approved, the project is then submitted by the builder/property owner to City staff for a determination that the project is consistent with the AHDG and any applicable development standards.
- If approved by City staff, the builder/property owner then applies for building

permits.

- If not approved by City staff, the builder/property owner will receive comments regarding what is required for City staff to approve the project. If the builder/property owner does not agree to some or all of the changes required for approval the project is referred to the City's Design Review Committee (DRC) for review and approval.
- If not approved by the DRC, the project will receive comments regarding what is required for the project to be approved. In the case where the builder/property owner does not revise the project as required by the DRC it would be denied.
- If the project is denied by the DRC the City's established appeal process would apply.

A flow chart is provided in this section outlining the process (see Attachment 7, p. 13). The only exception to the above process would be for those lots where structures would be limited to one-story as identified in the mitigation measures for the project. These lots are the ones most visible from public vantage points and are specifically identified in the conditions of approval. Projects for these lots are required to go directly to the DRC for their review and approval.

Section 3-Site Planning: includes a map of the project boundary, road alignment, lotting, and other features. It provides guidelines for siting of the development envelope.

Section 4-Architectural Design Guidelines: includes suggested architectural styles, design features, materials, and level of detail intended for this development. There are also some green building guidelines included.

Section 5-Landscape Design Guidelines: this section was co-written by the project landscape architect to ensure consistency with the landscape plans. It includes goals, design principles, maintenance provisions, plant lists, fencing guidelines, oak protection measures, irrigation, and water conservation among other topics.

Section 6-Hardscape: includes guidelines for exterior lighting, pools, sport courts, mailboxes, antennas, and solar energy collectors.

The Appendix includes the following application forms for AHARC review:

- Pre-Design Conference
- Planning and Design Development Review Submittal
- Construction Documents Review Submittal
- Remodeling and Additions

Design Review Committee Review

It is within the DRC's purview to provide a recommendation to the Planning Commission regarding the AHDG. The DRC can recommend approval, approval with revisions, denial, or make no recommendation at all. The decision is based on the merits of the AHDG and their ability to provide architectural guidance of a quality that is acceptable to

the DRC.

A draft of the AHDG was presented to the DRC at its meeting of July 28, 2010. At that meeting the DRC reviewed the staff report and draft AHDG, listened to a presentation by the applicant team that developed the AHDG, asked questions of staff and the applicant team, and received public testimony. After considering all of the evidence and public testimony, the DRC voted unanimously to recommend to the Planning Commission adoption of the draft AHDG with their recommended changes.

Most of the recommended changes were points of clarification or refinements to the specific language of the draft document. The only exception was a request that language be added to Section 4.C.4: Massing that states, "No more than three consecutive, two-story structures will be allowed." This is in reference to the heights of structures on lots adjacent to one another. The intent would be to have a development that has variation in the height of the structures to add visual variety to the overall project. Staff believes that the implementation of such a provision would be problematic due to the nature of the project with its custom- and semi-custom homes instead of production homes. Staff also feels that it is not necessary given the overall provisions of the AHDG in regards to building massing and articulation. Therefore, staff does not recommend this additional language be included in the AHDG as requested by the DRC.

CONDITIONS OF APPROVAL

In assembling the draft conditions of approval for this project staff began with the original ones attached to the previously approved PUDs and Tentative Maps. Those that were still pertinent were retained. Those that have been adequately addressed through the most recent submittal (2008 Project) were removed or modified to apply to the project as revised. The only additional ones required resulted from specific mitigation measures that were incorporated into the draft conditions of approval. Incorporating them into the draft document places them into one central location where they can be easily identified.

The majority of the conditions of approval are ones typical to a project of this type. Some exceptions include ones that apply to the following:

- Wildcroft Drive (sound attenuation and slope stability);
- Visual impacts (certain lots are subject to one-story height limits and required DRC review); and
- Tree replacement and maintenance (replacement location and ratio, and increased replacement survivability).

The draft conditions of approval are attached (see Attachment 8).

GEOLOGIC HAZARD ABATEMENT DISTRICT

Geologic Hazard Abatement Districts (GHAD) enabled by the Beverly Act of 1979 (SB 1195), are potentially useful financial mechanisms for reducing hillslope hazards. The enabling State statute provides for the formation of local assessment districts for the purpose of prevention, mitigation, abatement, or control of geologic hazards. The Act broadly defines "geologic hazard" as "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." A GHAD may be proposed by one of two means: (1) a petition signed by owners of at least 10 percent of the real property in the district, or (2) by resolution of a local legislative body, in the case of the City, by the City Council.

Plan of Control

A proposal for a GHAD must be accompanied by a plan of control, prepared by a certified engineering geologist, "which describes in detail a geologic hazard, its location and the area affected thereby, and a plan for the prevention, mitigation, abatement, or control thereof." The land within a district need not be contiguous; the only requirement is that lands within a GHAD be specially benefited by the proposed construction and that formation of a district is required to ensure the health, safety, and welfare of the residents.

Local District Organization

The Act requires public hearings prior to district formation. Upon formation, the district becomes an independent entity whose board of directors is either the City Council or five project property owners selected by the Council. In this case, since the proposed project will be under one ownership initially, the vote would go solely to that entity. A GHAD may issue bonds, purchase and dispose of property, acquire property by eminent domain, levy and collect assessments, sue and be sued, and construct and maintain improvements.

In summary, a GHAD is a potentially useful tool to effectively abate a landslide hazard that crosses property boundaries. It is a mechanism that responds to the physical realities of landslides, and allows a way for addressing same and spreading the cost among the property owners of the subdivision in question. It also provides for a cost-effective solution, requiring only one geotechnical engineering firm and one plan to solve the problems of several landowners. If the project is approved a determination will be made as to whether the formation of a GHAD is the best option for dealing with the reduction of hillslope hazards associated with the proposed project.

CONCLUSION

The applicant, Richfield Investment Group, requests that the Planning Commission approve the 112-lot residential subdivision within the Alhambra Hills Specific Plan area. All application materials have been submitted and a Final Subsequent Environmental Impact Report (SEIR) has been completed. During the SEIR process, alternatives were

considered. One alternative, identified as the Mitigated/Alternate Access Alternative in the Draft SEIR and shown in Alhambra Highlands, Vesting Tentative Map, Alternative #1 is the recommended or preferred alternative.

In addition to other revisions, Alternative #1 includes increased sensitivity to adjacent property owners, reduced grading, reduced pavement, and reduced tree loss. This alternative is not a significant departure from the originally proposed project, but reduces its overall environmental impact. Some details of this alternative still need to be finalized and can be done so when the Final Map and Improvement Plan is submitted to staff for review.

Staff believes the necessary findings can be made as prescribed in the Alhambra Hills Specific Plan and EIR and in the Martinez Municipal Code for Planned Unit Developments and Use Permits. These findings are found in the attached draft resolutions.

ACTION

Certify the Final Subsequent Environmental Impact Report (SEIR) and approve the following:

1. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
2. Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative;
3. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
4. Alhambra Highlands Development Guidelines and Design Criteria.

ATTACHMENTS

1. Vesting Tentative Map (Subdivision 9257), date stamped March 16, 2011
2. Landscape Improvements Plan, date stamped April 20, 2010
3. Draft Subsequent Environmental Impact Report (Volume 1 and Appendices), dated October 21, 2010 (previously provided to the Planning Commission)
4. Response to Comments Document, dated March 4, 2011 (previously provided to the Planning Commission)
5. Vesting Tentative Map – Alternative #1, date stamped March 16, 2011
6. Wildcroft Drive Alternative #1, date stamped March 16, 2011
7. Alhambra Highlands Development Guidelines and Design Criteria, date stamped March 1, 2011
8. Conditions of Approval (Draft)
9. Mitigation Monitoring and Reporting Table (MMRT)

Draft Planning Commission Resolutions for certification of the Final SEIR and Project Approvals to be provided to the Commission at the March 22nd meeting or at a subsequent meeting.

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 for California Environmental Quality Act (CEQA) and the Subsequent Environmental Review 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 EIR, 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 was written), and she summarized the conclusions for the Final SEIR Findings - 1 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 a 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 Consideration, adopt the Mitigation Monitoring and Reporting Program, and approve the project entitlements subject to the COA, 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 2008 Plan and Alternate 1 (as recommended by staff). She also discussed key issues - Wildcroft Drive location, entrance and alignment, tree removals, 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 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 the 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 & federal agencies is required whether the 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 need 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 removals and tree replacements 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 tree removals, but he also noted that the recreation area will be a more passive use, except for the lot 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 removals. 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 removals, natural habitat, and wildlife. He did not think that painting the house 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 more needed 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 Road 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.

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 engineering, 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 removals. Mr. Powellfield deferred to the Geotechnical Consultant.

Commissioner Weggener asked about the improved traffic safety from the rerouting of Wildcroft 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 removals. 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.

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 EIR did find some noise impacts from the Wildcroft Road and recommended mitigations to bring it to a less than significant level.

_____, 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 standard of the roads in the development, and provision 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 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 specified time limit. She acknowledged that completion of the houses, etc., could take longer.

Commission Comment:

Commissioner Ford expressed strong support for the environmental concerns, and acknowledged the history of John Muir, etc. She also noted common themes from projects over her time in the City; she acknowledged negotiation is often necessary, and she does not always agree with

the developer. However, withdrawing an approval is not easily done, especially not just because neighbors don't like it. She noted this is a good project, and well put-together, and it is important to consider a private property owner's rights to develop their property. She indicated she supports certification of the FSEIR and the staff recommendation for the mitigated alternative #1.

Chair Allen stated this is one of the most important decisions she has been asked to make as a Commissioner - land that many in the City consider permanent open space is being proposed for development. She is not sure whether the issues have been adequately addressed - also not sure whether approval 20 years ago mandates approval now. Mr. Blount asked for more specifics about information she still needs.

Commissioner Waggener said she would like to visit the site before making a decision, and she would like to talk further with the geotechnical consultant.

Commissioner Keller said he agreed with some comments by Commissioner Ford and some by Chair Allen. He acknowledged much work has been done on the project, and that this is an important decision. He was concerned about the change to the park area and replacement of some with additional houses. He cited Section 27.22 of the General Plan regarding the scenic highway designation of Hwy 4 through Martinez. He was concerned that this development could change that - he would like to see visual simulations from Hwy 4 and the trestle. He expressed appreciation for the proposed mitigation measures.

Commissioner Kelly agreed with Commissioner Ford regarding earlier approvals - the developer has dealt with the whipsnake habitat as asked, and he thought the mitigation measures and conditions of approval effective during the development stage were adequate. He was supportive at this point of staff-recommended Alternative #1.

Commissioner Glover agreed the project has been well-thought out and the level of development has been reduced - she would support alternative #1 also.

Commissioner Burt discussed the length of time she has been on the Commission - half the time the project has been under consideration. She commented on subsequent projects that have had major issues with drainage and slides, noting it makes a difference in terms of project planning compared with the time when the Alhambra Hills Specific Plan was developed. She also discussed another project from the 1990s that was denied by the Planning Commission and approved by the City Council with a 3:2 vote, which ended up having more hydrology/drainage/slide issues than originally thought. She thought that changes in ecological law should change the CEQA requirements.

Commissioner Burt acknowledged that the vast majority of hydrology studies that have been done over the years have stood the test of time, but there are new and unexpected subsidence issues along the west coast, and Martinez already has strong issues with that. She noted that the list of the proposed mitigation measures is one of the longest she has ever seen - as well as a clear delineation of responsible parties. She also noted that Martinez already does not have an adequate Code Enforcement Department - who will check to be sure that drains etc are being

maintained adequately? She was concerned that the measures will not be adequately maintained, especially given the funding cuts many agencies are facing. She was also disappointed that the GHAD will not help those outside the development that might be affected by runoff. She commented on varying rainfall in the bay area and the unexpected effects of drought preceded by heavy rainfall, not to mention potential climate change impacts. She was not sure the mitigations will be strong enough. She indicated that this meeting did not change her mind on this project - she could not in good conscience support this project. 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 EIR - 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 4/12.

Mr. Blount asked for a motion to continue hearing to April 12th, but public comment is concluded.

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

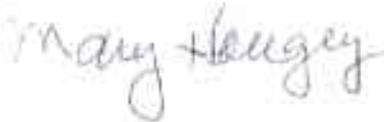
Mr. Blount discussed potential items for the next meeting, April 12, 2011, in addition to a continuation of the Alhambra Highlands public hearing.

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,



Transcribed by Mary Hougey

Approved by the Planning Commission
Chairperson



Donna Allen



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Terry Blount, AICP, Planning Manager

DATE: April 12, 2011

SUBJECT: Alhambra Highlands Project (2008)

GENERAL INFORMATION

APPLICANT/OWNER: Richfield Investment Corporation

LOCATION: Multiple parcels within the Alhambra Hills Specific Plan area (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)

GENERAL PLAN: SDO (Slope Density Ordinance) and PPOS (Permanent Open Space); Alhambra Hills Specific Plan (1986)

ZONING: R-10 (Single Family Residential: 10,000 sq. ft. minimum lot area)

ENVIRONMENTAL: The Alhambra Hills Specific Plan Environmental Impact Report (EIR) evaluated development of the Alhambra Highlands Project. The Specific Plan EIR analyzed impacts resulting from the development of 493 units within the Alhambra Highlands Project area. A Draft Subsequent Environmental Impact Report (SEIR) has been circulated for public comment and those comments are addressed in the Final SEIR for Planning Commission review and proposed certification.

PROPOSAL: Application to allow 112 residential lots and necessary infrastructure within a development area of 76.2 acres (overall project area is 297.5 acres).

RECOMMENDATION

Staff recommends that the Planning Commission certify the Final Subsequent Environmental Impact Report (SEIR), adopt the Statement of Overriding Considerations, and approve the following:

1. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
2. Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative;
3. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
4. Alhambra Highlands Development Guidelines and Design Criteria.

BACKGROUND

This item was first heard at the Planning Commission meeting of March 22, 2011. At that meeting the Commission reviewed the staff report and attachments and took public testimony. The Commission asked a number of questions of staff that required additional information be gathered and research conducted on the following topics:

- Tree replacement ratio;
- Off-site tree replacement;
- Mitigation Monitoring and Reporting Program enforcement;
- View impact from Alhambra Avenue at State Highway 4; and
- Hillslope hazards and impacts to properties adjacent to the project site.

Staff also indicated at that meeting that the draft resolutions for the proposed project would be presented to the Commission for review and approval at the following meeting, April 12th. These are attached (see Attachments 3-6). Please note that in addition to the information contained in this staff report regarding the above topics, the applicant has provided a response and additional information regarding a number of the issues and questions that were raised at the March 22nd meeting (see Attachment 2).

DISCUSSION

Tree Replacement Ratio

Mitigation measure BIO-5b requires the project to replace native trees that are proposed to be removed (within the grading footprint and on custom lots) with the planting of replacement native trees at a 1.5:1 ratio. Comments were made by some Commissioners that this did not seem sufficient and was not in line with the requirements for other similarly situated projects in the area.

Mitigation measure BIO-5c requires 75 percent or more of the planted trees to add six inches or more of growth per year. This requirement thus mandates that these trees not only be alive, but also in a healthy condition. Trees have to be maintained for a minimum five-year period. Maintenance includes weeding the planting basins, watering for three years, and inspection/repositioning tree protection cages to ensure they are protecting the trees. Maintenance activities will end when 75 percent of the planted

trees are adding six or more inches in height per year without supplemental irrigation. A requirement to submit annual reports to the City has been added to this mitigation measure. Staff believes that the emphasis on survivability is what is most important in off-setting the impacts associated with the removal of native trees.

Off-Site Tree Replacement

Mitigation measure BIO-5d specifies that if mitigation plantings cannot fully occur on-site that any remaining plantings occur at one of the project's off-site mitigation properties. The off-site mitigation properties are both located approximately five miles from the project site. They are located in the Franklin/Briones Hills which the project site is a part of and they support a similar vegetative cover. Ecologically they are appropriate planting sites. Both off-site properties are owned by the same property owner and their availability as mitigation sites has been guaranteed, ensuring the feasibility of this measure.

Mitigation measure BIO-5c requires that replacement planting of trees occur on the project site within the following areas in the order of priority as listed below:

1. Within or adjacent to existing oak woodland stands where regeneration is sparse or lacking. The purpose of these plantings shall be to provide stand replacement as the older trees die.
2. Around the perimeter of Lots 37-43 and 70-80 to provide screening from off-site views.
3. Common area landscaping such as along the Wildcroft Drive entry road.
4. On fill slopes to maintain the visual continuity of woodland areas where project fills require tree removal.

If the proposed project is approved with the Mitigated/Alternate Access Alternative the number of native trees to be removed would be reduced from 625 to 484 (a reduction of 141). With this reduction there is more than enough space within the designated areas of the project site noted above to accommodate the required number of replacement native trees, so the need to do so offsite would be eliminated with this alternative.

Mitigation Monitoring and Reporting Program Enforcement

The proposed Mitigation Monitoring and Reporting Program (MMRP) includes specifics on who is responsible for each mitigation measure, what the schedule and procedures are, and space to note the date completed. The responsible agency depends on the specific mitigation measure. The mitigation measures have a series of enforcement actions that the applicable agency is responsible for. If the applicable agency is not the City, then the agency assigned is responsible for enforcement.

For the most part the mitigation measures assigned to the City are typical for this type of project. The only exceptions would be some of the ones associated with potential impacts to the Alameda whipsnake, such as the limitation on fire management activities in the whipsnake habitat or the requirement that a Natural Habitat Preservation booklet be prepared (the preparation and provision of which will be a requirement included in

the CC&Rs). A typical example of mitigation measures that would be the responsibility of an outside agency would be those pertaining to the reduction in impacts to water quality, which would be the responsibility of the State Water Resource Control Board.

The mitigation measures, where applicable, have been incorporated into the conditions of approval. Overall, the MMRP is set up to ensure that the responsible agency has clear instructions on what is required and when. This method of ensuring that the project's environmental impacts are mitigated to a less-than-significant level is the standard method of doing so.

View Impact from Alhambra Avenue at State Highway 4

It was noted by one of the Planning Commissioners that there was no visual simulation included in the Draft SEIR looking south on Alhambra Avenue just below the intersection with State Highway 4. As part of the analysis related to the visual impacts that the proposed project would have, the view from this location was considered. At that time, it appeared that potential impact on views from this location would be minimal. Staff has created a visual simulation from this location using the same criteria as was used for the others (see Attachment 1). As can be seen from the simulation, some of the structures associated with the proposed project would be visible from this view; however they would be just barely so given the distance.

Hillslope Hazards and Of-Site Impacts

Concern was expressed by several speakers, as well as a couple of the Planning Commissioners, regarding hillslope hazards and the potential for landslides or land subsidence on the project site to have an impact on adjacent properties. The applicant has submitted a letter compiled by ENGEIO, Inc., one of the project consultants, clarifying the Geologic Hazard Abatement District's (GHAD) responsibility in these instances (see Attachment 2, Exhibit A, p. 4). Based on ENGEIO's knowledge and experience with GHADs, the following instances of landslide or erosion hazards would be the responsibility of the GHAD if there is an actual or threatened impact to any adjacent or nearby properties:

- Instability originating on the GHAD's property;
- Instability threatening an improvement within the GHAD boundaries;
- Repairs outside the GHAD boundaries which may be incidental to repairs required within the GHAD boundaries;
- Negligence by the GHAD; and
- Other instances which may be approved by the GHAD board and are in compliance with the provisions of Proposition 218.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Overriding Considerations

As noted in the staff report for the proposed project prepared for the March 22nd hearing, the 2008 Project in conjunction with other foreseeable projects would result in a significant unavoidable cumulative impact related to greenhouse gas emissions. The

Draft SEIR identified the following unavoidable significant impact as identified in Section 4b, Air Quality and Greenhouse Gas Emissions. It states that the proposed project would exceed the recently adopted Bay Area Air Quality Management District (BAAQMD) CEQA thresholds for cumulative greenhouse gas emissions. Mitigation measures are recommended to reduce this impact; however, the mitigation measures would not reduce the project's contribution to this cumulative impact to a less-than-significant level.

When mitigation measures cannot reduce all of a project's impacts to a less-than-significant level a Statement of Overriding Considerations is required as part of the project approval. The Statement contains the responsible agency's views on the ultimate balancing of the merits of approving a project despite its environmental impacts. A draft Statement in regards to greenhouse gas emissions is included in the draft resolution certifying the Final SEIR and adopting a Statement of Overriding Considerations. The draft Statement focuses on the following overriding considerations:

- Social and community benefits (compatible with existing and future development);
- Public revenue/economic activity enhancements (increase in property tax revenues and expansion of housing market); and
- Natural resource preservation (habitat preservation and restoration/open space preservation).

Final Subsequent Environmental Impact Report Certification

The Planning Commission must certify that the Final SEIR has been completed in compliance with CEQA. The Commission must state that they have independently reviewed the Final SEIR prior to certifying the document and approving the project. The Planning Commission can confirm, ratify, and adopt the findings and conclusions of the Final SEIR. A draft set of findings has been prepared by staff (see Attachment 3). The Final SEIR and findings represent the independent judgment and analysis of the City and the Planning Commission.

CONCLUSION

The applicant, Richfield Investment Corporation, requests that the Planning Commission approve the 112-lot residential subdivision within the Alhambra Hills Specific Plan area. All application materials have been submitted and a Final Subsequent Environmental Impact Report (SEIR) has been completed. During the SEIR process, alternatives were considered. One alternative, identified as the Mitigated/Alternate Access Alternative in the Draft SEIR and shown in Alhambra Highlands, Vesting Tentative Map, Alternative #1 is the recommended or preferred alternative.

In addition to other revisions, Alternative #1 includes increased sensitivity to adjacent property owners, reduced grading, reduced pavement, and reduced tree loss. This alternative is not a significant departure from the originally proposed project, but

reduces its overall environmental impact. Some details of this alternative still need to be finalized and would be done so when the Final Map and Improvement Plan is submitted to staff for review.

Staff believes the necessary findings can be made as prescribed in the Alhambra Hills Specific Plan and EIR and in the Martinez Municipal Code for Planned Unit Developments and Use Permits. These findings are found in the attached draft resolutions.

ACTION

Certify the Final Subsequent Environmental Impact Report (SEIR), adopt the Statement of Overriding Considerations, and approve the following:

1. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
2. Vesting Tentative Map (Subdivision 9257) with the revisions outlined in the Mitigated/Alternate Access Alternative;
3. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
4. Alhambra Highlands Development Guidelines and Design Criteria.

ATTACHMENTS

1. Visual Simulation (view from Alhambra Avenue at State Highway 4 looking south)
2. Letter from Alicia Guerra, Briscoe Ivester & Bazel LLP, dated April 4, 2011
3. Resolution No. PC 11-03 (Draft) – Certification of Final SEIR
4. Resolution No. PC 11-04 (Draft) – PUD 08-1 (amending PUDs 89-5/89-6/91-4)
5. Resolution No. PC 11-05 (Draft) – UP 08-17 (construction of a water reservoir tank)
6. Resolution No. PC 11-06 (Draft) – Vesting Tentative Map (Subdivision 9257) with the revisions outlined in the Mitigated/Alternate Access Alternative

Planning Commission
Regular Meeting
April 12, 2011
Martinez, CA

CALL TO ORDER

Chair Donna Allen called the meeting to order at 7:15 p.m.

ROLL CALL

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

EXCUSED: None.

ABSENT: None.

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

AGENDA CHANGES

None

Planning Manager Terry Blount noted that Items 2 and 3 were informational items, but any comments or questions from the Commission would be handled as well.

PUBLIC COMMENT

Jan Moore introduced the Alhambra Hills Open Space Committee (AHOSC) to the Planning Commission, and she discussed their purpose and ways they can be contacted.

CONSENT ITEMS

None.

REGULAR ITEMS

- 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);*
- 4) *Use Permit (UP) 08-17 (construction of a water reservoir tank); and*
- 5) *Alhambra Highlands Development Guidelines and Design Criteria. (Continued from the March 22, 2011, meeting) Applicant: Richfield Investment Corporation (TB)*

Planning Manager Terry Blount presented the staff report, reviewing information requested at the last hearing. He also commented on view impacts and an earlier photo simulation of the view from the trestle, noting that it was incorrect. He introduced Lynette Dias from Urban Planning Partner, who explained revisions to the EIR and the Response to Comments.

Chair Donna Allen noted that there were copies of the staff report available to the public, with the information referenced by Ms. Dias.

Ms. Dias reviewed changes made to the proposal in response to input at the last meeting, including the addition of one photo simulation. She noted that one of the mitigation measures is that the houses in that view be one-story houses and have landscaping to minimize the visual impacts of the houses. She also noted that if the Commission decides to move forward with Alternative #1, some of the lot numbers will need to be adjusted.

Mr. Blount added that there was a memo on the dais, reviewing minor points of clarification to the Conditions of Approval, and copies of that are also available for the public.

Commissioner Burt asked for more information on the Section, Hillslope Hazards and Offsite Impacts, as well as the role of the GHAD (Geologic Hazard Abatement District). City Attorney Veronica Nebb noted that there was a memo in the Commission packet regarding the GHAD; she suggested that the author of the memo come forward to discuss it further.

Uri Eliahu, ENGEO Inc., reviewed the function and responsibilities of the GHAD (prevention, mitigation, abatement and control of geologic hazards), as well as funding through additional property taxes levied against affected property owners. He also noted there are requirements now that the benefit is proportional to the assessment, and that the responsibilities of the GHAD include its role as a property owner. Thus, any instability that originates on the GHAD property that may have an impact on neighboring properties are the responsibility of the GHAD. Ultimately, he described the GHAD as a public agency whose goal is improving stability of the ground that is within its boundaries.

Mr. Eliahu responded to questions from the Commission about oversight of the GHAD, the effect of Proposition 218 on the GHAD formation and operation, setting of the assessment amount, the difference between GHAD-owned properties and those within the assessment area, exclusions to the GHAD's responsibilities, whether the GHAD would be responsible if the retaining wall along Wildcroft were to fail, how the financing is administered for daily operations and large-scale repairs, etc.

Mr. Eliahu also reviewed with the Commission the lack of City liability from any GHAD actions (except in cases where the City might have ownership), City responsibility for the water tank and improvements to Wildcroft Drive (such as the roadways and the stormdrain system in the area, but not the water system), GHAD financing issues, peer review for the project, responsibility for the infrastructure, when the GHAD will go into effect, the separation between the homeowners association (HOA) and the GHAD, and the developer's responsibility until the GHAD is established.

Staff and the Commission discussed tree removal and replacement, as now proposed and as compared to the number in the original project proposal.

Public Hearing

Chair Allen clarified that the public hearing on the project had already been held and closed, this hearing only relates to the proposed resolutions before the Commission now.

CAROL BYER referred to a letter she wrote related to the placement of the project high on the watershed, and experiences she has had due to development above her home. She recommended the "no project" alternative.

ELLEN VISSER asked if there was some way for the public to see the new photo simulations, and she asked if there were any from the higher elevations, such as from Briones Park. She also commented on the effect from greenhouse gas emissions and the inadequacy of the Statement of Overriding Consideration.

CHUCK SUTTON addressed issues with the Statement of Overriding Consideration, specifically the economic benefits compared to the economic impacts.

PAUL DETJENS commented on the negatives from trying to squeeze all the houses on the plateau, and he noted some of the proposed homes are on sloped lots. He also discussed the amount of fill and grading necessary, due to the slope density requirements, General Plan and Specific Plan guidelines, and the necessary findings. Mr. Detjens pointed out that the visual impacts will be greater with the reconfiguration of the lots as proposed in Alternative #1.

MARLENE HAAS said she thought it odd that this project is referred to as "infill" development, when it will be degrading the habitat and the current pristine environment. She was also concerned about declining property values, the view impacts on houses on Wildcroft Drive, and the chance of landslides. She urged the Commission to vote no and work with the land trust that wants to buy the property in question to preserve it.

PHIL STURGIS discussed his research on blue oak tree regeneration, noting it is not working as well in this region as opposed to areas next to open space, as well as the wildlife that is prevalent in oak tree areas and needs to be preserved. He also commented on John Muir's work and connection to Martinez and noted that Martinez should work to preserve his legacy.

HAL OLSEN, former member of the Alhambra Hills Specific Plan Task Force, discussed efforts to preserve the area with deliberate placement of homes and open space. He also expressed concern about the outflow from the detention basins.

MARIE OLSEN noted that the current owner of the property is a corporation in Delaware, one who is unlikely to care a bit about the impacts of this development. She also questioned whether the 25 substantial compliance issues from the first project had been adequately taken care of, as well as whether the necessary findings could be made.

TIM PLATT commented on the need for more information on the Statement of Overriding Consideration, noting that the economic information is inadequate. He noted that the tax revenues, both from sales tax and from property taxes, will probably not be as great as predicted - particularly when weighed against the costs of the project. He also noted that the City Council rolled back some of the developer fees for the project, and he thought the public needs to know those amounts also. He expressed concern that increases to the GHAD assessment have to be approved by those being assessed, which seems to be a conflict of interest; yet if the assessment is not enough to cover costs and the members do not vote an increase, how will the additional

costs be covered?

VINCE GARAMBONE expressed concern about water flowing down the hill onto Horizon Drive, and reports of flooding impacts in other jurisdictions and financial costs to those entities.

ROSEMARY WESTCOTT expressed concern about drainage, issues with the Hidden Pond development praised by Commissioner Kelly at the last Planning Commission meeting, and concerns about the developer funding the GHAD for only three years, when it will likely be ten years for full buildout.

TAMARA SCHULTZ commented on differences in Martinez over recent years, and she expressed concern about potential financial impacts for the City if there is unforeseen damage to offsite neighborhoods. She expressed doubt that this is the best project for the City to say yes to.

LIZ GARAMBONE asked where students will go to school; she was concerned about impacts on the schools. She was also concerned about the qualifications of the Planning Commission to make such an important decision, and potential conflicts of interest.

BILL NICHOLS expressed concern about adequate emergency access in case of fire. He commented on progress made in Martinez towards preserving open space, and he expressed concern that this development would be a step backwards for the City.

Rebuttal

ALICIA GUERRA addressed comments regarding the Statement of Overriding Consideration, proposed mitigation measures, the open space portion of the project (by far the largest part of the development), sustainability of the development, inclusion of the GHAD, project benefits - both to the larger community and the immediate area, and the Planning Commission's role in developing stringent design guidelines for the project.

ANDY PALFFY, DK Associates, responded to comments related to the visual simulations, grading and slope density issues.

Ms. Dias also discussed the new visual simulation, based on changes resulting from Alternative #1.

MALCOLM SPROUL, LSA Associates, discussed tree replacement issues, particularly related to regeneration of blue oak trees. He noted that there would be very few new blue oak seedlings on the site anyway if no project is built.

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

Commission Comment

Chair Allen commended staff for their patience in responding to questions from the Commission and their excellent work with a very complicated project. She indicated she considers herself pro-development, but also cares about the rights of the property owner.

Chair Allen expressed concern that this project does not comply with the General Plan or the Specific Plan. She was concerned about the significant tree removal, development of areas with a greater than 30% slope, drainage, and implementation of the mitigation monitoring plan. She commented on the first Alhambra Hills Specific Plan, the subsequent review and recommendations made by the citizen review committee that led to the 1987 updated Specific Plan - she thought this project violated the intent of the 1987 Plan. She did not think the necessary findings could be made, and she reviewed the areas of the Specific Plan and General Plan she thought were violated by the proposed project. She also disagreed with the Statement of Overriding Consideration, noting this was a unique spot that deserves better treatment than that afforded by the proposal.

Chair Allen said she thought there was room on the project site for some development, and she urged the applicant to consider redesigning the plan.

Commissioner Glover said she appreciated all the input from the public; she reiterated her statements from an earlier meeting that this project has been around for a long time, and there are adequate mitigations included. She expressed support for approval.

Commissioner Burt agreed the project has been around for many years and has changed over time, noting that for a while it seemed it would not be going forward because of environmental and financial reasons. She also discussed past Council approval of the neighboring Elderwood Glen subdivision and subsequent substantial drainage/subsidence issues that were discovered after construction had begun (in spite of professional studies by qualified engineering firms and proposed mitigations) - serious problems that continue today. She also cited drainage and slide problems elsewhere in the City, in the same range of hills, with the same type of soil and the same drainage patterns as this project. She indicated she was not opposed to reasonable development where the impacts could be mitigated, but she thought this one was a gamble at best, and one the City cannot afford to take. She questioned whether the lots with greater slope would have enough buildable area, and she expressed concern as to whether the proposed mitigations could be adequately monitored, especially since staffing and funding for all levels of government is decreasing, and this project has 24 pages of mitigations - more than she has seen for any other project in all her years with the City Council and Planning Commission. She agreed with Chair Allen about the conflicts with areas of the Alhambra Hills Specific Plan, and said she could not support the project.

Vice Chair Ford said she supports the project because of the importance of private property rights. She noted that the applicant has a previous approval from an earlier Planning Commission and has done everything the City has asked and has revised the project in response to earlier issues raised; she asked each one to think how they would feel in the same situation. She acknowledged that she is not a fan of multi-national corporations, but she reminded the audience that a failure to stand up for the rights of one jeopardizes the rights of all.

Vice Chair Ford also chided one of the speakers for being disrespectful to Commissioner Kelley because of something he was wearing - she first noted that Planning Commissioners are not paid and are members of the community who serve because they care about the community and should not be mistreated because of differences of opinion. She added that she herself is ill

tonight, and she expressed frustration at the person who asked her if she was paying attention, noting she came in spite of not feeling well because it is such an important project.

Commissioner Kelly expressed support for Project Alternate #1 because he believes the project meets the requirements of the General Plan and the Specific Plan, the environmental review and mitigations are sufficient and the applicant has done what the City has asked to have done. At the same time, he expressed that if the AHOSC can reach agreement to purchase the property from the developer and keep it as open space, he would commend them for that too.

As a 4th generation Martinez native, Commissioner Keller said he appreciated the open space and the views, but he also believed in the rights of property owners. He agreed with Vice Chair Ford's comments on property owner rights also. Commissioner Keller acknowledged there were a significant amount of tree removal proposed, but noted the number has been reduced in later project iterations. He also read from the General Plan regarding allowances for lots with greater than 30% slope to sometimes be developed. He expressed support for the project, noting that the number of units proposed is less than what the General Plan would allow.

Commissioner Waggener echoed Commissioner Keller's comments, and added to his and Vice Chair Ford's statements about the rights of property owners, noting that there is a right to develop property within the guidelines set by the City, and the government cannot prevent that without good reason; as well as the right to contract. She also commented on the level of technicality and expertise addressed tonight, and she discussed CEQA standards, noting she believed the mitigations were sufficient. She expressed hope, however, that if the AHOSC is able to put forth an offer to the applicant, the applicant will at least listen to and consider their offer. She stated her support for the project also.

Chair Allen suggested additional conditions of approval, related to lots with greater than 30% slope, drainage for lots where the run-off does not drain to the proposed street. She was also concerned about drainage improvements for which the GHAD would be responsible that are across private property boundaries, that Horizon Drive will only be used for construction of Wildcroft Drive and the water tank, and following that, will only be used for emergency vehicle access, nor shall it be used for site development, a time limit for use of Horizon Drive for construction, require that a GHAD be established and recommend that the Council be the Board for the GHAD, requirements related to tree plantings, survivability, and height requirements, the landscape plan for visible homesites, grading, the pedestrian/equestrian path not allow motor vehicles, that the applicant pay all current impact fee rates, and that roads be developed to rural standards. She asked if the Commission would consider any of her recommendations.

Vice Chair Ford expressed appreciation for all of Chair Allen's efforts but said since the project is already fairly restricted, the only recommendation she could support is that the Council be the GHAD Board.

Chair Allen stated that she thought these conditions would bring the project more into compliance with the Specific Plan and the General Plan. Vice Chair Ford reiterated that she would not support any of the recommendations except the one regarding the GHAD Board. City Attorney Veronica Nebb noted that the decision regarding the makeup of the GHAD Board

would be decided by the Council, but a recommendation for the same could be included in the Planning Commission's action.

Commissioner Keller said he agreed with the GHAD Board recommendation as well as the requirement that the landscape plan be approved by Design Review, not the Planning Manager.

Commissioner Kelly said he also supported the recommendation for the City Council to be the GHAD Board; otherwise, he likes what was presented as the staff recommendation.

Mr. Blount mentioned the minor revision to the Statement of Overriding Consideration as presented at the dais. Lynette also reviewed changes to Exhibit C and Exhibit D to reflect the lot numbering in the Alternate #1 site plan.

Commissioner Burt asked where in the Commission materials the lot numbering map was, which staff explained.

Ms. Nebb suggested one more condition regarding the developer's responsibility for GHAD-type maintenance and liability issues until such time as the GHAD is formed. In response to a further question from Commissioner Kelly regarding the GHAD, Ms. Nebb explained how and when responsibility would shift from the developer to the GHAD Board, based on the Plan of Control developed when the GHAD is formed.

On motion by Commissioner Keller, seconded by Commissioner Kelly, the Planning Commission, voted to approve Resolution #PC-11-03. (Motion passed 4 – 2; Chair Allen and Commissioner Burt voted no.)

On motion by Commissioner Waggener, seconded by Commissioner Kelly, the Planning Commission, voted to approve Resolution #PC-11-04. (Motion passed 4 – 2; Chair Allen and Commissioner Burt voted no.)

On motion by Commissioner Waggener, seconded by Commissioner Keller, the Planning Commission, voted to approve Resolution #PC-11-05. (Motion passed 4 – 2; Chair Allen and Commissioner Burt voted no.)

On motion by Commissioner Keller, seconded by Commissioner Glover, the Planning Commission, voted to approve Resolution #PC-11-06. (Motion passed 4 – 2; Chair Allen and Commissioner Burt voted no.)

Commissioner Burt asked staff to explain the process for appealing the Planning Commission decision to the City Council, which Mr. Blount did.

Chair Allen asked whether this was the final decision on this item, unless it is appealed to the Council. Staff confirmed that was true.

The Commission recessed briefly and reconvened with all members present as indicated.

COMMISSION ITEMS

None.

STAFF ITEMS

2. Wireless Telecommunications Facilities - Limits for Human Exposure to Radiofrequency (RF) Electromagnetic Fields.

Planning Manager Terry Blount discussed the reason for the written report, and he noted that since 1996, local governments are not allowed to make decisions about the location of wireless telecommunications facilities based on RF electromagnetic emissions, provided that the applicant can demonstrate they are within the allowable limits set by the FCC. He offered to answer any questions from staff.

Commissioner Burt commented on the hard-won victory fought by the lobbyist on this issue. She also noted that the FCC ruling occurred before the proliferation of smartphones, etc.

Mr. Blount noted that bullet point #4 seems to address that issue. Commissioner Burt said there have been numerous studies done as to whether they are harmful, and they are largely inconclusive.

Mr. Blount acknowledged he had concerns about the effects personally, but he reminded everyone that there are strict federal regulations regarding what the Commission can and cannot consider when making their decision on these applications.

Chair Allen confirmed with staff and the Commission that there is no updated information regarding the effects. Commissioner Burt offered Chair Allen a copy of information from the FCC.

3. Presentation - Downtown Infrastructure Planning and Design Study.

Associate Planner Anjana Mepani presented the staff report, discussing the \$25,000 grant awarded to the City by the Association of Bay Area Governments.

Chair Allen asked if the grant study would include an analysis of the PG&E gas lines as well. Staff said PG&E has reviewed the plan and worked with the City, but the issue of the gas lines was being studied by them. Chair Allen also asked if there was a threshold for sewer capacities. Ms. Mepani said the appendices that should be able to answer that.

Chair Allen asked if the study would be passed on to the General Plan Task Force. Ms. Mepani said it will go to ABAG next, for review and presentation. In response to a further question, she noted that the information is on the City website, available for anyone to review.

Chair Allen suggested the information be provided directly to the General Plan Task Force. Mr. Blount said it could be done.

Mr. Blount said he thought it was reassuring to know that, with few exceptions, the capacities

were all adequate for increased development downtown if applications are made in the future.

Commissioner Burt said she thought a lot of the pipes, etc. in the downtown had been replaced in recent years. Commissioner Kelly responded to some of the comments regarding the downtown capacities also.

Chair Allen asked about undergrounding of utilities, which was briefly discussed.

Commissioner Burt asked about upcoming agenda items, which Mr. Blount discussed (including a possible joint meeting with the City Council regarding the Sustainable Communities Strategies).

An unidentified speaker commented on the 3-minute time limit for public speakers. He thought it was a terrible rule, especially since most are not polished, professional speakers. He also stated it was a violation of the right to freedom of speech. He asked the Commission to reconsider the rule.

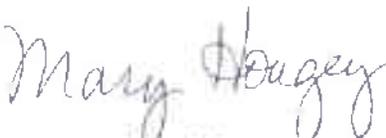
Chair Allen said perhaps it could be discussed further at a later meeting.

COMMUNICATIONS

None.

On motion by Commissioner Glover, seconded by Commissioner Keller, the Commission voted unanimously to adjourn at 10:30 p.m., to the next Regular Meeting, April 26, 2011 at 7:00 p.m.

Respectfully Submitted,



Transcribed by Mary Hougey

Approved by the Planning Commission
Chairperson



Donna Allen