RESOLUTION NO. PC 11-03

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

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

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

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

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

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

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

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

ATTACHMENT 6

certification, amended August 2008); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Final SEIR has been completed in compliance with CEQA;

2. The Final SEIR was presented to the Planning Commission and the Planning Commission reviewed and considered the information contained in the Final

SEIR prior to approving the Alhambra Highlands Project;

3. The Final SEIR reflects the City's independent judgment and analysis; and

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

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

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

* * * * * * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 12th day of April, 2011:

AYES: Ford, Keller, Kelly Waggener, & Glover

NOES: Allen & Burt

ABSENT:

ABSTAIN:

BY: Donna Allen

Donna Allen
Planning Commission Chair

Terry Blount

Terry Blount
Planning Manager

F:\Community Development\All Projects\MAJOR SUBDIVISIONS\Sub-9257 - ALHAMBRA HIGHLANDS 2008\PC RESO's of APPROVAL\PC CEQA Reso 11-03 2011 04 12.doc

EXHIBIT A

PLANNING COMMISSION RESOLUTION PC 11-03

THE CITY OF MARTINEZ FINDINGS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 *et seq.*)

ALHAMBRA HIGHLANDS PROJECT
Mitigated/Alternate Access Alternative

I. Introduction

The Alhambra Hills Specific Plan and EIR contemplated development of the Alhambra Highlands Project as one of several residential development projects approved within the Specific Plan boundaries. The City of Martinez ("City") certified the Alhambra Hills Specific Plan EIR in June 1986 and adopted the Alhambra Hills Specific Plan in 1987. The Specific Plan area consists 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.

In 1990 and 1993, the City of Martinez approved vesting tentative maps ("VTMs"), a planned unit development ("PUD"), and Design Review for the Alhambra Highlands Residential Project as further discussed below. The prior project approvals for the Alhambra Highlands Residential Project resulted in a total of 216 residential lots, open space and roads and are collectively referred to as, the "1990 project". Due to changes in the 1990 Project necessitated by the federal and State permit process, in 2008, the Project applicant filed applications to modify the 1990 project approvals (the "2008 project"). Based on its review of the 2008 project applications, the City prepared a Final Subsequent Environmental Impact Report (Final "SEIR") for the Alhambra Highlands Residential Project. The SEIR evaluated the environmental impacts associated with the 2008 project and the related entitlements including Design Review, a VTM, an amendment to the PUD, and conditional use permits.

The 2008 project reduces the number of dwelling units from 216 to 112 units and the developable acreage from 122.4 to 76.2 acres. The Revised Project supersedes the 1990 Project, including the conditions of approval because in many cases, the revisions to the project were designed to include features in the project that address the issues covered by the 1990 Project conditions of approval. These significant revisions necessitated preparation of the Final SEIR which addresses the potential environmental effects associated with the development of approximately 76.2 acres of approximately 298 acres of undeveloped lands along the plateau and side-slopes of a ridge in the Alhambra Hills within the Alhambra Hills Specific Plan area in Martinez.

The project site is primarily nonnative annual grassland, with scattered oak woodlands and 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. The project proposes various infrastructure improvements, such as new roads and sewer systems, including the extension of Wildcroft Drive and inclusion of a new water tank to serve the project area. The project would provide a total of 214 acres of on-site Alameda whipsnake habitat mitigation and open space and also includes two off-site mitigation areas (totaling 308 acres), including 176 acres of whipsnake habitat at the Allen property and 144.89 acres of whipsnake habitat at the Christie Road property.

The findings, recommendations, and statement of overriding considerations set forth below ("Findings") are made and recommended by the City of Martinez Planning Commission, for adoption by the Martinez City Council, as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Commission regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Commission's view, justify approval of the Mitigated/Alternate Access Alternative to the Alhambra Highlands Residential Project, despite its environmental effects.

II. General Findings and Overview

A. Relationship to the City of Martinez General Plan and the Alhambra Hills Specific Plan

Development of the Project site for residential uses is consistent with the Alhambra Hills Specific Plan, the Martinez General Plan and previous zoning approvals for the project site.

B. Procedural Background

On February 17, 2010, the City released the Initial Study for the Alhambra Highlands Residential Project to the public. On March 9, 2010, the Planning Commission held the Focused Subsequent Environmental Impact Report scoping session, the purpose of which was to get feedback and input from the public regarding their concerns and issues related to the proposed project. All of the input was considered in the environmental analysis. The City's Design Review Committee ("DRC") then met on July 28, 2010 to review the draft design guidelines for the proposed project. At that meeting, the DRC received input from the public, asked questions of staff and the applicant's design team, and requested that revisions be made to the document. The DRC recommended that the Planning Commission adopt the draft document as revised.

The Draft Subsequent Environmental Impact Report was published for public review and comment on October 21, 2010 (State Clearinghouse # 2010022053). The Planning Commission received public comments on the Draft at a meeting on November 18, 2010. The Draft SEIR was made available for review and comment by interested persons and public agencies through December 6, 2010. All of the comments received during that review period were responded to in the Responses to Comments volume of the Final SEIR. Together, the Draft SEIR and the Responses to Comments volume (including all appendices) constitute the Final SEIR.

C. Description of Prior CEQA Review & Prior Project Approvals

On June 4, 1986, the City certified as adequate under CEQA the Final EIR for the Alhambra Hills Specific Plan and subsequently adopted Resolution 56-87, designating 296 acres on the Alhambra Highlands property within the 590.7-acre Specific Plan area for residential development. In February 1989, following adoption of a Negative Declaration, the City Council approved an amendment to the Martinez General Plan and the Alhambra Hills Specific Plan relating to slope criteria applicable to the Specific Plan area.

Following these approvals, in September 1990, the City approved Tract No. 7245, Planned Unit Development No. 89-5, and Design Review No. 89-42 for the development of 69 lots within the Alhambra Highlands Unit I subdivision. Concurrently, the City approved Tract No. 7244, PUD No. 89-6, and Design Review No. 89-41 for development of 79 lots within the Alhambra Highlands Unit II subdivision. In September 1993, the City approved a vesting tentative map for Tract No. 7606, PUD No. 91-4, and Design Review No. 91-64, authorizing another 68 individual lots and common area parcels on approximately 60 acres located north and east of Horizon Drive, east of Reliez Valley Road, referred to as the "Images Subdivision." Collectively, the 1990 development approvals for the Alhambra Highlands Unit I and Unit II, and the 1993 development approvals for the Images Subdivision, are referred to as, the "1990 project." The 1990 project resulted in a total of 216 units on a 260-acre total project site. In conjunction with its 1990 project approvals, the City relied on the Alhambra Hills Specific Plan EIR and the 1989 Negative Declaration.

After 1990, the City granted various approval extensions of the 1990 project. During the next decade, the project applicant initiated State and federal permitting processes for the project. In 2005, after reducing the size of the project and revising the design of the residential development to address impacts to Alameda whipsnake habitat, the U.S. Fish & Wildlife Service ("USFWS') completed its Section 7 consultation process and issued a Biological Opinion ("BO") for the 1990 project. The findings of the BO necessitated revisions to the 1990 project including reduction in overall development footprint and on-site habitat preservation. These changes are reflected in the 2008 vesting tentative map application. Although the 2008 project is similar to the 1990 project, the City, as lead agency for the project under the California Environmental Quality Act ("CEQA"), believed that the proposals differed sufficiently to result in modifications and revisions to the prior Specific Plan EIR. The City has determined that, in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the 2008 project differed sufficiently from the development contemplated in the 1990 project and the Specific Plan EIR that preparation of the Focused Subsequent EIR was warranted.

D. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Martinez's findings and determinations consists of the following documents and testimony, at a minimum:

- The Final EIR for the Alhambra Hills Specific Plan and all reports, documents, studies, memoranda, and maps related thereto.

- The Final SEIR for the Alhambra Highlands Residential Project and all reports, documents, studies, memoranda, and maps related thereto.

- The Notice of Preparation and other public notices issued by the City in conjunction with the Alhambra Hills Specific Plan Final EIR and the Alhambra Highlands Residential Project and the Final SEIR.

- All written and oral comments submitted by agencies or members of the public during the public review period for the Alhambra Hills Specific Plan FEIR and any public hearings or meeting held on Project approvals.

- All written and oral comments submitted by agencies or members of the public during the public review period for the Alhambra Highlands Residential Project SEIR and any public hearings or meeting held on Project approvals.

- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the Alhambra Hills FEIR and the DEIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.

- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the Alhambra Highlands Residential Project or the Final SEIR and the Draft SEIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.

- All local, state and federal permits and authorizations, including but not limited to the Section 404 Permit, Army Corp of Engineers (December 2008), USFWS Biological Opinion (November 2005), and the Section 401 Certification, S.F. Bay Regional Water Quality Control Board (May 2008, amended August 2008).

- Summary of Geotechnical Recommendations, Alhambra Highlands Subdivisions and Wildcroft Drive Extension, prepared by ENGEO, dated January 2004.

- Final Wetland Mitigation and Monitoring Plan for the Alhambra Highlands Project, prepared by LSA Associates, dated October 2008.

- Alhambra Highlands Tree Preservation Report, prepared by McNair & Associates, dated September 2004 and Addendum 1 dated June, 2005 and 2010 LSA Tree Survey.

- Alhambra Highlands Noise Report, prepared by Illingworth & Rodkin, dated November 2004.

- Alhambra Highlands Development Guidelines and Design Criteria Draft, prepared by The Dahlin Group, dated June 24, 2010.

- Alhambra Highlands Cultural Resources Analysis, prepared by Miley Holman Associates, dated December 2009.

- Alhambra Highlands Transportation Analysis, prepared by Crane Transportation, dated December 2009.

- The City of Martinez General Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to the Public Resources Code related thereto;

- The Alhambra Hills Specific Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to the Public Resources Code related thereto;

- All matters of common knowledge to this Commission, including, but not limited to (1) the Martinez General Plan, Alhambra Hills Specific Plan and other applicable policies, (2) the Martinez Zoning Ordinance and other applicable ordinances, (3) applicable City policies and regulations, (4) reports, projections, and documentation regarding development within and surrounding the City, and (5) federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the offices of the Community & Economic Development Department, c/o Planning Manager, 525 Henrietta Street, Martinez. The custodian of these documents is the Planning Manager or his designee.

E. Consideration of the Subsequent Environmental Impact Report

In recommending adoption of these Findings, the **Martinez Planning Commission** finds that the Final SEIR was presented to this Commission, which reviewed and considered the information in the Final SEIR prior to recommending approval of the Alhambra Highlands Residential Project SEIR. By these findings, this Commission ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Final SEIR, and finds that this SEIR was completed in compliance with CEQA. The Final SEIR represents the independent judgment and analysis of the City.

All references to page numbers include page numbers in the Draft SEIR volume of the Final SEIR unless modified by the text noted in the Responses to Comments volume of the Final SEIR.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Alhambra Highlands Residential Project, shall continue in full force and effect unless amended or modified by the City.

III. Findings and Recommendations Regarding the Project's *One* Significant and Unavoidable Impact

A. Air Quality & Greenhouse Gas Emissions

1. Construction dust has the potential for creating a nuisance at nearby properties, including sensitive receptors.

(a) **Potential Impact.** Pages 126 through 128 of the Draft SEIR discuss the Project's potential impact related to construction dust creating a nuisance at nearby properties, including sensitive receptors. The Bay Area Air Quality Management District ("BAAQMD") defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. The closest sensitive receptors to the project site are adjacent residences and the Forest Hills Preschool and Childcare, which abuts the project site along Alhambra Avenue. John Swett Elementary School is located about 1,600 feet north of the northern project boundary.

(b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AIR-1 which consists of Best Management Practices ("BMPs") as follows: watering exposed surfaces twice a day; covering haul trucks; limiting vehicle speeds on unpaved roads to 15 mph; completion of roadway/driveway/sidewalk paving within two weeks following grading; building pads laid within two weeks after grading; minimized idling time; maintenance of construction equipment; and posting of a publicly visible sign with the person to contact regarding dust complaints.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of the BMPs listed in Mitigation Measure AIR-1 will reduce dust generation by 75 percent or more. According to both existing and updated BAAQMD CEQA guidance, the implementation of this mitigation measure will reduce construction period dust emissions to a less-than-significant level. Thus, changes or alternates have been required in, or incorporated into the project which avoid or substantially lessen the significant air quality impact.

(2) **Remaining Impacts.** The 2008 project would generate greenhouse gas emissions both during project construction and operation. The City of Martinez has adopted a CAP; however, the CAP does not include mitigation for the purpose of reducing the emissions of greenhouse gases during construction. In accordance with the BAAQMD updated CEQA guidance, a project would have a cumulatively considerable contribution of greenhouse gas emissions and a cumulatively significant

impact to global climate change if the project exceeds the BAAQMD annual emissions threshold for operational-related greenhouse gas emissions. No one single project could generate an amount of greenhouse gas emissions equivalent to result in global climate change; however, individual projects can collectively emit greenhouse gases that contribute to a cumulatively significant impact.

2. **Generation of annual operational-related greenhouse gas emissions in excess of BAAQMD thresholds thereby resulting in a cumulatively considerable contribution of greenhouse gas emissions and a cumulatively significant impact to global climate change.**

(a) **Potential Impact.** Pages 128 through 134 of the Draft SEIR evaluate the potential impact of the Project related to the increase in operational-related greenhouse gas emissions. The Project emissions would result in a cumulatively considerable contribution of greenhouse gas emissions.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AIR-2 – requiring all individual lots within the project to be designed as custom and semi-custom home sites. The CC&Rs for the project will require that all homes will be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** The potential impact of the Project related to the increase in operational-related greenhouse gas emissions can be reduced through implementation of the mitigation measure described above and through the CC&Rs for the Project. The homes will be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code. Therefore, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant greenhouse gas emissions impact.

(2) **Remaining Impacts.** As Mitigation Measure AIR-2 cannot fully reduce Project impacts related to increases in greenhouse gas emissions to less than significant levels, the increases to greenhouse gas pollutants attributable to the Project are considered a significant and unavoidable impact. The Final SEIR considered various alternatives to the Project, one of which would partially reduce such impacts. The Mitigated/Alternate Access Alternative would involve a level of development similar to the 2008 project, but with two fewer units. This alternative would disturb less area and not require as much grading; therefore, the construction dust and greenhouse gas emission impacts would be slightly less than the emissions under the 2008 project. Because the air quality impacts would be partially reduced under this Project alternative, and because of other reasons, this alternative has been selected as the Preferred Project for the reasons discussed below.

(3) **Overriding Considerations.** The specific, economic, legal, social and other benefits of the Project outweigh any remaining unavoidable significant adverse

impact of the Project resulting from impacts due to greenhouse gas emissions, as more fully stated in the Statement of Overriding Considerations in Section VII below.

3. Construction dust has the potential for creating a nuisance at nearby properties.

(a) **Potential Impact.** Pages 134 through 135 of the Draft SEIR discuss the potential impact of the Project related to the increase in construction dust at nearby properties.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AIR-3, which consists of the implementation of BMPs as described in Mitigation Measure AIR-1.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Impacts related to construction dust will be reduced by 75 percent or more following implementation of the BMPs described in Mitigation Measure AIR – 1 and 3. According to the 1999 BAAQMD CEQA Guidance, the implementation of this mitigation measure would reduce construction period dust emissions to a less than significant level. For these reasons, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the significant construction air quality impacts.

(2) **Remaining Impacts.** Any remaining impacts related to construction dust will not be significant because the BMPs in Mitigation Measure AIR-1 are expected to largely reduce dust generation. According to the 1999 BAAQMD CEQA Guidance, the implementation of this mitigation measure will reduce construction period dust emissions to a less than significant level.

IV. Findings and Recommendations Regarding Significant Impacts Which Are Avoided or Mitigated to a Less-Than-Significant Level

A. Aesthetics

1. Degradation of scenic vistas.

(a) **Potential Impact.** The potential impact of the Project on scenic vistas is discussed at pages 91 through 95 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AES-1, 1a – 1h. Collectively, these mitigation measures regulate home height (shall not exceed 33 feet), require the submittal of landscape plans that incorporate screening landscaping to screen views of project infrastructure, require earth toned color selections, discourage blank walls of hillside houses, and for lots visible from public

vantage points, if landscaping is added, recordation of a scenic easement in favor of the City of Martinez.

In addition, as part of the 2008 project, the applicant has prepared Development Guidelines and Design Criteria ("Guidelines and Criteria"). The Guidelines and Criteria contain design criteria to be applied to all development within the project site. The Guidelines and Criteria are consistent with the approved Specific Plan, which provide the zoning and development standards for new residential development on the project site. The Guidelines and Criteria include six sections including, 1) introduction, 2) the architectural design process, 3) site planning, 4) architecture design guidelines, 5) landscape design guidelines, and 6) hardscape. These individual sections provide guidelines with the goal of encouraging a community of individual and outstanding architectural homes.

(c) **Findings.** Based upon the Draft SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on scenic vistas can be reduced through the implementation of the mitigation measures described above because it will ensure that the height, lot size, landscape plan, and color of each home complies with the approved zoning and development standards which are designed to minimize impacts to scenic vistas. Furthermore, the 2008 project would result in less of a visual impact than the 1990 project due to the reduction of the project's size by more than 100 dwelling units and the elimination of the Images Subdivision (approved as part of the 1993 approvals) on the western facing slopes of the site and a reduction of overall developable area. The off-site mitigation at Christie Road and the Allen Property would result in the preservation of open space and would thus not result in impacts to the visual character or quality of the site and its surroundings. In addition, the 2008 project analyzed in the Final SEIR only proposes development of residential lots within Development Area 7 of the areas (1, 7, 9, 10, 12, 13, and 14) as compared to the impact identified in the Specific Plan EIR (see Initial Study Appendix A for a map of the development areas). Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the significant impact to scenic vistas.

(2) **Remaining Impacts.** Any remaining impacts related to the degradation of scenic vistas will not be significant because implementation of the foregoing BMPs and the Guidelines and Criteria will assure that any remaining impacts fall below the threshold of a significant impact as set forth in the Final SEIR.

2. Degradation of existing visual character of the site and its surroundings.

(a) **Potential Impact.** The potential Project impact on the existing visual character of the site and its surroundings is discussed at pages 95 through 98 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AES-2, which consists of Implementation of AES-1 described above.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure AES-2 and the Development Guidelines and Design Criteria would reduce impacts on visual character to a less-than-significant level because the homes will be integrated within the topography of the project site, landscaping and natural features of the land; grading will be minimal and relate to the natural topography of the site; and the residential designs will strive for simple forms with strong simple details, subdued colors, carefully crafted details and an integration of house and landscape designs. Therefore, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the significant impact to visual character.

(2) **Remaining Impacts.** Any remaining impacts related to the degradation of the existing visual character of the site will not be significant because implementation of the foregoing BMPs and the Guidelines and Criteria will assure that any remaining impacts fall below the threshold of a significant impact. **The proposed project would create a new source of light and glare affecting day and nighttime views.**

(a) **Potential Impact.** Pages 98 and 99 of the Draft SEIR discuss the potential aesthetic impact of the Project on day and nighttime views from new sources of light and glare.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implement Alhambra Highlands Residential Project Mitigation Measures AES-3 which includes measures to control outdoor lighting through the subdivision. In response to comments received on the Draft SEIR, AES-3 was revised to require that outdoor lighting shall be designed to minimize glare and spillover to surrounding properties through the use of "shielded light fixtures that direct light downwards and have incandescent light color." This mitigation measure also requires the incorporation of non-mirrored glass to minimize daylight glare.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure AES-3 will reduce the potential Project impact of new sources of light and glare affecting day and nighttime views to less than significant levels because outdoor lighting will be shielded in a manner that would minimize glare and spillover to surrounding properties. The incorporation of non-mirrored glass will minimize daylight glare. Revisions to this mitigation measure would further lessen the impacts and would not result in any new impacts or substantial increase in the severity of the impacts. The city determined that recirculation of the SEIR was not required as a result of the revised mitigation measure. Therefore, changes or alterations have been incorporated into the Project to avoid or substantially lessen the light and glare impacts.

(2) Remaining Impacts. Any remaining impacts of the Project due to new sources of light and glare will not be significant because these residual impacts will not rise to the level of significance requiring mitigation.

4. Cumulative Aesthetic Impacts.

(a) Potential Impact. Pages 99 and 100 of the Draft SEIR discuss the potential cumulative impact of the Project on aesthetics. The 2008 project is similar in type and density to development located throughout the Alhambra Hills and Valley. In the vicinity of the proposed project, there are three approved projects located in the Alhambra Valley area.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measures AES 1 – 3.

(c) Findings. Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) Effects of Mitigation. The potential cumulative impact of the Project on aesthetics can be reduced through the implementation of the mitigation measures described above. Similar to the proposed project, it is not anticipated that any new development would be allowed to significantly impact these scenic vistas as both the City and the County have regulations that protect views and would impose mitigation measures as set forth above to ensure impacts to aesthetic resources would not be significant. Therefore, changes or alternations have been incorporated into the Project to avoid or substantially lessen the aesthetics impacts of the Project.

(2) Remaining Impacts. Implementation of the mitigation measures identified for the 2008 project as well as compliance with existing City and County regulations would ensure that the 2008 project would not result in a cumulatively considerable significant aesthetic impact because the 2008 project significantly reduces the scope of the developable area, preserves a greater amount of on-site and off-site open space and native habitat, substantially reduces the number of dwelling units, eliminates development on the western facing slopes, and reduces the number and changes the location of water tanks, thereby reducing the potential visual impacts.

B. Biological Resources

1. Development of the project could impact the federally threatened Alameda whipsnake, either directly or through habitat modifications.

(a) Potential Impact. Pages 145 through 149 of the Draft SEIR evaluate the impact of the Project related to potential impacts to the Alameda whipsnake.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO 1, 1a – 1d, which includes pre-construction minimization measures; the implementation of

minimization measures during construction; post-construction minimizations measures; the mitigation of the reduction in habitat value of the Alameda whipsnake habitat; and the implementation of several Alameda whipsnake recovery plan tasks as provided in the Alameda Whipsnake Mitigation and Monitoring Plan.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measures 1a – 1d will reduce this impact to less than significant levels because it incorporates a pre-construction trapping survey and monitoring requirements for the Alameda whipsnake as provided in the Alameda Whipsnake Mitigation and Monitoring Plan and the Biological Opinion in Appendix D to the Draft SEIR. These changes or alterations that have been required or incorporated into the Project would avoid or substantially lessen the Project impacts to Alameda whipsnake.

(2) **Remaining Impacts.** Any remaining Project impacts on the Alameda whipsnake or its habitat will be less than significant because all effects have been fully offset by the incorporation of the terms and conditions specified in the Biological Opinion as further set forth in the Final SEIR.

2. **Development of the project would impact 0.002-acre of riparian vegetation.**

(a) **Potential Impact.** The potential impact of the Project related to the impact to riparian vegetation is discussed at pages 149 through 150 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-2 which includes the mitigation measures listed in the Streambed Alteration application.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-2 will reduce this impact to less than significant levels because the Streambed Alteration application includes the planting of willow saplings on the streambank adjacent to the proposed outfall location and the project includes removal of the invasive plant species giant reed (*Arundo donax*). Thus, changes or alternations have been required or incorporated into the Project that would avoid or substantially lessen the Project impacts to riparian habitat.

(2) **Remaining Impacts.** Any remaining Project impacts on riparian vegetation will be less than significant because the proposed project incorporates measures to avoid and minimize impacts to riparian vegetation associated with any proposed alterations or obstructions of stream channels in accordance with CDFG regulations.

3. **Wetlands and waters of the United States/Water of the State would be impacted by project development.**

(a) **Potential Impact.** The potential impact of the Project on 15 jurisdictional features (waters of the United States) is discussed at pages 150 through 151 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-3 which calls for the creation of 0.14-acre of new seasonal wetland and a 0.11-acre of pond in accordance with the Corps' authorization/ approved wetland mitigation plan. The wetland mitigation plan also includes preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The applicant shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in the Final SEIR.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-3 will reduce Project impacts on jurisdictional waters of the United States to less than significant levels because it mandates the creation of 0.14-acre of new seasonal wetlands and 0.11-acre of pond in accordance with the Corps' authorization/approved wetland mitigation plan. The wetland mitigation plan also includes the preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The applicant shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in the Final SEIR. The implementation of the preservation and creation of wetlands habitat will fully offset any impacts of the proposed activity and result in no net loss of wetlands. Therefore, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the Project's impacts to wetlands.

(2) **Remaining Impacts.** Any remaining residual Project impacts on jurisdictional waters of the U.S. will be less than significant because the 2008 project is required by the section 404 permit to result in a no net loss of wetlands.

4. **Habitat for native wildlife would be disturbed by project development.**

(a) **Potential Impact.** Pages 151 and 152 of the Draft SEIR evaluate the potential impact of the Project related to disturbances to native wildlife habitat.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-4, which consists of the set aside of a majority of the project site as open space, so that the open space will continue to provide habitat for native wildlife.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-4 will reduce Project impacts related to native wildlife habitat because 217.93 acres of the approximately 298-acre property shall be set aside as open space in perpetuity (i.e., a conservation easement shall be placed over a portion of the property). This open space will continue to provide habitat for native wildlife. Therefore, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the Project impacts to wildlife habitat.

(2) **Remaining Impacts.** Any remaining Project impacts on native wildlife habitat will be less than significant because any additional disturbances to native wildlife would be sufficiently minimal to not rise to the level of a significant effect and all effects of the proposed Project were determined to not jeopardize federally-listed threatened or endangered species.

5. **Native trees would be impacted by the project.**

(a) **Potential Impact.** Pages 152 through 154 of the Draft SEIR evaluate the potential impact of the Project related to impacts to native trees.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-5, 5a – 5f which consists of the tree preservation plan, tree planting within open space areas on the Project site, the possibility of planting at off-site mitigation properties, project grading to protect existing trees, and custom design of homes to minimize or avoid tree removal.

In addition, to further assure that the proposed mitigation would fully offset project impacts, Measure BIO-5c has been revised to require a 1.5:1 replacement ratio. This would require the planting of 938 replacement trees if 625 trees are removed. This would result in a minimum of 704 new trees at a 75 percent survival criterion. This number would exceed the number of trees that would be removed (625 removed, minimum 704 new).

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-5, 5a – 5f, will reduce impacts related to native trees because these measures aggressively address the loss of trees through incorporation of a tree preservation plan, replacement of removed native trees at a 1.5:1 ratio on the project site, the possibility of planting at off-site mitigation properties, project grading to protect existing trees, and the custom design of homes to minimize or avoid tree removal.

Furthermore, the impacts on trees would be less with the 2008 project, than under the 1990 project. The 1990 project would have resulted in removal of 713 trees which met the size criteria (20-inch trunk circumference) of the City's tree ordinance. The 2008 project would result in the removal of 625 trees which meet this criterion. The

2008 project would impact a smaller area, preserve more on-site open space, and involve less grading which results in the removal of fewer trees. McNair and Associates Consulting Arborists and Horticulturalists and LSA Associates prepared a site specific Arborist Report, including tree preservation plan and tree inventory for the project. Therefore, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the Project's tree impacts. The City determined that recirculation of the SEIR was not required as a result of the revised tree mitigation measures because no new impacts would occur, nor would there be a substantial increase to the severity of the impacts.

(2) Remaining Impacts. Any remaining Project impacts to native trees will be less than significant because the project tree impacts will be fully offset by the requirement to replant trees at a mitigation ratio greater than the City's standard 1:1 replacement ratio, thereby providing for replacement trees as needed to maintain survivability.

C. Cultural Resources

1. Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely impact archaeological cultural resources.

(a) Potential Impact. Pages 165 through 166 of the Draft SEIR evaluate the potential impact of the Project to archaeological cultural resources.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure CULT-1, which requires the City to hire a qualified archaeologist to assess any discovery of prehistoric or historical archaeological materials, stop all work within 25 feet of the discovery, and make recommendations for treatment of the discovery. Mitigation Measure CULT-1 also instructs project personnel not to collect or move any archaeological material and to avoid such adverse effects.

(c) Findings. Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) Effects of Mitigation. Implementation of Mitigation Measure CULT- 1 will reduce this impact to a less than significant level because it will ensure that the project applicant has a detailed plan in place to address the low potential that ground-disturbing construction at the project site could result in the disturbance of subsurface cultural resources, and potential impacts to cultural resources would be addressed in accordance with State law and standard requirements. Therefore, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen significant cultural resources impacts.

(2) Remaining Impacts. Any remaining Project impacts to archaeological cultural resources will be less than significant because the detailed plan outlined in CULT-1 fully addresses potential impacts that could occur due to the potential existence

of undetected cultural resources. Any remaining residual impact would be so minimal as to not rise to the level of a significant archaeological cultural resource impact.

2. Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely impact paleontological resources.

(a) Potential Impact. The potential impact of the Project related to paleontological resources is discussed at pages 166 through 167 of the Draft SEIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure CULT-2 which calls for halting of all work within 25 feet of a paleontological resource discovery, preparation of a report documenting a qualified paleontologist's assessment of the situation, and recommendation for the treatment of the resources discovered.

(c) Findings. Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) Effects of Mitigation. Implementation of Mitigation Measure CULT- 2 will reduce this impact to a less than significant level because in the event paleontological resources are discovered during initial project monitoring, all work within 25 feet of the discovery will be redirected, and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Mitigation Measure CULT-2 also requires that adverse effects to the discovery be avoided by project activities, and in the event effects to such resources cannot be avoided, the resources must be assessed to determine their paleontological significance. If deemed significant, CULT-2 requires mitigation of the adverse effects to the resources. It requires that the paleontologist prepare a report documenting the methods and results; provide recommendations for the treatment of the resources discovered; and submittal of the report to the project applicant and the University of California Museum of Paleontology. For these reasons, changes or alternations were required or incorporated into the Project to avoid or substantially lessen the Project's significant impacts on cultural resources.

(2) Remaining Impacts. Any remaining Project impacts to paleontological resources will be less than significant because they would be so minimal as to not rise to the level of a significant paleontological resource impact.

3. Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries.

(a) Potential Impact. Pages 167 and 168 of the Draft SEIR discuss the potential impact of the Project related to the disturbance of human remains due to ground-disturbing activities.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure CULT-3 which calls for implementation of a detailed step-by-step treatment and disposition procedure that must be followed by project personnel.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, the Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure CULT-3 will reduce Project impacts on undiscovered human remains to less than significant levels because it requires the following: (1) work within 25 feet of the discovery of any human remains be redirected and the County Coroner notified immediately; (2) an archaeologist should be contacted immediately to assess the situation and consult with agencies; (3) notification of the project proponent; (4) directions to project personnel to not collect or move any human remains and associated materials; and (5) notification of the Native American Heritage Commission by the Coroner within 24 hours of identification of Native American human remains. (The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.) Upon completion of the assessment, the archaeologist should (6) prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD; (7) submit the report to the project applicant, the City of Martinez Community Development Department, the MLD, and the Northwest Information Center (NWIC); and (8) the applicant shall implement the recommendations of the archaeologist's report. For these reasons, changes or alternations were required or incorporated into the Project to avoid or substantially lessen the Project's significant impacts on cultural resources.

(2) **Remaining Impacts.** Any residual Project impacts to human remains due to ground-disturbing activities will be less than significant because no human remains have been identified on the Project site and are not anticipated to be encountered, damaged or destroyed by project construction. Nonetheless, all appropriate measures have been identified to minimize the likelihood of impacts.

D. Hydrology/Water Quality

1. Construction activities could result in a potential for substantial degradation in water quality of receiving water and discharge of construction-related contaminants through increased erosion and sediment on-and/or off-site which could potentially violate water quality standards.

(a) **Potential Impact.** Pages 177 through 180 of the Draft SEIR evaluate the potential impact of the Project associated with water quality impacts due to construction activities.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-1 – the Stormwater Pollution Prevention Plan ("SWPPP") which is part of the 2009 NPDES Construction General Permit.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-1 will reduce potential water quality impacts related to construction to less than significant levels because the Project will be subject to the preparation and implementation of a comprehensive SWPPP. The project will also be subject to a comprehensive environmental monitoring and mitigation compliance and reporting program designed to ensure regulatory compliance related to water quality, including preparation of an NOI and submittal of same to the State Water Resources Control Board prior to rough grading. The Project proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. The Project proponent will also be required to obtain all necessary permits and meet all requirements specified by local, state, or federal agencies in whole or in part responsible for water quality protection, including, but not limited to (1) a California Department of Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement, (2) a Regional Water Quality Control Board Section 401 certification, (3) a National Pollution Discharge Elimination System Storm Water Pollution Prevention Permit for General Construction, (4) incidental take authorization from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding endangered species, and (5) a California State Lands Use Lease Permit and Reclamation Board Encroachment Permit. Finally, the Project proponent will be required to implement specific best management practices designed to avoid contamination to waterways due to erosion of exposed soil. Thus, changes or alterations have been required or incorporated into the Project to avoid or lessen the significant Project water quality impact.

(2) **Remaining Impacts.** Any remaining Project impacts related to construction sediment and water quality contamination will be less than significant because the project incorporates BMPs and mitigation measures to fully offset potential water quality impacts and any residual impact will be so minimal that it would not rise to the level of a significant water quality impact as defined by CEQA.

2. **The development of the 2008 project could result in increased discharge of pollutants in nearby water bodies by affecting storm runoff quality which could violate water quality standards and otherwise substantially degrade water quality after construction is completed.**

(a) **Potential Impact.** The potential impact of the Project associated with pollutant discharge that would affect water quality is discussed at pages 180 through 182 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-2 which consists of the Final SWMP that must be approved by the San Francisco RWQCB prior to the issuance of a Final Grading Permit.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-2 will reduce impacts related to increased discharges of pollutants in or adjacent to nearby water bodies to a less than significant level because the Project proponent shall be required to have the final SWMP approved, which shall demonstrate that post-construction stormwater discharges will be treated to the Maximum Extent Practicable with BMPs prior to release into downstream receiving waters. Consequently, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen water quality impacts.

(2) **Remaining Impacts.** Any remaining impacts related to discharge of pollutants in nearby water bodies will be less than significant because all activities will be required to comply with the 2009 NPDES permit requirements. The project will be required to manage construction and post-construction activities so as to comply with state and federal water quality and control standards.

3. **Development of the 2008 project could increase runoff water which could substantially increase the rate or amount of surface runoff in a manner which would result in on-site or off-site flooding or cause exacerbation of erosion downstream in the Alabama Creek watershed.**

(a) **Potential Impact.** The potential impact of the Project associated with increased runoff which could increase surface runoff and result in on-site or off-site flooding is discussed at pages 182 through 186 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measures HYD-3, 3a – 3f. This six-part mitigation measure includes as follows: implementation of a Final SWMP; submittal of a remedial grading plan to the City prior to issuance of a grading permit; the putting in place of a grading completion bond; submittal of a drainage plan to the Contra Costa County Public Works Department prior to final map approval; and the submittal of a final drainage report to the City and the Contra Costa County Flood Control and Water Conservation District to confirm the results of the preliminary drainage studies performed by the project to date.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-3, 3a – 3f, will reduce impacts associated with alteration of drainage patterns, increases in calculated peak flood discharges and downstream flooding potential after the project is implemented to less than significant levels because by incorporating the requirements of Mitigation Measures HYD3-a and 3-f, the Project will not increase the rate or amount of surface runoff in a manner which would result in on-site or off-site flooding or cause exacerbation of erosion downstream in the Alhambra Creek watershed. Thus, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the Project's significant hydrology impacts.

(2) **Remaining Impacts.** Any remaining impacts related to increased runoff will be less than significant because they will be so minimal as to not rise to the level of a significant effect pursuant to CEQA and no remaining potential for on-site or off-site flooding would occur.

4. Construction of the 2008 project could expose people or structures to mudflows.

(a) **Potential Impact.** The potential impact of the Project associated with the possible exposure of people to mud flows or other discharges of soil material off-site is discussed at pages 186 through 187 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-1.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-1 will ensure that no significant impacts related to mudflow occur as a result of the 2008 project. The Project proponent will ensure that site monitoring be periodically performed during the rainy season by the project Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG) to monitor areas where hillside grading is to be performed, in order to assess any temporary erosion issues that might lead to mud flows or other discharges of soil material off-site. In the event that monitoring identifies potential debris flow hazards, the developer shall implement the following additional measures to eliminate the potential discharge of soil material off-site under the direction of the project GE/CEG: construct berms to block the potential for downstream movement of soil material; create catchment areas downstream of potential debris flows to capture mobilized material; and provide fencing or temporary barriers to block the movement of sediment. Thus, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the Project's significant hydrology impacts.

(2) **Remaining Impacts.** Any remaining impacts related to possible mudflows will be less than significant because in the event that on-site monitoring identifies potential debris flow conditions, additional measures to control debris flow will be implemented as discussed in the mitigation measure. Therefore, any residual impacts will not rise to the level of a significant effect pursuant to CEQA.

5. Construction of the 2008 project could expose people or structures to flooding if the proposed detention basins were to breach.

(a) **Potential Impact.** Page 187 of the Draft SEIR evaluates the potential impact of the Project associated with exposing people or structures to flooding in the event of a detention basin breach.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-5, or the requirement that a site-specific geotechnical report be prepared for the detention basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand groundshaking.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-5 will reduce impacts related to construction of the project exposing people or structures to flooding if the proposed detention basins were to breach to less than significant levels because prior to approval of the development, the City will require site-specific geotechnical reports for the detention basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand groundshaking. The site specific geotechnical report shall demonstrate that soils will be stabilized to minimize the potential for failure of the detention basins. The geotechnical report shall provide recommendations to stabilize slopes in such a manner that demonstrates breaching of the ponds is highly unlikely. The report shall be signed by the project GE and CEG. Ultimately, long-term maintenance of the basins will be performed by the project Geologic Hazard Abatement District (GHAD) in accordance with the plan of control or the HOA. Thus, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the Project's flooding impacts.

(2) **Remaining Impacts.** Any remaining impacts related to flooding impacts associated with a detention basin breach will be less than significant because they will be so minimal as to not rise to the level of a significant effect pursuant to CEQA due to the implementation of stabilization measures, ongoing monitoring, management and maintenance.

E. Noise

1. Receptors located near the 2008 project site would be exposed to groundborne vibration during project construction.

(a) **Potential Impact.** The potential impact of the Project related to the exposure of receptors to groundborne vibration during project construction is discussed at pages 200 through 206 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure NOISE-1, which restricts construction activities to certain days and times.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-1 will be effective in reducing impacts associated with exposure of receptors to groundborne vibration during project construction to less than significant levels because all construction activities shall be restricted to Monday – Friday and to the hours of 7:00

a.m. to fuel and oil vehicles, 7:30 a.m. for vehicle warm-up, and construction shall not occur after 5:00 p.m. Work on weekends shall be limited to individual requests for low noise level work and shall be subject to revocation if complaints are received. The project applicant shall post a sign on the site notifying all workers of this restriction. Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the Project's noise impacts.

(2) **Remaining Impacts.** The implementation of the mitigation measure described above would minimize construction period vibration impacts to a less-than-significant level because all construction activities will meet applicable construction restrictions to minimize the potential exposure of residents to elevated noise levels.

2. **The 2008 Project would substantially increase noise levels at private rear yard areas of several single-family residences (lots 29 to 36) within the Elderwood Glen Subdivision.**

(a) **Potential Impact.** The potential impact of the Project associated with increased noise levels at private rear yard areas of several single-family residences is discussed at pages 206 through 208 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure NOISE-2 which requires that noise barriers be constructed.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-2 will reduce noise impacts to single-family residences (lots 29 to 36) to less than significant levels because 5-foot noise barriers will be constructed to mitigate substantial noise increases attributable to the project. The proposed noise barriers must be solid over the face and at the base. The project proponent shall hire an acoustical specialist to confirm the final design of the noise barrier based on the project's final grading plan to ensure the increase attributable to the project would be less than 3 dBA Ldn. Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the Project's noise impacts.

(2) **Remaining Impacts.** Any remaining impacts related to increased noise levels in private rear yard areas will be less than significant because they will be so minimal as to not exceed the threshold of significance under CEQA.

3. **Receptors located near the 2008 project site would be exposed to construction noise levels that at times exceed 60 dBA Leq.**

(a) **Potential Impact.** The potential impact of the Project associated with construction period noise impacts is discussed at pages 208 through 209 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure NOISE-3, or adherence to a construction schedule; the construction of permanent noise barriers in certain locations within the project site; and implementation of six other measures designed to reduce noise.

(c) Findings. Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) Effects of Mitigation. Implementation of Mitigation Measure NOISE-3 will reduce Project impacts related to construction noise to less than significant levels because it requires, without limitation, (1) the restriction of noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday with limited construction subject to City approval, on weekends and holidays between the hours of 9.00 a.m. to 5:00 p.m.; (2) the construction of permanent noise barriers or temporary solid plywood fences (minimum 8 feet in height) along the portion of Wildcroft Drive that adjoins existing residences in the Elderwood Subdivision as early in the construction schedule as possible; (3) the utilization of 'quiet' models of air compressors and other stationary noise sources where technology exists; the equipment of all internal combustion engine-driven equipment with mufflers; (4) the location of all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses; the (5) location of staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses; (6) routing all construction traffic to and from the project site via designated truck routes; (7) controlling noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site; (8) the prohibition of all unnecessary idling of internal combustion engines; (9) the notification of adjacent noise-sensitive land uses of the construction schedule in writing; and (10) the designation of a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the Project's noise impacts.

(2) Remaining Impacts. Any remaining impacts related to construction-related noise will be less than significant. A project would make a significant contribution to a cumulative noise impact (3 dBA Ldn increase above existing conditions) if its contribution to the noise increase is 1 dBA Ldn or greater. Cumulative traffic volumes were reviewed to calculate future build-out traffic noise levels and the project's relative contribution to noise levels along roadway segments where noise levels would be substantially increased. This review indicated that the project would not make a "cumulatively considerable" increase in noise (1 dBA Ldn or more) to cumulative noise level increases of 3 dBA Ldn or more, as anticipated along Alhambra Valley Road, west of the site. The cumulative traffic noise impact is therefore considered less than significant.

V. Findings and Recommendations Regarding Those Impacts Which are Less than Significant

A. **Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Initial Study incorporated into the Final SEIR as Appendix A of the Draft SEIR.**

1. **Agriculture & Forest Resources:** The following specific impacts were found to be less-than-significant (B-a, B-b, B-c, and B-d as shown on pages 27 through 30 of the Initial Study) because implementation of the 2008 project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor would the project conflict with existing zoning for agricultural use, Williamson Act Contracts, or for forest land or timberland.

2. **Geology and soils:** The following specific impacts were found to be less-than-significant: F-a, F-b, F-c, F-d, F-e as shown on pages 50 through 60 of the Initial Study. This conclusion is due to the fact that the project would not expose people or structures to potential adverse effects, result in substantial soil erosion or the loss of topsoil, be located on a geologic unit or soil that is unstable, be located on expansive soil, or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available to wastewater disposal.

3. **Hazards & Hazardous Materials:** The following specific impacts were found to be less-than-significant: H-a, H-b, H-c, H-d, H-e, H-f, H-g, H-h as shown on pages 64 through 70 of the Initial Study because there are no existing hazards or hazardous materials conditions at or near the site. The project site does not currently contain or store any hazardous materials, nor are there any structures within the project site that require demolition. The 2008 project site is not located within an airport land use area and is located further than 2 miles from the nearest public or public use airport.

4. **Land Use and planning:** The following specific impacts were found to be less-than-significant: J-a, J-b, and J-c as shown on pages 80-85 of the Initial Study. The 2008 project would result in substantially less development when compared to the 1990 project (112 units as opposed to 216 units as previously approved), as well as a reduction in developable acreage (from 122.4 to 76.2 acres), all of which would result in a reduction in land use impacts anticipated in the Specific Plan EIR. Therefore, the project would not alter any established roadways, nor would the project isolate the project site from existing development in the area. The 2008 project site is consistent with the existing zoning and General Plan designation; the project site is currently zoned for residential uses (R-10 One Family Residential – Minimum 10,000 Square Feet Lot Area), and its General Plan designation is for residential development. The reduced project development, and site design of the 2008 project makes the project more compatible with the Specific Plan and General Plan policies.

5. **Mineral resources:** The following specific impacts were found to be less-than-significant (K-a and K-b as shown on pages 86 through 87 of the Initial Study) because no known mineral resources of regional, statewide, or local importance are located within or adjacent to the project site.

6. **Population and housing:** The following specific impacts were found to be less-than-significant: M-a, M-b, and M-c as shown on pages 94 through 97 of the Initial

Study. The 2008 project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly, nor will it displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.

7. **Public Services:** The following specific impacts were found to be less-than-significant: impacts to fire and police protection services, schools, parks or other public facilities as shown on pages 98 through 104 of the Initial Study. Furthermore, the Specific Plan EIR addressed public services impacts in the Municipal Services chapter. The 2008 project proposes to develop 112 detached single-family residential units on the project site, when compared to 216 units under the 1990 project, thereby reducing demand for public services.

8. **Recreation:** The following specific impacts were found to be less-than-significant: O-a and O-b as shown on pages 105 through 107 of the Initial Study. The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur, nor would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

9. **Transportation/Traffic:** The following specific impacts were found to be less-than-significant: P-a through P-f as shown on pages 108 through 119 of the Initial Study. The City of Martinez General Plan and the 2009 Countywide Comprehensive Transportation Plan ("CTP") are the current plans and policies that establish measures of effectiveness for performance of circulation in and around the project site. These documents state that level of service D ("LOS D") is to be maintained along all major corridors and signalized intersections. The traffic impact report includes detailed discussion of analysis methods and table and figures to show the anticipated trip generation and trip distribution. All five intersections studied operate at LOS C or better. Furthermore, the project would not result in a change in air traffic patterns, substantially increase hazards due to a design feature, result in inadequate emergency access, or conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities.

10. **Utilities:** The following specific impacts were found to be less-than-significant: Q-a through Q-g as shown on pages 119 through 128 of the Initial Study. The Contra Costa County Sanitary District's wastewater treatment plan capacity is adequate to handle the proposed 112 unit residential project. In addition, the 2008 project requires construction of water and wastewater infrastructure, including one water tank and pump station improvements, to serve the proposed residential development. The project proposes detention facilities and storm water lines designed to convey project generated runoff to approved stormwater facilities. Finally, the City has sufficient water supplies for the project.

VI. Project Alternatives

A. Background - Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. *Public Resources Code § 21002.* With the exception of the "no project" alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA "establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990). The legislative purpose of CEQ A is to protect public health, welfare, and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. *Public Res. Code § 21000.* In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Revised Project through the inclusion of project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency "may approve a developer's choice of a project once its significant adverse environment effects have been reduced to an acceptable level – that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable." *Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978).

B. Identification of Project Objectives

The CEQA Guidelines state that the "range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects" of the Project. *CEQA Guidelines § 15126(d)(2).* Thus, an evaluation of the Project objectives is important in determining which alternatives should be assessed in the EIR. The general goal of the proposed Project is completion of a residential subdivision for development in Martinez. Generally, the Project would provide for the orderly and systematic development of a residential neighborhood, implement the Alhambra Hills Specific Plan, and develop trails and associated infrastructure in a manner consistent with the policies of the City and the characteristics and natural features of the land. Six specific project objectives are discussed at pages 43 through 44 of the Draft SEIR: (1) implement Alhambra Hills Specific Plan (2) create a residential subdivision for development of 112 semi-custom and custom residential homes; (3) design and develop a trail to connect the project site to Briones Regional Park; (4) construct a financially feasible development; (5) develop infrastructure associated with the project including the extension of Wildcroft Drive, a new water tank (to serve the project and surrounding development), detention basins, and other related infrastructure. And (6) reduce the number of units proposed in the 1990 project to preserve a significant area for Alameda whipsnake habitat and open space, provide an environmentally superior project, and comply with the requirements of the State and Federal permits.

C. Alternatives Analysis in Alhambra Hills Specific Plan EIR

The CEQA Guidelines state that the "range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects" of the Project. The City evaluated the alternatives listed below. Since the 2008 project is a specific development project within the larger Alhambra Hills Specific Plan project, which was evaluated in the Specific Plan EIR, the Specific Plan EIR included an analysis of the following alternatives to the Specific Plan: No Project/1973 Specific Area Plan alternative, which evaluates continued planning under the 1973 Specific Area Plan; and a Modified Third Draft Plan alternative, which evaluated a less intensive alternative.

The 1990 project resulted in a further reduction in development potential on the Alhambra Highlands property. Since the City approved the 1990 project, the developer obtained several State and federal agency approvals. Through the State and federal permitting process, the project was modified to reduce the density and number of dwelling units, minimize utility infrastructure, and increase the amount of on-site habitat preservation and off-site mitigation for the Alameda whipsnake. In December 2008, the project applicant submitted a revised vesting tentative map application that incorporates the reductions and modifications of the project to address the requirements of the 1990 project conditions of approval. Thus the 2008 project represents a mitigated alternative of the 1990 project. Notwithstanding that the 2008 project represents a mitigated alternative of the Alhambra Highlands project; CEQA still requires an analysis of project alternatives in an EIR. Thus two additional alternatives specific to the Alhambra Highlands Residential Project were considered: the Mitigated/Alternate Access Alternative and No Project/No Build Alternative.

1. No Project/1973 Specific Area Plan Alternative.

The No Project/1973 Specific Area Plan alternative is discussed at pages 214 through 215 of the Draft SEIR.

(a) Findings: The No Project/1973 Specific Area Plan alternative is rejected as an alternative because it would not achieve the Project's objectives or the objectives of the City, and because it would result in substantially greater significant environmental impacts than the proposed project.

(b) Explanation: The Specific Plan EIR alternatives analysis found that the No Project/1973 Specific Plan alternative would result in more severe impacts than the Specific Plan. Both land use and circulation impacts would be greater due to increased density and increased traffic from the residential units. Geotechnical impacts would increase because of the different circulation pattern and the need for additional grading and increased site disturbance. Hydrology and drainage impacts would be incrementally greater as the storm water flows would be higher than the Specific Plan. This alternative would require 44 percent more water than the Specific Plan and 40 percent more sewer capacity than the Specific Plan. This alternative would also result in a slight increase in emergency response time and greater demand for police services as a result of the increase in the total number of residential units. Both air quality and noise impacts would be more severe due to increased site disturbance and increased vehicle trips. The greater site disturbance would also increase the level of impact to biological

resources. This alternative would allow development to stretch continuously along the entire plateau and extend beyond various ridges, which would result in more significant visual impacts.

2. **Modified Third Draft Plan Alternative.**

The Modified Third Draft Plan alternative is discussed at pages 215 through 216 of the Draft SEIR.

(a) **Findings:** The Modified Third Draft Plan alternative is rejected as an alternative because it would not achieve the Project's objectives or the objectives of the City.

(b) **Explanation:** The Specific Plan EIR describes the Modified Third Draft Plan alternative as a less intensive development alternative that would retain essentially the same development area and primary access route designations proposed in the Specific Plan, but reduce allowable densities in the plateau development areas and redistribute allowable densities more evenly among the fringe development areas. Development under the Modified Third Draft Plan alternative would have permitted 555 residential units within the Specific Plan area with an extension of Elderwood Drive to create the main access road to the plateau development areas. The Specific Plan EIR alternatives analysis found that although this alternative would result in a reduction in the number of dwelling units, the Modified Third Draft Plan alternative would result in an increased potential for land use and aesthetic impacts due to increased density along fringe areas above Reliez Valley Road. Nonetheless, the reduction in density and disturbed area associated with this alternative would reduce impacts related to geology, hydrology and drainage, water demand (26 percent less than Specific Plan project), sewer capacity (26 percent less than Specific Plan project), police services, noise impacts including reduced noise at Blue Ridge Drive, air quality contaminants, and biological impacts.

D. **Alternatives Evaluated in the Alhambra Highlands Residential Project EIR**

1. **Mitigated/Alternate Access Alternative**

The Mitigated/Alternate Access Alternative is evaluated at pages 216 through 230 of the Draft SEIR. This alternative consists of the development of the same 298 acres as the 2008 project, but reduces the total number of lots from 112 to 110, and reduces the size of the developable area by 4.1 acres. Its additional principal characteristics as compared to the 2008 Project are described at pages 216 through 218 of the Draft SEIR and summarized here:

- 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 neighbors, improving safety and sight distance on Alhambra Avenue;

- Relocates the detention basin at the Wildcroft Drive entrance, but includes a total of two detention basins (as shown on Sheet 1 of the alternative

vesting tentative map site plan for the Mitigated/Alternate Access alternative);

- 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);

- Reduces the Wildcroft Drive street width from 36 feet to 28 feet;

- Includes a soundwall that varies in height from 5 to 7 feet along the southeast side of the Wildcroft Drive extension (see Landscape Plan included in Appendix E);

- Increases the minimum horizontal distance of the Wildcroft Drive curb line from existing residence from 24 feet to 29 feet;

- Increases the size of the park from 2.1 acres to 5.3 acres;

- Relocates the park (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;

- Incorporates a step retaining wall system at the park to reduce grading and preserve an additional 82 trees;

- Redistributes lots 1 to 5 to accommodate the new and expanded park location;

- Revises grading plan at water tank site to eliminate 10-foot retaining wall;

- Refines water main service roadway and Horizon Drive EVA connection to reduce grading and retaining wall heights and preserve 54 additional trees;

- Eliminates proposed retaining walls along Horizon Drive EVA road to accommodate a soil nail wall;

- Refines alignment of Wildcroft Drive and the water main service roadway;

- Reduces the total disturbed/graded area of the site by approximately 3.9 acres which saves a total of approximately 200 trees; and

- 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.

(a) Findings: The Mitigated/Alternate Access Alternative is selected as the preferred project and will be implemented instead of the 2008 project because it best achieves both the Project's objectives and the objectives of the City, it is feasible, and it substantially lessens the Project impacts as further discussed below.

The project objectives are as follows: (1) implement Alhambra Hills Specific Plan (2) create a residential subdivision for development of 112 semi-custom and custom residential homes; (3) design and develop a trail to connect the project site to Briones Regional Park; (4) construct a financially feasible development; (5) develop infrastructure associated with the project including the extension of Wildcroft Drive, a new water tank (to serve the project and surrounding development), detention basins, and other related infrastructure; and (6) reduce the number of units proposed in the 1990 project to preserve a significant area for Alameda whipsnake habitat and open space, provide an environmentally superior project, and comply with the requirements of the State and Federal permits.

This alternative would meet the first project objective because the alternative would result in residential development in a location within the Alhambra Hills Specific Plan area approved for residential development. The Mitigated/Alternate Access Alternative also meets the second and fourth project objectives because the alternative only reduces the number of lots by 2 and would result in the development of 110 custom and semi-custom residential lots in accordance with the approved Specific Plan.

This alternative completely satisfies the third project objective because it would enable the design and development of a longer trail than that proposed by the 2008 project (5,500 linear feet) to connect the project site to the Briones Regional Park thereby providing a public trail and recreational uses.

This alternative deviates from the fifth project objective but only slightly – the width of a small amount of the roadways would be reduced from 36 to 28 feet and this alternative proposes to abandon and remove the existing Wildcroft Drive intersection with Alhambra Avenue and shift the Wildcroft Drive entrance approximately 400 feet to the northwest, away from neighbors. To ensure that any on-site circulation and access issues are fully addressed, the project proponent will perform an operational traffic study prior to final map approval that adequately satisfies the City Engineer and demonstrates that sufficient right of way is provided to accommodate the alternative roadway improvements.

This alternative meets the sixth project objective because it would provide additional habitat on-site for Alameda whipsnake and open space. It also includes a 5.3-acre park and 5,500 linear feet of trail to connect to the Briones Regional Park.

(b) Explanation: The infrastructure which would serve this alternative would be similar to the infrastructure included in the 2008 Project. This alternative would provide an additional 3.5 acres of on-site Alameda whipsnake habitat mitigation and open space which would increase the 214 acres proposed by the project. Consistent with the 2008 project, this alternative also includes two off-site mitigation areas (totaling

309 acres). The open space for the project would be maintained under this alternative in the same manner as the 2008 project.

Aesthetics

The impacts on aesthetics of the Mitigated/Alternate Access Alternative are slightly less than the 2008 project as evaluated on pages 220 to 226 of the Draft SEIR. This Alternative results in slightly less development on the site than the 2008 project including two fewer units, less site disturbance, less grading, and the removal of fewer trees a 142 tree reduction. The visual impacts depicted in the visual simulation of Viewpoint 4 will look different than the 2008 project – see the Projected View from the New Intersection of Alhambra Avenue and Wildcroft Drive Looking West (Figures V-3A and 3B). One of the reasons that the City has selected this alternative as the preferred project is because the impact to Viewpoint 4 would be less than the visual impact of the 2008 project as there would be fewer retaining walls and less grading and the changes in topography would occur more gradually. Implementation of Mitigation Measure AES-1d would reduce this impact to a less-than-significant level. This alternative would result in the same remaining aesthetic impacts and require the same mitigation measures as the proposed Project.

Air Quality and Greenhouse Gas Emissions

The Mitigated/Alternate Access Alternative would involve a level of development similar to the 2008 project, although it would result in two fewer units, disturb less area, and would not require as much grading. As a result, with respect to air quality and greenhouse gas emissions, the construction dust impacts would be slightly less than the emissions under the 2008 project but would remain significant as evaluated on page 226 of the Draft SEIR. As with the 2008 project, the impacts could be reduced to a less-than-significant level with implementation of Mitigation Measure AIR-1. The impact associated with greenhouse gas emissions would also remain cumulatively significant and unavoidable under this alternative.

This alternative would not result in a significant impact with respect to consistency with regional air quality plans because the reduced size of the development would remain within the amount of development projected under the adopted General Plan which served as the basis for the regional air quality plan. The Mitigated/Alternate Access Alternative would not violate any air quality standard or contribute substantially to an existing or projected air quality impact as this alternative would generate incrementally less emissions than the 2008 project as it would result in two fewer units, disturb less area, and would not require as much grading. Moreover, this alternative would not create objectionable odors affecting a substantial number of people or expose sensitive receptors or the general public to substantial levels of toxic air contaminants.

Biological Impacts

The Mitigated/Alternate Access Alternative would not result in any significant impacts related to a conflict with an adopted habitat conservation plan, nor would it result in any new or substantially more severe biological or wetland/waters of the U.S. impacts when compared to the project as discussed on pages 226 through 227 of the

Draft SEIR. This alternative would result in a 3.5-acre reduction in the amount of developable area which would result in a corresponding reduction in whipsnake habitat that would be impacted by project development. The Mitigated/Alternate Access alternative results in the preservation of 234.2 acres of open space on site. Accordingly, the Mitigated/ Alternate Access alternative would result in a reduction in total habitat impacts, as compared to the 2008 project. This alternative will result in the preservation of additional high quality whipsnake habitat because the Wildcroft Drive access roadway alignment would be reduced in width and located within an area of the site authorized for development under the USFWS Biological Opinion as discussed on page 227 of the Draft SEIR. (Biological Opinion is Appendix A to the Draft SEIR). Thus, this alternative would improve the mitigation ratio while preserving additional high quality on-site whipsnake habitat.

Impacts to riparian vegetation and wetlands and waters of the United States/State would be the same as the impacts associated with the 2008 project while impacts to on-site trees would be reduced. This alternative would result in 142 fewer native trees being removed due to the change in alignment and reduction in roadway width as discussed on page 227 of the Draft SEIR. Implementation of the same mitigation measures as those proposed for the project will reduce the impacts of this alternative to a less-than-significant level, including the Final Wetland Mitigation and Monitoring Plan prepared by LSA Associates (Appendix D, Draft SEIR).

Cultural Resources

The cultural resource impacts for this alternative would be the same as for the Project, as evaluated on page 228 of the Draft SEIR but with the potential to result in less of an incremental impact due to the reduction in area of disturbance associated with the slightly smaller development footprint. As with the 2008 project, impacts to historical resources would be less than significant as no historic resources exist on the site or in the immediate vicinity. Impacts to cultural and paleontological resources are not anticipated under this alternative (or the 2008 project) as the site has an extremely low potential for the discovery of significant archaeological resources. The possibility, however, cannot be discounted that such resources may be encountered. As a result, the significant impacts and mitigation measures identified for the 2008 project would be applicable to this alternative for archaeological resources, paleontological resources, and human remains.

Hydrology & Water Quality

This alternative would disturb a smaller portion of the approximately 298-acre site and would thus result in a reduced amount of runoff that could affect the stormwater conveyance system as evaluated on pages 228 and 229 of the Draft SEIR. Calculations estimate a net reduction in site imperviousness from 13.58 to 12.36 acres. This alternative would not result in any significant impacts related to groundwater, 100-year flood hazard area, flood hazards—levee or dam, or inundation hazards. While it may result in construction activities that may result in water quality degradation, all of the mitigation measures recommended for the Project would also apply to this alternative. Overall, the impacts on hydrology and water quality would be slightly less

than the 2008 Project because the site area proposed for development would be slightly reduced. These findings are based on the multiple reports and letters prepared by ENGEO Incorporated.

Noise Impacts

Finally, the Mitigated/Alternate Access Alternative is anticipated to result in noise impacts similar to those identified for the 2008 Project and these impacts could also be mitigated by the noise mitigation measures recommended for the project. Impacts associated with traffic on the extension of Wildcroft Drive would be significant for this alternative (and the 2008 project); however, the level of impact to individual lots would be different than the 2008 project due to the modified alignment and different final grade finishes. As a result, detailed traffic noise modeling was conducted for this alternative. Traffic along the alternative roadway location would increase existing Ldn noise levels at residential receivers along Valley Glen Lane by 0 dBA to 8 dBA, whereas the project would increase noise by up to 7 dBA. The calculated noise level increase would vary depending on the existing noise environment at receivers (loud versus quiet), the elevation of the planned roadway in relation to existing receivers, and potential reflections from the proposed soil nail retaining wall. Traffic noise modeling results for this alternative and the 2008 project are summarized in Table V-1, Draft SEIR. In all cases, exterior noise levels in the rear yards of adjacent residences would remain at or below 60 dBA Ldn which would meet the City's exterior and interior noise levels for residential uses.

Like the 2008 project, implementation of the Mitigated/Alternate access alternative would substantially increase noise levels at private rear yard areas of several single-family residences within the Elderwood Subdivision as traffic along Wildcroft Drive would become the predominant noise source in areas that are currently quiet. In some instances, the noise impact would be greater than the 2008 project, but in all cases the noise levels would be reduced to a less-than-significant level with a sound wall that ranges in height from 5 to 7 feet along the roadway edge, which is proposed as part of this alternative. Mitigation Measure NOISE-2 recommended for the 2008 project will be implemented to verify the wall heights proposed in each specific location are adequate to achieve an acceptable noise level of 60 dBA. In no case, is a wall height in excess of 7 feet expected to be necessary.

Environmental Topics Found to be Less than Significant

In addition, the Mitigated/Alternate Access alternative, like the 2008 project, would not result in any significant impacts related to the categories of environmental effects listed above in Section V. No substantial changes have occurred that would introduce any significant impacts. In addition, the Mitigated/Alternate Access alternative would not result in any new significant impacts or substantial changes in the severity of previously identified impacts. Furthermore, no new information has become available since the certification of the Alhambra Hills EIR indicating that for the topics listed above the Mitigated/Alternate Access Alternative would have any new significant or substantially more severe environmental effects, or that new or different mitigation measures or project alternatives would be feasible or more effective in mitigating an

impact. For these reasons, this alternative would not require further environmental review of these topics. This is primarily due to the fact that the majority of the impacts associated with this alternative would be incrementally reduced due to the reduction of disturbed area, less grading (as further discussed in the ENGEO May 2010 letter regarding Alternative 1 included in Appendix E, Draft SEIR), less tree removal, development of two fewer residential lots, and narrower streets.

Notwithstanding the 2008 project's less than significant impacts associated with these categories of environmental impact, the description of the Mitigated/Alternative Access alternative evaluated ways in which to refine the project to further substantially lessen the less-than-significant impacts of the 2008 project. Thus, the Draft SEIR includes information regarding reductions in grading and geotechnical considerations for the Mitigated/Alternate Access Alternative.

For all of the reasons set forth above, the City finds that the Mitigated/Alternate Access Alternative would substantially lessen the environmental impacts of the 2008 project. There are no new impacts or substantially more severe impacts associated with this Alternative. Based on the City's review of the alternative, the Mitigated/Alternate Access alternative also would attain most of the basic project objectives. For these reasons, the City selects the Mitigated/Alternate Access Alternative as the preferred project.

2. No Project/No Build Alternative

The No Project/No Build Alternative is evaluated at page 233 of the Draft SEIR. This alternative assumes that the project site would remain in its current condition and would not be subject to development. This alternative is considered in this SEIR as a "No Project/No Build" alternative which was not considered in the Specific Plan EIR. Per CEQA Guidelines Section 15126, the No Project Alternative is considered to compare the impacts of approving the 2008 project to not approving the project. Under the No Project Alternative, no development would occur on the 298-acre project site and existing ranch-land type conditions would continue into the future.

(a) Findings: The No Project/No Build Alternative is rejected as an alternative because it would not achieve the Project's objectives or the objectives of the City to implement the Alhambra Hills Specific Plan, create a residential subdivision for development of 112 semi-custom and custom residential homes, and build the necessary associated infrastructure. It is considered the environmentally superior alternative in the strict sense that environmental impacts associated with its implementation would be the least of all the alternatives examined. The No Project/No Build alternative would not result in the impacts associated with the 2008 project, nor would it result in an increase in potential impacts identified for the 2008 project, as no development would occur and the project site would remain in its current condition.

(b) Explanation: This alternative would not realize the benefits of the Project or achieve any of the project objectives. The No Project/No Build Alternative would not provide the orderly development of the housing uses identified as objectives in the Draft SEIR, nor would it achieve the objective of generating property and sales tax revenues for the City. Under the No Project/No Build alternative, no new residential building pads

would be created and no new infrastructure would be constructed. Additionally, 234 acres of on-site mitigation and 309 acres of off-site mitigation for the Alameda whipsnake would not be established.

3. Other Alternatives

Ten alternative access options were considered during the project review process but rejected from further consideration, except the Mitigated/Alternate Access Alternative. These alternatives included alternative conceptual plans identified in 2004, 2005 and 2008 based on consideration of the following primary objectives: maximum separation from existing homes; safety concerns; lighting concerns; reduced retaining wall heights, and reduced graded area. Two of the alternatives considered in 2004 (known as, "Belleci Alternatives A and B") as part of the final map process for the 1990 project evaluated a different alignment for Wildcroft Drive. These alternates were rejected because the alternates required 50-60' high walls on the upslope side of the relocated roadway, thereby resulting in a substantial increase in retaining wall height. In 2005, another alternative was identified. Known as the, "Bellecci Non-Compliant Route Alternative," this alternative location for Wildcroft Drive created a "T" intersection at Wildcroft Drive and Valley Glen Lane. The road would be located on the north side of the property closer to the Bethany Baptist church. Because this alternative route required 50' –60' high walls and required additional tree removal, the alternative was rejected from further consideration.

In 2007 and 2008, the developer evaluated another eight alternatives to screen alternative alignments for the Wildcroft Drive Extension. All but one of these was rejected from further review. These alternatives included the following alternative alignments for Wildcroft Drive:

- Alternative 1 involved relocation of the Wildcroft Drive alignment north of the existing electric tower, and the entrance location to the site was moved to the north. This alternative would result in a 16 percent street slope and 1.5:1 slopes to daylight-no benches would be provided. Alternative 1 resulted in a substantial increase to the number of trees that would be removed. Due to the extensive grading, street slopes and significant tree removal, this alternative was rejected from further review.

- Alternative 2 consisted of moving the Wildcroft Drive alignment to a location below the existing electric tower as shown in the schematic included in Appendix E. The entrance location would be relocated to the north. This alternative resulted in a 15 percent street slope and 1.5:1 slopes to daylight. Due to the extensive grading, street slopes and significant tree loss, this alternative was rejected from further review.

- Alternative 3 was similar to Alternative 2, only it resulted in a 16 percent street slope. It, too, was rejected from further review for the same reasons that Alternative 2 was eliminated.

- Alternatives 4 and 5 considered alternate routes located below the existing electric tower, but the entrance would be located at the existing intersection with Alhambra Avenue.

- Alternatives 6 and 7 were similar to Alternatives 4 and 5 in terms of the location of Wildcroft Drive, however, these alternatives introduced 16 percent street slope-tiered walls and 2:1 slopes to daylight (benches included). Due to the extensive grading, street slopes and significant tree loss, these alternatives were rejected from further review.

Many of the alternatives required impractical retaining wall heights and/or substantial tree removal. Alternative 1 (identified above) required substantial tree removal. Alternatives 2 through 5 required impractical retaining wall heights and Alternatives 6 and 7 were further refined to reduce wall heights and introduce 2:1 and 3:1 slopes. The Mitigated/Alternate Access Alternative identified above and further evaluated below was selected because the design met the objectives of moving the roadway away from the existing homes; the entrance at Alhambra Avenue is a safer location for ingress and egress; and additional impacts to trees and whipsnake habitat were avoided because this alternative results in less grading on the site.

The alternatives which were rejected from further review are considerably different from the alternatives evaluated in the Specific Plan EIR and would reduce one or more significant effects. Nonetheless, these alternatives would result in other greater environmental impacts compared to the environmental impacts of the project associated with the visual impacts resulting from the substantial retaining wall heights. Additionally, some of the Wildcroft Drive alternatives would result in an increase in tree removal and greater impacts to whipsnake habitat. Moreover these alternatives would not meet many of the primary objectives for the design of Wildcroft Drive. For these reasons, these alternatives were rejected from further review.

VII. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this City adopts and makes the following Statement of Overriding Considerations regarding the one remaining significant unavoidable impact of the Mitigated/Alternate Access Alternative selected in lieu of the proposed Project. The following summarizes the City's determination regarding the anticipated economic, legal, social, technological, and other benefits of this alternative and the proposed project, as a whole:

A. Findings and Statement

The City finds and determines that the Mitigated/Alternate Access Alternative would substantially lessen most of the significant impacts associated with the 2008 project. Moreover, most of the significant impacts of the Mitigated/Alternate Access Alternative will be reduced to acceptable levels through the implementation of the mitigation measures recommended in the SEIR and documented in these Findings. As set forth above, however, the City's approval of the Mitigated/Alternate Access Alternative will result in one significant adverse environmental effect that cannot be

avoided even with the incorporation of all feasible mitigation measures into the Mitigated/Alternate Access Alternative. While this alternative mitigates the environmental effects more than the 2008 Project, it does not avoid the one significant and unavoidable environmental effect. The significant effect that has not been mitigated to a less-than-significant level is cumulative greenhouse gas emission impacts which would exceed the recently adopted BAAQMD CEQA thresholds.

In light of the environmental, social, economic, and other considerations identified in the prior findings for the Alhambra Highlands Specific Plan, and the considerations set forth below, this City chooses to approve the Mitigated/Alternate Access Alternative because, in its view, the economic, legal, social, technological, and other benefits resulting from the Alhambra Highlands Residential Project as implemented through the Mitigated/Alternate Access Alternative will render the significant effect acceptable. When compared to the original approved 1990 project and the 2008 project, the Mitigated/Alternate Access Alternative reduces GHG emissions and further lessens the impacts because it would result in fewer units, disturb less area, and reduce grading which would reduce construction-related GHG emissions. Moreover, the fewer units would generate fewer vehicular trips thereby resulting in a slight reduction in GHG emissions post-construction.

The following statement identifies the reasons why, in the City's judgment, the benefits of the Mitigated/Alternate Access Alternative outweigh the significant and unavoidable effect. The substantial evidence supporting the enumerated benefits of the Mitigated/Alternate Access Alternative for the Alhambra Highlands Residential Project are found in the preceding findings, which are herein incorporated by reference and in the record of proceedings and the record, as a whole.

Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Mitigated/Alternate Access Alternative outweighs its significant adverse environmental effect and is an overriding consideration warranting approval.

The City finds that the Mitigated/Alternate Access Alternative, as conditionally approved, would have the following economic, legal, social and technological and environmental benefits:

B. Statement of Overriding Considerations Related to the Mitigated/Alternate Access Alternative

1. **Social and Community Benefits.** A new sustainable, comprehensively designed community is planned for future residents on the Alhambra Highlands Residential Project site. Under the selected alternative, the Alhambra Highlands Residential Project would further the City's General Plan policies and the goals and objectives of the Alhambra Specific Plan for new residential land use providing a variety of residential land use designations to meet the future needs of the City and the region, while ensuring compatibility with existing and planned land uses, in a manner consistent with the adopted Alhambra Hills Specific Plan. Approval of the Mitigated/Alternate Access Alternative for the Alhambra Highlands Residential Project would complete the specific plan and provide for orderly growth in an area identified for development since

the 1980s. Specifically, this alternative includes development of new single-family lots and related infrastructure to facilitate construction of 110 custom and semi-custom homes and would provide in-fill housing opportunities within the Alhambra Hills area of Martinez. The Mitigated/Alternate Access Alternative would also include active recreational open space, including a 5.3-acre park within the project site, and 5,500 linear feet of trail to connect to Briones Regional Park. An existing trail located on the west end of the project site provides a connection to Sequoia Way and the existing fire trail provides a connection to Horizon Drive.

2. **Economic/Public Revenues.** The Alhambra Highlands Residential Project, through its phased implementation of the Mitigated/Alternate Access Alternative over a 10-year period would generate property tax revenues for the City. This development plays a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. The developer will contribute its fair share toward the cost of City-wide community facilities which are proposed for construction outside of the Alhambra Highlands project site. In short, the project will increase tax revenues to the City through the addition of property value, the expansion of the housing market, and the overall enhancement of the City's economic base.

3. **Natural Resources.** Habitat preservation and restoration are important components of the Alhambra Highlands Residential Project, and through the Mitigated/Alternate Access Alternative, the project would provide a total of 217.5 acres of on-site Alameda whipsnake habitat mitigation and open space. The project also includes two off-site mitigation areas (totaling 309 acres), including 176 acres of whipsnake habitat at the Allen property and 144.89 acres of whipsnake habitat at the Christie Road property (see Figure 5 of the Wetland Mitigation and Monitoring Plan). The on-site open space would remain in a natural state and be maintained by a homeowner's association or Geologic Hazards Abatement District. The off-site mitigation lands would be maintained by a land trust conservancy, or the East Bay Regional Park District. In addition to land dedication, the project also includes other habitat measures including grading enhancements, off-site scrub restoration program, seeding and planting for outcrop areas, protective fencing and on-site monitoring during grading. The Mitigated/Alternate Access Alternative would also include active recreational open space, including a 5.3-acre park within the project site, and 5,500 linear feet of trail to connect to Briones Regional Park. An existing trail located on the west end of the project site provides a connection to Sequoia Way and the existing fire trail provides a connection to Horizon Drive.

RESOLUTION NO. PC 11-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ, APPROVING AMENDMENTS TO THE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT ("ALHAMBRA HIGHLANDS"), NOW PROPOSED WITH UP TO 110 SINGLE -FAMILY UNITS ON AN APPROXIMATE 297.5 ACRE SITE, WITH APPROXIMATELY 240 ACRES OF PERMANENT OPEN SPACE, GENERALLY LOCATED WEST OF ALHAMBRA AVENUE AT WILDCROFT DRIVE (APN: 164-010-019,025 & 026; 164-150-016,022 & 030; 366-010-007; 366-060-007) PUD 08-1

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

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

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

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

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

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

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

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

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

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

WHEREAS, on the basis of said Initial Study, a Subsequent Environmental Impact Report was prepared pursuant to Public Resource Code Section 21116 and CEQA Guidelines Section 15162, to analyze the environmental impacts associated with the 2008 Alhambra Highlands Project; and

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

WHEREAS, on March 22, 2011, the Planning Commission of the City of Martinez held a duly noticed public hearing on the 2008 Alhambra Highlands Project; and

WHEREAS, the Planning Commission of the City of Martinez continued the items relating to the 2008 Alhambra Highlands Project to the meeting of April 12, 2011; and

WHEREAS, on April 12, 2011, the Planning Commission of the City of Martinez adopted Resolution PC 11-03, certifying the Subsequent Environmental Impact Report as required under CEQA and adopting a statement of overriding considerations; and

WHEREAS, PUD 08-01, the 2008 Alhambra Highlands Project constitutes the approval of the proposed modifications to the previously approved PUDs including: amended development standards for the subject R-10 (Residential, Single-family, 10, 000 sq. ft. minimum lot size) Zoning District, and Alhambra Highlands Development Guidelines and Design Criteria for individual residential lots; and

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

WHEREAS, the Custodian of Records in the City Clerk of the City of Martinez; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on its independent judgment, does hereby find and resolve as follows:

Section 1 Consistency with General Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the General Plan and adopts the findings set forth in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 2. Consistency with Alhambra Hills Specific Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon, hereby find that the Project and its

design and improvements are consistent with the Alhambra Hills Specific Plan and adopts the findings set forth in **Exhibit B**, attached hereto and incorporated herein by reference.

Section 3. Approval of Amendments to the Previously Approved Planned Unit Developments (now to be known as PUD 08-1 the "2008 Alhambra Highlands Project") which as amended consists of (1) up to 110 units, access road and provision of open space as indicated on *Alternative #1* by dk Consulting, 3 pages, dated May 14, 2010, as such modifies the site, grading and tree preservation and landscape plans submitted for Sub 9257 as the "2008 Alhambra Highlands Project" and (2) the adoption of the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines), which supersedes the previous Design Review approval by establishing design standards for all units within the project, a building plan review process to assure compliance with such standards and the additional requirement for a separate Design Review application for each lot identified in the SEIR as being potentially visually significant.

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. That the Planning Commission hereby makes the following findings relating to the Planned Unit Development amendment for Subdivision #9257:

1. **The planned unit development as proposed, or as recommended for approval, will result in a significantly better environment than otherwise would have occurred in a reasonable development in strict accord with the zoning.**

   Facts in Support of Finding: The most significant change from the original PUD 89-5 and 89-6 approvals will result in a significantly better environment, in that areas of formally approved lots would be replaced by land protected in perpetuity as open space areas, to serve as Alameda Whipsnake habitat. As in the original approvals, the requested exceptions to minimum lot size, depth and width requirements are consistent with the provision of the Alhambra Hills Specific Plan, allowing up to 20% of the lots to be as per the R-7.5 Zoning Districts' standards, with a minimum 7,500 sq. ft. parcel size requirements. The above allowance for smaller lots, and concomitant reductions in building setback, allows for a clustering of units away from the site's steeper slopes and habitat areas, which will be preserved as open space. Internally, the proposal would be an effective way of providing relatively generous "single-family" sized homes and pads in a hillside context. The reduction in the normally required minimum front yard of 25' will allow front porches and other desirable architectural features closer to the street (with a minimum 18' setback) and maintain a minimum 20' setback to the building and garage, thus providing a more varied streetscape while retaining the

ability for driveway parking. The requirements for varied height limits (up to 33' for internal lots, single-story, or visually equivalent, in peripheral areas) appropriately restricts building heights of structures in more visible areas but allow for greater flexibility in areas where such would not result in an off-site visual impact. And as a "PUD" with an active homeowners' association (HOA), both residents and the broader community aesthetically benefit from common landscape and "natural hillside" maintenance. The Design of individual lots would be governed by the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines), which establishes a high quality design standard for all of the 110 units within the project. The Design Guidelines are proposed as part of the overall project and subject to the approval of the City. As a custom home development pursuant to the Design Guidelines, standards meet or exceed those of the surrounding production homes in regard to the use and constancy of materials on all sides of the building.

2. **The planned unit development is compatible with and has a meaningful relationship to the neighborhood in which it is located.**

   Facts in Support of Finding: The approved site plan places open space areas adjacent to neighboring properties, and additional landscaping will be provided along the Alhambra Avenue frontage, allowing the project to blend into its natural setting where buildings are visually diminutive and naturalistic tree plantings are predominant. In addition, the project proposes to apply design standard to the individual home construction in order to maintain compatibility with the surrounding area. Lots which may be visible from off site will be subject to design review before the Design Review Commission, height limitations as well as specific landscape requirements design to screen new home construction and ensure that it fits aesthetically with its surroundings. Furthermore, the developer will construct a hiking/equestrian trail linking Alhambra Avenue to Horizon Drive and Reliez Valley Road. Thus the adjoining neighborhoods will have a meaningful linkage through the newly provided open space areas.

3. **The planned unit development will not result in significant adverse environmental impacts.**

   Facts in Support of Finding: on March 22, 2011, the Planning Commission of the City of Martinez adopted Resolution PC 11-03, certifying the Subsequent Environmental Impact Report prepared as required under CEQA and adopting a statement of overriding considerations. Although the Project results in one significant and unavoidable impact, that impact is related to cumulative impacts of the proposed development when considered with all other development in the area and would be substantially lessened when compared to the original (1990) Alhambra Highlands Project and when compared to the development analyzed in the Alhambra Hills Specific Plan and EIR.

4. **The planned unit development is in accord with the objectives of the General Plan in all its elements.**

   Facts in Support of Finding: As identified in **Exhibit A** and **Exhibit B** attached hereto, the Planned Unit Development, as amended, is consistent with the General Plan and Alhambra Hills Specific Plan.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves the Mitigation Monitoring and Reporting Program for the proposed project, set forth in **Exhibit C**, as attached to Resolution PC 11-06, which approves Sub # 9257 and incorporated herein by reference.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves PUD 08-01, including the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines), subject to conditions of approval and PUD development standards set forth in **Exhibit D**, as attached to Resolution PC 11-06, which approves Sub # 9257 and incorporated herein by reference.

* * * * * * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 12th day of April 2011:

AYES: Ford, Keller, Kelly Waggener & Glover

NOES: Allen & Burt

ABSENT:

ABSTAIN:

BY: Donna Allen

Donna Allen
Planning Commission Chair

Terry Blount

Terry Blount
Planning Manager

F:\Community Development\All Projects\MAJOR SUBDIVISIONS\Sub-9257 - ALHAMBRA HIGHLANDS 2008\PC RESO's of APPROVAL\PC PUD Reso 11-04 2011 04 12.doc

EXHIBIT A

PLANNING COMMISSION RESOLUTION PC 11-04
"Alhambra Highlands" – PUD 08-01

FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN

The proposed project, a Planned Unit Development which consists of subdividing a 297.5 acre project area into 110 custom residential lots, a parcel for construction of a water tank, a parcel reserved for possible future development and remaining parcels as common open space areas ("Project") is consistent with the policies of the Martinez General Plan and Housing Element, components thereof, including, but not limited to the following:

21.322 - Land Use Element, Residential Uses, Hill Residential Areas: **All land designated for residential use with slopes in excess of ten percent shall be developed in a manner which respects the site's natural features and protects against natural hazards common to most hill area sites in Martinez. Allowable residential density shall be governed by the City's slope density ordinance. Use of planned unit development approach is made mandatory in order that conditions unique to each site can be considered.**

Facts in Support: The project, as a Planned Unit Development, appropriately clusters all units onto the "hilltop plateau", generally leaving the wooded hillsides below the plateau in a natural condition. Geotechnical hazards on the hillsides are thus avoided, tree loss is kept to a minimum and the natural landform of the Alhambra Hills is thus respected and retained.

22.4 - Open Space Element, Conservation Lands Policies (Fig F22.2):

- **Large scale alteration of the topography to accommodate incompatible development patterns is prohibited to prevent severe erosion and hydrologic hazard.**
- **In all hilly areas, grading practices for drainage purposes should restore natural patterns of surface water run-off with respect to volume of flow.**
- **Grading alterations should not induce or accelerate natural channel grading, sheet erosion, gullying and other forms of erosion.**
- **All woodlands and marshes should be conserved and protected from degradation, destruction or deleterious encroachment. Where development occurs, site plans should be required to maximize retention and preservation of these vegetative resources.**

- **Development within areas dominated by oak species should avoid damage to their sensitive root crowns by grading practices**

Facts in Support: The project appropriately clusters all units onto the "hilltop plateau," generally leaving the hillsides below, with their trees, grass areas and water channels, in a natural condition. These naturally forested areas are to be within open space easements to preserve their existing character. Grading, where necessary for access roads and geotechnical safety, echoes natural landforms to avoid channelization and prevent erosion.

22.51 - Open Space Element, Open Space & Conservation Policy Zones: **Hill areas greater than 30% slope shall not be developed, except as set forth in A & B below, and except on an existing lot of record where only one single family house is proposed and there is no building site under 30% slope. In such cases, development shall only be allowed if it can be demonstrated that significant alteration of the topography will be minimized and that hazards to public safety will not be incurred. This prohibition will protest public safety and soils, safeguard watershed areas and waterways, and preserve the natural scenic setting of the community as determined by its landforms. This policy shall be applied as part of all specific area plans, area plans, and/or specific plans adopted as part of, or pursuant to, this general plan, and need not be restated or repeated in such plans.**

A. Where no alternative exists, roads connecting development area may pass over areas of over 30% slope, subject to approval by the Planning Commission. Grading shall be limited to that necessary for the road or the minimum amount which will create the most natural appearing contours. If such grading creates buildable areas, residential development fronting the road may be permitted subject to approval by the Planning Commission.

B. Small areas of 30% and over slope entirely surrounded by areas under 30% slope may be developed. Small infringements on areas of over 30% slope may be permitted where the existing topography of the majority of the building area and area to be graded are under 30% slope.

and

24.222 - Safety Element, Geologic Hazards and Constraints: **All slopes which are over 30% in grade shall be precluded from development except as stated in <General Plan> Section 22.51.**

Facts in Support: All of the proposed development area is generally contained in areas of less than 30% slope. Limited grading and access roads is permitted as per the criteria herein contained, and as outlined below:

- The Wildcroft extension (primary access road, as conceptually illustrated the Alhambra Hills Specific Plan Fig. 31.30), which is both through areas exceeding 30% slope, is appropriate as there is no feasible alternative to access the project's developable area with less than 30% slopes, given the properties' constrains of topography, geology, protected Alameda whipsnake habitat areas and the goal of limiting traffic impacts to the fewest number of existing residents. Likewise, there is no viable alternative to the Horizon Drive Emergency Vehicular Access (EVA) link.

- Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance, thus minimizing vegetation removal and visual impact. Additional tree planting are to be provided, as per the SIER, to mitigate what otherwise could be a visual impact of the Wildcroft extension.

- The applicant has demonstrated the stability of soils for development proposed at the periphery of the development by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. The visual impact of such development areas have been appropriately minimized by the incorporation of SIER mitigation measures, which require such design features as reduced building height limits and additional tree plantings as means of mitigating otherwise possible visual impacts.

3.6 – 2007-2014 Housing element of the General Plan Policy. **Encourage a mix of housing units throughout the City including...recognition that higher priced residential opportunities must also be provided.**

Facts in Support: The development proposal is for custom and semi-custom residences in a premium view-oriented setting. Most all single-family development in Martinez over the past 40 years has been homebuilder's "production units" using standardized plans with few architectural embellishments. The proposal will allow for a far greater degree of personalized designs, will include far greater individual architectural detailing, and will offer outstanding views of the Carquinez Straight, Mount Diablo, and surrounding hillsides. Such architectural features and views will warrant higher prices, commensurate with the quality of the housing opportunity to be provided. The project will offer housing opportunities to more affluent buyers that are largely not currently available within the City of Martinez.

* * *

EXHIBIT B

PLANNING COMMISSION RESOLUTION PC 11-04
"Alhambra Highlands" – PUD 08-01

FINDINGS OF CONSISTENCY WITH THE ALHAMBRA HILLS SPECIFIC PLAN

The proposed project, a Planned Unit Development which consists of subdividing a 297.5 acre project area into 110 custom residential lots, a parcel for construction of a water tank, a parcel reserved for possible future development and remaining parcels as common open space areas ("Project") is consistent with the policies of the Alhambra Hills Specific Plan ("AHSP"), including, but not limited to the following:

Section 1. LAND USE (31.31)

Development Area shall consist of all Plan areas shown on Fig 31.31 ("Land Use and Circulation – Alhambra Hills Specific Plan"), under 30% slope, which shall be considered developable unless site constraints prevent development of that particular area (see Policies 31.321 and 31.322).

31.311: **Development of the Plan area shall be limited to single family homes.**

31.312: **Development and grading... shall be limited to the Development Area, except <for> access roads and residences as allowed by Policy 31.314.**

31.313: **No development on areas of 30% or greater slope shall be permitted except that: a) where no alternative exists, roads connecting Development Areas may pass over 30% slope. Grading shall be limited to that necessary for the road or to the amount which will create the most natural appearing contours. If such grading creates buildable areas... residential development fronting the road may be permitted; and b) small areas (10,000 sq. ft. or less) of 30% and over slope, entirely surrounded by areas under 30% slope, may be developed. Small infringements on areas may be permitted where the existing topography of the majority of the building area and the area to be graded are under 30% slope.**

31.314: **Development of... access roads outside the Development area shall comply with the criteria that such development demonstrates: a) soil stability, b) minimal visual impact, c) minimal grading or vegetation removal and d) compliance with Site Development Policies (Section 31.34)**

> Facts in Support: All proposed development is limited to single family homes. The portion of the property proposed for single family-home development is both generally consistent with graphic representation of the Development Area provided in Fig 31.30 and policy of limiting development to areas of slopes less than 30% (placing such steeper slopes in open spaces areas to be preserved),

except as per the criteria of AHSP Section 31.314 which allows grading and development outside the illustrated Development Area and/or on slopes greater than 30% slope:

- The Wildcroft extension (primary access road, as conceptually illustrated in Fig 31.30), which is both outside the Development Area and through areas exceeding 30% slope, is appropriate as there is no feasible alternative to access the project's Development Area given the properties' constraints of topography, geology, protected Alameda Whip Snake habitat areas and the goal of limiting traffic impacts to the fewest number of existing residents. Likewise, there is no viable alternative to the Horizon Drive Emergency Vehicular Access (EVA) link.

- Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance, thus minimizing vegetation removal and visual impact. Additional tree plantings are to be provided, as per the SEIR, to mitigate what otherwise could be a visual impact of the Wildcroft extension.

- The applicant has demonstrated the stability of soils for development proposed at the periphery of the illustrated Development Area contours by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. The visual impact of such development areas has been appropriately minimized by the incorporation of SIER mitigation measures, which require such design features as reduced building height limits and additional tree plantings as means of mitigating otherwise possible visual impacts.

Section 2. DEVELOPMENT DENSITY (31.32)

31.321: **The maximum number of units for that portion of the project on the plateau (Properties, D, E, H, J, K L M and Q as identified on Fig 31.31 ("Land Use and Circulation – Alhambra Hills Specific Plan") is within a range of 269 – 297. The range established is the number of units which may be approved for proposals in minimal conformance with Specific Plan criteria up to the maximum permitted for exceptional projects.**

Facts in Support: Only 110 single-family units are being proposed, well below the prescribed maximum, as Properties L M and Q are not be developed but are to be preserved as open space for Alameda Whip Snake habitat. Even if the units allocated for Properties L, M and Q are discounted, the maximum permitted number of units on Properties D, E, H J and K is within a range of 171 – 183, which is well above the 110 units now being proposed. The current proposal is thus in compliance with the Specific Plan's policies on maximum allowable density.

Section 3. CIRCULATION (31.33)

31.331: **Access to the plateau shall be provided... connecting Wildcroft Drive and Horizon Drive (from its current terminus at APN 164-150-029). A turnaround bulb shall be constructed near the existing end of Horizon Drive and... the City may limit the use of <the Horizon Drive Extension> to emergency use only. Streets shall conform to the design shown in Fig. 31.30.**

Facts in Support: The circulation plan for the portion of the project to be developed (Properties D, E, H J and K) conforms to the circulation design conceptually illustrated in Fig, 31.30, with access from the Wildcroft Drive extension and internally looped local streets at the plateau. Use of the Horizon Drive extension will limited to Emergency Vehicle Access (EVA) only.

31.332: **Innovative grading technique as discussed in the EIR Road Alignment Geotechnical Addendum... and other EIR mitigation measures... shall be required for the construction of Wildcroft Drive <extension> all road construction.**

Facts in Support: To reduce the area to be graded and to mitigate any geotechnical hazards, the Wildcroft Extension is proposed to be constructed using alternatives to conventional 2:1 cut and fill slopes, such as gravity retaining structures and grid earth reinforcement techniques, as conceptually illustrated in the "Road Alignment Geotechnical Feasibility Study" by Rodgers/Pacific dated January 16, 1987. Additionally, mitigation measures applicable to the current 110 unit plan, including but not limited to, providing access to the plateau via the Wildcroft Extension and landscaping to mitigate the potential visual impacts of said extension, are incorporated into the project and project's conditions of approval.

31.336: **Off-site street and intersection improvements, listed as mitigation measures of the AHSP EIR and Goodrich Group's Traffic Study integral to the AHSP EIR, shall be required with the timing of installation to be determined by the City Engineer, except for off-site cumulative impact mitigations measures, which shall be funded by mitigation fees. On-site streets shall be constructed to standards listed in the AHSP EIR.**

Facts in Support: The design of local streets have incorporated the applicable design features discussed as mitigations in the EIR, including but not limited to the provision of minimum 20' wide travel ways, appropriate turn-around designs to meet emergency services and adequate parking. Alhambra frontage improvements, including but not limited to the intersection at Wildcroft Drive extension, are to be installed, as per the conditions of approval, to the satisfaction of the City Engineer. Traffic mitigation fees, as per applicable legal agreements, are to be paid be developer.

31.338: **No development shall be permitted on the plateau prior to the completion of Wildcroft Drive to the development site. No construction equipment shall be allowed to use Horizon Drive.**

Facts in Support: As per tentative map and conditions of approval, upon completion of Wildcroft extension, all access, except for emergency vehicles, shall be exclusively through the Wildcroft Drive extension.

Section 4. SITE DEVELOPMENT (31.34)

31.341: **Planned Unit Developments which implement the design review criteria shall be required for all plateau sites.**

Facts in Support: Project entitlements includes the original Planned Unit Development approvals given currently with the original Alhambra Highlands subdivisions approvals in 1990, and as an amended Planned Unit Development for the current 110 unit plan. Furthermore, the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) establish a high design standard for all of the 110 units within the project, implementing the design review criteria. The Design Guidelines are proposed as part of the overall project and subject to the approval of the City. As a custom home development pursuant to the Design Guidelines, standards meet or exceed those of the surrounding productions homes in regard to the use and constancy of materials on all sides of the building. Consistent use of architectural detailing is required throughout the residence, as opposed the typical "front elevation veneer" used in production homes. All colors will be muted. In addition, the potentially more visible lots at the periphery of the development area have been identified in the SEIR, and reduced height limits, special design review and landscaping are required for these lots, pursuant to the Mitigation Measures outlined in the SEIR and applied to the project through the conditions of approval, to minimize visibility from off site. As such, these homes will appear as single story designs, echoing the topography of the hillsides and without visible foundation/skirt walls. Additional landscaping shall is required by the conditions of approval, as needed, to further reduce off-site viability if warranted.

31.342: **Site plans shall minimize the visual impacts of development where possible while maintain the natural topography. Repair of slides, and other soil stability hazards shall be required for the protection of public safety and shall be reconstructed with a natural appearance.**

Facts in Support: The project, as a Planned Unit Development, appropriately clusters all units onto the plateau as identified in the Alhambra Hills Specific Plan, generally leaving the hillsides below the plateau in a natural condition. Geotechnical hazards on the hillsides are thus avoided and the natural

appearance is retained. Where grading of the plateau is necessary for geotechnical safety, the result will be an upper and lower terrace that avoids the creations of an unnatural table top image but instead echoes the existing landform. Where development is being permitted at the perimeter of the plateau, the potential visual impact of such development areas have been appropriately minimized by the incorporation of SEIR mitigation measures, which require such design features as reduced building height limits and additional tree plantings. Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance.

31.343: **Grading for the sole purpose of creating Development Area or buildable lots shall not be permitted (e.g. substantial cutting or filling of slopes over 30% to create lots shall not be permitted).**

Facts in Support: The proposed project does not include grading for the purpose of creating development area on slopes exceeding 30% slope. As the mitigation of geotechnical hazards and provision of access roads necessitates the grading in the plateau area, the grading of small areas of 30% slope will not be done for the sole purpose of creating buildable lots but rather for the larger intergrated purpose of making development of the plateau possible within the parameters of the Alhambra Hills Specific Plan.

31.344: **Grading shall comply with the following policies (except for exceptions pursuant Section 31.345 below).**

A. **Street Grading – Sites shall be planned to preserve the natural topography. Street grading shall be limited to that necessary for safety and to achieve natural appearing contours.**

Facts in Support: The street layout for the proposed project is consistent with the approved Circulation Plan, Fig. 31.31 ("Land Use and Circulation"), which itself was designed to preserve the natural topography.

B. **Lot Grading – Grading for individual lot with existing slopes over 20% shall be limited to driveways and within the house foundation. Grading of lots under 20% slope shall resemble natural contours.**

Facts in Support: The developers' grading plan creates a variety of lots for future custom home construction. The majority will be near level pads, as the plateau is to be mass graded for the mitigation of geotechnical hazards and provision of access roads. In the less common circumstance where a lot will be wholly or partially on native ground with slops over 20%, grading is limited to that for driveway access or foundation location. Approval of any subsequent grading is subject to Design Review approval of the Homebuilders/homeowners plan, which must be found to resemble natural

contours.

C. **If corrective grading outside these limits is necessary for geotechnical safety reasons, the finished grading shall closely resemble the pre-existing natural appearance of the topography.**

Facts in Support: The limits of grading necessary for geotechnical reasons have been established by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. With the limitations of creating buildable lots within the approved Development Area, and the need to address hydrologic and geotechnical safety requirements, the grading within open space slopes will blend into existing landforms to resemble the pre-existing appearance of the topography.

31.345: **First priority shall be given to siting streets, residences and public facilities to avoid geologic hazards and instabilities, prevent the creation of drainage hazards which would threaten slope stability and to minimize visual impacts of plateau development. Where serious geologic or drainage conditions which threaten public safety, or where significant visual impacts which would result from development cannot be mitigated by locating development away from the hazards or by grading in Compliance with Policies 31.342 and 31.343, additional grading may be permitted.**

Facts in Support: The residential units and water tank are located at the summit of the plateau, which as a Development Area, has relatively fewer Geotechnical hazards than the hillsides below, which are to remain as open space. The limit of grading, which been established by completing detailed construction level grading plans and soils reports that have been peer reviewed by the City's Geotechnical consultant, is generally consistent with the scope of grading envisioned by Policies 31.342 and 31.343, except as outlined in 31.346 below.

31.346: **In situations of serious geologic hazard and in limited areas where significant visual impacts would result without more extensive grading, grading in compliance with the following (and as conceptually illustrated under the "cut and fill" option mitigations provided in the "Grading Concepts" Report by Rodgers/Pacific dated January 23, 1987 and integral to the EIR), may be permitted.**

A. **Street Grading – Expanded street grading shall be allowed to recontour slopes and create large flat pad lots and;**

B. **Lot Grading – Grading of individual lots shall be allowed to create large flat pads draining toward the street. The periphery of the developed area shall be tapered and rounded into the existing contours.**

Facts in Support: The mitigation of geologic hazards that could otherwise

result from having development drainage saturate the plateau and thus undermine the slopes below, requires that mass grading techniques be used to intercept drainage. The necessary street and pad grading will direct drainage into a managed storm drainage system, where it can be safely conveyed as per approved storm water management plans. Furthermore, where grading of the plateau is thus necessary for geotechnical safety, it will create an upper and lower terrace to avoid the creation of an unnatural table top image, but rather echo the existing landform. And finally, lots at the periphery will not have pad grades but rather will be largely built on natural grade, achieving the desired tapered and rounded effect.

31.347: **Up to 20% of the lots may meet R-7.5 Zoning code requirements. All other lots shall conform with R-10 minimum requirements. Overall density shall average at least 10,000 sq. ft. of Development Area per residence.**

Facts in Support: Of the 110 lots proposed, all but 17 are 10,000 sq. ft., or larger, so less than 20% meet the reduced R-7.5 District's 7,500 sq. ft. minimum size requirement. All other requirements of the applicable R-7.5 and R-10 development standards have either been meet, or exceptions to these standards have been approved as part of the Planned Unit Development. Of the approximate 297.5 acre project area, approximately 76.2 acres is considered to be the Development Area, resulting in a density of over 29,000 sq. ft. of site area per dwelling unit.

31.348: **Sites shall be planned to preserve open space, existing vegetation (especially on ridgelines) and knoll tops as much as possible.**

Facts in Support: The development plan leaves Properties L M and Q as open space for Alameda Whip Snake habitat, thus preserving a greater portion of the ridgeline than was required at the time the Alhambra Hills Specific Plan was adopted.

31.349: **Site layout and grading shall provide continuity of design between parcels.**

Facts in Support: The plateau is largely under the ownership of the project's developer, so the grading for units, access and infrastructure is now integrated among the several Properties identified at the time Alhambra Hills Specific Plan was adopted.

Section 5. BUILDING DESIGN (31.35)

31.351: **Building design and materials shall be compatible with and better than nearby existing development.**

Facts in Support: Although the Project site visual character would change with the introduction of residential development roadways, the Alhambra Hills Specific Plan allowed such development on the site. The Project is consistent with the Specific Plan building design policies because the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) contain design criteria that will be applied to all development within the project site to establish a cohesive site design. The Development Guidelines and Design Criteria state that each of the residential designs should strive for simplicity of form with strong simple details, a subdued color palette using pastels and earth tones, carefully crafted architectural details and integration of house design and landscape design. Additionally, Alhambra Highlands architectural styles include Monterey, Early California/Spanish Colonial, Craftsman, French County, Cottage, Ranch and Farmhouse which are compatible with the similar single-family residential neighborhoods in the project vicinity. Extensive landscaping will be incorporated throughout the site that will be integrated into the lot design.

31.352: **Structures shall be designed to blend into, rather than dominate, the natural setting.**

Facts in Support: Consistent with the Alhambra Hills Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) provide that existing slopes should be reflected through stepping of architectural forms. All levels of the house would actively relate to the grade of the site. Consistent with the guidelines, houses would appear to "grow out" of their sites and will be designed to be integral with the topography, landscaping and natural features of the land. Further, the Design Guidelines encourage that site grading be minimal and relate to the natural topography of the site. Structures would be located to minimize any grading out of the structure's foundation and driveway. For these reasons, the Project would be consistent with the Alhambra Hills Specific Plan.

31.353: **Buildings shall be sited and designed to fit the natural topography and preserve existing vegetation as much as possible.**

Facts in Support: As discussed above for finding 31.352, the Design Guidelines provide for the siting and design of future residences to fit the natural topography and preserve existing vegetation with minimal grading consistent with the Alhambra Hills Specific Plan. The Landscape Design Concept/Character found in Section 5 of the Design Guidelines is based on design principles that focus on maintaining the natural character of the area. The Design Guidelines encourage the use of native plant materials and the protection and preservation of existing native oaks. Additionally, the City has imposed a rigorous process for removal of native trees and a corresponding extensive tree replacement ratio that are designed to preserve the existing vegetation consistent with the Specific Plan.

31.354: **Buildings which can be viewed from below shall be sited, designed and**

landscaped so that supporting columns, piers and building undersides are not visually dominate.

Facts in Support: As discussed in Design Guidelines, existing slopes would be reflected through stepping of architectural forms that would relate to site grades. The Design Guidelines discourage tall, blank walls of hillside residences and the homes must incorporate the use of terrace walls and/or landscaping. In no case would decks be allowed to be more than 6 feet above the grade established by the approved as-built grading plan, or the individual lot's approved as-built grading plan, exclusive of railings. Balconies from upper levels of single-family residences may cantilever no more than 2 feet laterally without support. Consistent with the Specific Plan, the project is designed to minimize the potential for columns, pier and building undersides to visually dominate the landscape as further discussed in the Design Guidelines and the Final SEIR.

31.355: **Buildings on hillsides shall step down to follow the topography.**

Facts in Support: Consistent with the Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* require that all levels of the house would actively relate to the grade of the site as discussed above. Importantly, residential development would primarily occur on the plateau that characterizes the hillside, thereby limiting disturbance of the hillside slopes. The project geotechnical recommendations and SEIR mitigation measures also address the project' efforts to minimize site grading, thereby further ensuring that site development minimizes alteration of the slopes.

31.356: **Natural appearing colors and building materials shall be required. Visually obtrusive/reflective colors and materials shall be prohibited.**

Facts in Support: As required by the Alhambra Hills Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* encourage the use of warm earth toned colors and lights shades of gray. Trim colors should accent body colors with color blocking encouraged. The Design Guidelines expressly discourage the use of stark blues, whites, and bright pastels and intense primary colors consistent with the Specific Plan.

31.357: **Buildings shall be designed to meet all Fire District requirements (roof materials, alarms, sprinklers, etc.)**

Facts in Support: Consistent with the Alhambra Hills Specific Plan, the Project incorporates exterior building materials, roof materials and accessories into home designs to meet all Fire District requirements as further discussed in Section IV.C of the Design Guidelines. Section 5 of the Design Guidelines provides for incorporating fire defensible space and reduced fuel zones into the landscape design.

Section 7. LANDSCAPING, FENCING AND LIGHTING (31.37)

31.371: **The Character of the natural setting shall be enhanced with natural landscape designs emphasizing native species and retaining existing vegetation.**

Facts in Support: Existing oak woodlands on the hillside open spaces are to be preserved. Where oak trees are to be removed for the grading of the Development Area and Wildcroft extension, they will be replaced at a ratio of 1.5:1, ultimately resulting in an increase of the number of trees on-site. All open space plantings are of naturalistic designs with native species removed being replaced with same native species.

31.372: **Visually significant man-made improvements along the periphery of plateau or hilltop development areas should be landscaped to blend into the natural setting. Yard improvements and solid fencing which extend into the periphery area shall be prohibited by scenic easement.**

Facts in Support: Additional oak trees clusters, and naturalistic ground plane treatments, are to be planted adjacent to the custom home units, and over open space fill areas, at the western perimeter of the development area (Aberdeen Road and Heath Lane). Similar naturalistic planting shall be provided to help integrate the Wildcroft Drive extension and Reliez Valley Road basin into their natural settings. Solid fencing shall be prohibit on sloping, peripheral areas, and be limited to internal pad locations. At the peripheral lots, as identified the SEIR, scenic easements shall be recorded against that lot in favor of the City of Martinez. The scenic easement shall require the lot owner and successor owners of such a lot to retain existing and any added landscaping. The scenic easement shall apply to the landscaped area on the lot and it shall provide that no trees in the landscaped area shall be removed or reduced in height without the prior written approval of the City of Martinez. Solid fencing within the easements shall be prohibited.

31.373: **An overall natural landscape theme for the major access road should be provided to unify the development areas.**

Facts in Support: In accordance with the SEIR, mitigation measures and Conditions of Approval implementing same, upslope frontage areas adjacent to Cumberland Road, Aberdeen Road, Wicklow Road and Health Lane will be planted in a naturalistic style, (rear and/or street-side side yards of lots 44-51, 54-57, 59-68, 81-84, 93-102, 106-108, 112), shall be placed within a landscape easement, to be dedicated to the HOA, or equivalent, thus providing a unified landscape stamen throughout the plateau neighborhood.

31.374: **Fencing which would be visible from outside the development areas shall be non-obscure and natural in appearance. A wood frame open wire fence is**

recommended.

Facts in Support: In accordance with the approved Fencing Plan and Conditions of Approval, only open wire mesh fences are to be used in areas visible from outside development areas.

31.375: **Exterior lighting shall be compatible with and sensitive to surrounding uses and the natural setting. Necessary lighting shall be situated as much as possible in the interior portion of visually sensitive development areas.**

Facts in Support: As per the mitigation measures of the SEIR, Conditions of Approval implementing same and standards the *Alhambra Highlands Development Guidelines and Design Criteria*, all lighting shall avoid causing glare that could otherwise be seen off-site. Only fixtures which prevent light-leakage are permitted.

Section 8. OPEN SPACE/TRAILS (31.38)

31.381: **Open Space areas shall be privately owned and maintained. Maintenance of such areas shall be by homeowners associations rather than individuals.**

Facts in Support: Approximately 220 acres of the 297.5 acre project site are to be open space parcels maintained by the Alhambra Highlands Homeowner's Association or equivalent.

31.383: **Public trail easements shall link the plateau areas to surrounding development and the general plan riding and hiking system. Minimum connections shall include the California Riding and Hiking Trail ... recommended linkages are shown in Figure 31.30 ("Land Use and Circulation – Alhambra Hills Specific Plan").**

Facts in Support: Within the limits of geotechnical constraints, the trail network as conceptually illustrated in Fig 31.30 and shown on approved Landscape Improvement Plans is to be constructed by the developer, linking Alhambra Avenue to Horizon Drive and Reliez Valley Road. The trail is to be built to East Bay Regional Park District standards and is to be maintained by the Alhambra Highlands Homeowner's Association or equivalent.

31.385: **Sound barriers shall also be provided along major roads were needed (see Noise Element). Sound barriers shall be designed to fit into the surrounding visual environment; large masonry walls are discouraged.**

Facts in Support: As a mitigation measure identified in the SEIR and implemented by the Conditions of Approval, sound barriers are to be constructed on the south side of the Wildcroft extension where the new road will adjoin

existing residences on Valley Glen Drive. Extensive landscaping will be provided adjacent to the barrier, so that it will better fit into its visual environment.

Section 10. IMPLEMENTATION (31.40)

31.401: **Alhambra Hills Specific Plan IMPLEMENTATION ELEMENT, Section C, pages 13-29 are hereby required and incorporated into this policy plan. Implementation measures shall be amended or eliminated as necessary to address plan modifications.**

Facts in Support: The scale of water and sewer infrastructure needed for the current 110 unit plan is far less than what was envisioned in 1986 when the Implementation Element was approved. Furthermore, the now more limited plateau development is largely under the control of one developer. Requirements for infrastructure improvements, which include but are not limited to the single water tank and upgrades to the Webster Pump Station are appropriately scaled to the current 110 unit project, and will constructed by the developer as per the project plans and conditions of approval.

* * *

RESOLUTION NO. PC 11-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ, APPROVING USE PERMIT UP-08-17 FOR A WATER TANK AND RELATED PUMP STATIONS TO PRIMARILY SERVE THE "ALHAMBRA HIGHLANDS" PLANNED UNIT DEVELOPMENT, WITH UP TO 110 SINGLE -FAMILY UNITS ON AN APPROXIMATE 297.5 ACRE SITE, WITH APPROXIMATELY 240 ACRES OF PERMANENT OPEN SPACE, GENERALLY LOCATED WEST OF ALHAMBRA AVENUE AT WILDCROFT DRIVE (APN: 164-010-019,025 & 026; 164-150-016,022 & 030; 366-010-007; 366-060-007) UP 08-17

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

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

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

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

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

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

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

certification, amended August 2008); and

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

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

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

WHEREAS, on the basis of said Initial Study, a Subsequent Environmental Impact Report was prepared pursuant to Public Resource Code Section 21116 and CEQA Guidelines Section 15162, to analyze the environmental impacts associated with the 2008 Alhambra Highlands Project; and

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

WHEREAS, on March 22, 2011, the Planning Commission of the City of Martinez held a duly noticed public hearing on the 2008 Alhambra Highlands Project; and

WHEREAS, the Planning Commission of the City of Martinez continued the items relating to the 2008 Alhambra Highlands Project to the meeting of April 12, 2011; and

WHEREAS, on April 12, 2011, the Planning Commission of the City of Martinez adopted Resolution PC 11-03, certifying the Subsequent Environmental Impact Report prepared as required under CEQA and adopting a statement of overriding considerations; and

WHEREAS, PUD 08-01, the 2008 Alhambra Highlands Project constitutes the approval of the proposed modifications to the previously approved PUDs including: amended development standards for the subject R-10 (Residential, Single-family, 10,

000 sq. ft. minimum lot size) Zoning District, and Alhambra Highlands Development Guidelines and Design Criteria for individual residential lots; and

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

WHEREAS, the Custodian of Records in the City Clerk of the City of Martinez; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on its independent judgment, does hereby find and resolve as follows:

Section 1 Consistency with General Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the General Plan and adopts the findings set forth in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 2. Consistency with Alhambra Hills Specific Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters

deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the Alhambra Hills Specific Plan and adopts the findings set forth in **Exhibit B**, attached hereto and incorporated herein by reference.

Section 3. Approval of Use Permit for Water Tank and related pump stations

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. That the Planning Commission hereby makes the following findings relating to the Use Permit for the Water Tank and Pump Stations:

1. **The proposed location of the conditional use is in accord with the objectives of Title 22 of the Martinez Municipal Code, and the purposes of the district in which the site is located.**

   Facts In Support of Finding: In addition to the Residential Districts' primary purpose of providing for, and the protection of, areas for a variety of dwelling unit types, one of the stated purpose of the City's Residential Districts is to "provide space for community facilities needed to complement urban residential areas" while "protect(ing) residential properties from fire.... and other hazards." The water tank and related pump stations are necessary to provide adequate and reliable water service, including that necessary for fire protection, to the new neighborhood, as well as to provide redundancy and improve the existing system for nearby residents also within the subject "Zone 3" water service elevation area.

2. **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.**

   Facts in Support of Finding: The visual impact of the water tank was evaluated as part the Project SEIR and with the implementation of required mitigation measures as required by the Conditions of Approval, such as the planting and maintenance of screening trees, the visual impact will be less than significant and therefore the use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The visual and noise impact from the pump station/pump station upgrades will be nominal based on the analysis contained in the Project SEIR. The purpose of the water tank and associated facilities is to serve the public health safety and welfare by providing potable water to the area as well increased fire suppression water. The

new water tank and associated facilities will provide a gravity fed water system to existing residences in the area and will upgrade the pump station which will provide a more reliable system for both domestic water supply and for fire suppression.

3. **The proposed conditional use will comply with each of the applicable provisions of Title 22 of the Martinez Municipal Code.**

   Facts in Support of Finding: The proposed water tank and pump stations comply with all other applicable provisions of Title 22, including the development standards for the applicable R- Residential Districts, including but not limited to the maximum building height and minimum yard setback requirements of the applicable R-10 Zoning District (water tank site) and R-7.5 Zoning District (Webster Drive site.)

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves the Mitigation Monitoring and Reporting Program for the proposed project, set forth in **Exhibit C**, as attached to Resolution PC 11-06, which approves Sub # 9257 and incorporated herein by reference.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves Use Permit and subject to conditions of approval set forth in **Exhibit D**, as attached to Resolution PC 11-06, which approves Sub # 9257 and incorporated herein by reference.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves the Mitigation Monitoring and Reporting Program for the proposed project, set forth in **Exhibit C**, as attached to Resolution PC 11-06, which approves Sub # 9257 and incorporated herein by reference.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves PUD 08-01, and subject to conditions of approval set forth in **Exhibit D**, as attached to Resolution PC 11-06, which approves Sub # 9257 and incorporated herein by reference.

* * * * * * * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 12th day of April 2011:

AYES: Ford, Keller, Kelly, Waggener & Glover

NOES: Allen & Burt

ABSENT:

ABSTAIN:

BY: Donna Allen

Donna Allen
Planning Commission Chair

Terry Blount

Terry Blount
Planning Manager

F:\Community Development\All Projects\MAJOR SUBDIVIONS\Sub-8257 - ALHAMBRA HIGHLANDS 2008\PC RESO's of APPROVAL\PC UP. Reso 11-05 2011 04 12.doc

EXHIBIT A

PLANNING COMMISSION RESOLUTION PC 11-05
"Alhambra Highlands" – UP 08-17

FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN

The proposed project, a Planned Unit Development which consists of subdividing a 297.5 acre project area into 110 custom residential lots, a parcel for construction of a water tank, a parcel reserved for possible future development and remaining parcels as common open space areas ("Project") is consistent with the policies of the Martinez General Plan and Housing Element, components thereof, including, but not limited to the following:

21.322 - Land Use Element, Residential Uses, Hill Residential Areas: **All land designated for residential use with slopes in excess of ten percent shall be developed in a manner which respects the site's natural features and protects against natural hazards common to most hill area sites in Martinez. Allowable residential density shall be governed by the City's slope density ordinance. Use of planned unit development approach is made mandatory in order that conditions unique to each site can be considered.**

Facts in Support: The project, as a Planned Unit Development, appropriately clusters all units onto the "hilltop plateau", generally leaving the wooded hillsides below the plateau in a natural condition. Geotechnical hazards on the hillsides are thus avoided, tree loss is kept to a minimum and the natural landform of the Alhambra Hills is thus respected and retained.

22.4 - Open Space Element, Conservation Lands Policies (Fig F22.2):

- **Large scale alteration of the topography to accommodate incompatible development patterns is prohibited to prevent severe erosion and hydrologic hazard.**

- **In all hilly areas, grading practices for drainage purposes should restore natural patterns of surface water run-off with respect to volume of flow.**

- **Grading alterations should not induce or accelerate natural channel grading, sheet erosion, gullying and other forms of erosion.**

- **All woodlands and marshes should be conserved and protected from degradation, destruction or deleterious encroachment. Where development occurs, site plans should be required to maximize retention and preservation of these vegetative resources.**

- **Development within areas dominated by oak species should avoid damage to their sensitive root crowns by grading practices**

Facts in Support: The project appropriately clusters all units onto the "hilltop plateau," generally leaving the hillsides below, with their trees, grass areas and water channels, in a natural condition. These naturally forested areas are to be within open space easements to preserve their existing character. Grading, where necessary for access roads and geotechnical safety, echoes natural landforms to avoid channelization and prevent erosion.

22.51 - Open Space Element, Open Space & Conservation Policy Zones: **Hill areas greater than 30% slope shall not be developed, except as set forth in A & B below, and except on an existing lot of record where only one single family house is proposed and there is no building site under 30% slope. In such cases, development shall only be allowed if it can be demonstrated that significant alteration of the topography will be minimized and that hazards to public safety will not be incurred. This prohibition will protest public safety and soils, safeguard watershed areas and waterways, and preserve the natural scenic setting of the community as determined by its landforms. This policy shall be applied as part of all specific area plans, area plans, and/or specific plans adopted as part of, or pursuant to, this general plan, and need not be restated or repeated in such plans.**

A. Where no alternative exists, roads connecting development area may pass over areas of over 30% slope, subject to approval by the Planning Commission. Grading shall be limited to that necessary for the road or the minimum amount which will create the most natural appearing contours. If such grading creates buildable areas, residential development fronting the road may be permitted subject to approval by the Planning Commission.

B. Small areas of 30% and over slope entirely surrounded by areas under 30% slope may be developed. Small infringements on areas of over 30% slope may be permitted where the existing topography of the majority of the building area and area to be graded are under 30% slope.

and

24.222 - Safety Element, Geologic Hazards and Constraints: **All slopes which are over 30% in grade shall be precluded from development except as stated in <General Plan> Section 22.51.**

Facts in Support: All of the proposed development area is generally contained in areas of less than 30% slope. Limited grading and access roads is permitted as per the criteria herein contained, and as outlined below:

- The Wildcroft extension (primary access road, as conceptually illustrated the Alhambra Hills Specific Plan Fig. 31.30), which is both through areas exceeding 30% slope, is appropriate as there is no feasible alternative to access the project's developable area with less than 30% slopes, given the properties' constrains of topography, geology, protected Alameda whipsnake habitat areas and the goal of limiting traffic impacts to the fewest number of existing residents. Likewise, there is no viable alternative to the Horizon Drive Emergency Vehicular Access (EVA) link.

- Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance, thus minimizing vegetation removal and visual impact. Additional tree planting are to be provided, as per the SIER, to mitigate what otherwise could be a visual impact of the Wildcroft extension.

- The applicant has demonstrated the stability of soils for development proposed at the periphery of the development by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. The visual impact of such development areas have been appropriately minimized by the incorporation of SIER mitigation measures, which require such design features as reduced building height limits and additional tree plantings as means of mitigating otherwise possible visual impacts.

3.6 – 2007-2014 Housing element of the General Plan Policy. **Encourage a mix of housing units throughout the City including...recognition that higher priced residential opportunities must also be provided.**

Facts in Support: The development proposal is for custom and semi-custom residences in a premium view-oriented setting. Most all single-family development in Martinez over the past 40 years has been homebuilder's "production units" using standardized plans with few architectural embellishments. The proposal will allow for a far greater degree of personalized designs, will include far greater individual architectural detailing, and will offer outstanding views of the Carquinez Straight, Mount Diablo, and surrounding hillsides. Such architectural features and views will warrant higher prices, commensurate with the quality of the housing opportunity to be provided. The project will offer housing opportunities to more affluent buyers that are largely not currently available within the City of Martinez.

* * *

EXHIBIT B

PLANNING COMMISSION RESOLUTION PC 11-05
"Alhambra Highlands" – UP 08-17

FINDINGS OF CONSISTENCY WITH THE ALHAMBRA HILLS SPECIFIC PLAN

The proposed project, a Planned Unit Development which consists of subdividing a 297.5 acre project area into 110 custom residential lots, a parcel for construction of a water tank, a parcel reserved for possible future development and remaining parcels as common open space areas ("Project") is consistent with the policies of the Alhambra Hills Specific Plan ("AHSP"), including, but not limited to the following:

Section 1. LAND USE (31.31)

Development Area shall consist of all Plan areas shown on Fig 31.31 ("Land Use and Circulation – Alhambra Hills Specific Plan"), under 30% slope, which shall be considered developable unless site constraints prevent development of that particular area (see Policies 31.321 and 31.322).

31.311: **Development of the Plan area shall be limited to single family homes.**

31.312: **Development and grading... shall be limited to the Development Area, except <for> access roads and residences as allowed by Policy 31.314.**

31.313: **No development on areas of 30% or greater slope shall be permitted except that: a) where no alternative exists, roads connecting Development Areas may pass over 30% slope. Grading shall be limited to that necessary for the road or to the amount which will create the most natural appearing contours. If such grading creates buildable areas... residential development fronting the road may be permitted; and b) small areas (10,000 sq. ft. or less) of 30% and over slope, entirely surrounded by areas under 30% slope, may be developed. Small infringements on areas may be permitted where the existing topography of the majority of the building area and the area to be graded are under 30% slope.**

31.314: **Development of... access roads outside the Development area shall comply with the criteria that such development demonstrates: a) soil stability, b) minimal visual impact, c) minimal grading or vegetation removal and d) compliance with Site Development Policies (Section 31.34)**

> Facts in Support: All proposed development is limited to single family homes. The portion of the property proposed for single family-home development is both generally consistent with graphic representation of the Development Area provided in Fig 31.30 and policy of limiting development to areas of slopes less than 30% (placing such steeper slopes in open spaces areas to be preserved),

except as per the criteria of AHSP Section 31.314 which allows grading and development outside the illustrated Development Area and/or on slopes greater than 30% slope:

- The Wildcroft extension (primary access road, as conceptually illustrated in Fig 31.30), which is both outside the Development Area and through areas exceeding 30% slope, is appropriate as there is no feasible alternative to access the project's Development Area given the properties' constraints of topography, geology, protected Alameda Whip Snake habitat areas and the goal of limiting traffic impacts to the fewest number of existing residents. Likewise, there is no viable alternative to the Horizon Drive Emergency Vehicular Access (EVA) link.

- Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance, thus minimizing vegetation removal and visual impact. Additional tree plantings are to be provided, as per the SEIR, to mitigate what otherwise could be a visual impact of the Wildcroft extension.

- The applicant has demonstrated the stability of soils for development proposed at the periphery of the illustrated Development Area contours by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. The visual impact of such development areas has been appropriately minimized by the incorporation of SIER mitigation measures, which require such design features as reduced building height limits and additional tree plantings as means of mitigating otherwise possible visual impacts.

Section 2. DEVELOPMENT DENSITY (31.32)

31.321: **The maximum number of units for that portion of the project on the plateau (Properties, D, E, H, J, K L M and Q as identified on Fig 31.31 ("Land Use and Circulation – Alhambra Hills Specific Plan") is within a range of 269 – 297. The range established is the number of units which may be approved for proposals in minimal conformance with Specific Plan criteria up to the maximum permitted for exceptional projects.**

Facts in Support: Only 110 single-family units are being proposed, well below the prescribed maximum, as Properties L M and Q are not be developed but are to be preserved as open space for Alameda Whip Snake habitat. Even if the units allocated for Properties L, M and Q are discounted, the maximum permitted number of units on Properties D, E, H J and K is within a range of 171 – 183, which is well above the 110 units now being proposed. The current proposal is thus in compliance with the Specific Plan's policies on maximum allowable density.

Section 3. CIRCULATION (31.33)

31.331: **Access to the plateau shall be provided... connecting Wildcroft Drive and Horizon Drive (from its current terminus at APN 164-150-029). A turnaround bulb shall be constructed near the existing end of Horizon Drive and... the City may limit the use of <the Horizon Drive Extension> to emergency use only. Streets shall conform to the design shown in Fig. 31.30.**

Facts in Support: The circulation plan for the portion of the project to be developed (Properties D, E, H J and K) conforms to the circulation design conceptually illustrated in Fig, 31.30, with access from the Wildcroft Drive extension and internally looped local streets at the plateau. Use of the Horizon Drive extension will limited to Emergency Vehicle Access (EVA) only.

31.332: **Innovative grading technique as discussed in the EIR Road Alignment Geotechnical Addendum... and other EIR mitigation measures... shall be required for the construction of Wildcroft Drive <extension> all road construction.**

Facts in Support: To reduce the area to be graded and to mitigate any geotechnical hazards, the Wildcroft Extension is proposed to be constructed using alternatives to conventional 2:1 cut and fill slopes, such as gravity retaining structures and grid earth reinforcement techniques, as conceptually illustrated in the "Road Alignment Geotechnical Feasibility Study" by Rodgers/Pacific dated January 16, 1987. Additionally, mitigation measures applicable to the current 110 unit plan, including but not limited to, providing access to the plateau via the Wildcroft Extension and landscaping to mitigate the potential visual impacts of said extension, are incorporated into the project and project's conditions of approval.

31.336: **Off-site street and intersection improvements, listed as mitigation measures of the AHSP EIR and Goodrich Group's Traffic Study integral to the AHSP EIR, shall be required with the timing of installation to be determined by the City Engineer, except for off-site cumulative impact mitigations measures, which shall be funded by mitigation fees. On-site streets shall be constructed to standards listed in the AHSP EIR.**

Facts in Support: The design of local streets have incorporated the applicable design features discussed as mitigations in the EIR, including but not limited to the provision of minimum 20' wide travel ways, appropriate turn-around designs to meet emergency services and adequate parking. Alhambra frontage improvements, including but not limited to the intersection at Wildcroft Drive extension, are to be installed, as per the conditions of approval, to the satisfaction of the City Engineer. Traffic mitigation fees, as per applicable legal agreements, are to be paid be developer.

31.338: **No development shall be permitted on the plateau prior to the completion of Wildcroft Drive to the development site. No construction equipment shall be allowed to use Horizon Drive.**

Facts in Support: As per tentative map and conditions of approval, upon completion of Wildcroft extension, all access, except for emergency vehicles, shall be exclusively through the Wildcroft Drive extension.

Section 4. SITE DEVELOPMENT (31.34)

31.341: **Planned Unit Developments which implement the design review criteria shall be required for all plateau sites.**

Facts in Support: Project entitlements includes the original Planned Unit Development approvals given currently with the original Alhambra Highlands subdivisions approvals in 1990, and as an amended Planned Unit Development for the current 110 unit plan. Furthermore, the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) establish a high design standard for all of the 110 units within the project, implementing the design review criteria. The Design Guidelines are proposed as part of the overall project and subject to the approval of the City. As a custom home development pursuant to the Design Guidelines, standards meet or exceed those of the surrounding productions homes in regard to the use and constancy of materials on all sides of the building. Consistent use of architectural detailing is required throughout the residence, as opposed the typical "front elevation veneer" used in production homes. All colors will be muted. In addition, the potentially more visible lots at the periphery of the development area have been identified in the SEIR, and reduced height limits, special design review and landscaping are required for these lots, pursuant to the Mitigation Measures outlined in the SEIR and applied to the project through the conditions of approval, to minimize visibility from off site. As such, these homes will appear as single story designs, echoing the topography of the hillsides and without visible foundation/skirt walls. Additional landscaping shall is required by the conditions of approval, as needed, to further reduce off-site viability if warranted.

31.342: **Site plans shall minimize the visual impacts of development where possible while maintain the natural topography. Repair of slides, and other soil stability hazards shall be required for the protection of public safety and shall be reconstructed with a natural appearance.**

Facts in Support: The project, as a Planned Unit Development, appropriately clusters all units onto the plateau as identified in the Alhambra Hills Specific Plan, generally leaving the hillsides below the plateau in a natural condition. Geotechnical hazards on the hillsides are thus avoided and the natural

appearance is retained. Where grading of the plateau is necessary for geotechnical safety, the result will be an upper and lower terrace that avoids the creations of an unnatural table top image but instead echoes the existing landform. Where development is being permitted at the perimeter of the plateau, the potential visual impact of such development areas have been appropriately minimized by the incorporation of SEIR mitigation measures, which require such design features as reduced building height limits and additional tree plantings. Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance.

31.343: **Grading for the sole purpose of creating Development Area or buildable lots shall not be permitted (e.g. substantial cutting or filling of slopes over 30% to create lots shall not be permitted).**

Facts in Support: The proposed project does not include grading for the purpose of creating development area on slopes exceeding 30% slope. As the mitigation of geotechnical hazards and provision of access roads necessitates the grading in the plateau area, the grading of small areas of 30% slope will not be done for the sole purpose of creating buildable lots but rather for the larger intergrated purpose of making development of the plateau possible within the parameters of the Alhambra Hills Specific Plan.

31.344: **Grading shall comply with the following policies (except for exceptions pursuant Section 31.345 below).**

A. **Street Grading – Sites shall be planned to preserve the natural topography. Street grading shall be limited to that necessary for safety and to achieve natural appearing contours.**

Facts in Support: The street layout for the proposed project is consistent with the approved Circulation Plan, Fig. 31.31 ("Land Use and Circulation"), which itself was designed to preserve the natural topography.

B. **Lot Grading – Grading for individual lot with existing slopes over 20% shall be limited to driveways and within the house foundation. Grading of lots under 20% slope shall resemble natural contours.**

Facts in Support: The developers' grading plan creates a variety of lots for future custom home construction. The majority will be near level pads, as the plateau is to be mass graded for the mitigation of geotechnical hazards and provision of access roads. In the less common circumstance where a lot will be wholly or partially on native ground with slops over 20%, grading is limited to that for driveway access or foundation location. Approval of any subsequent grading is subject to Design Review approval of the Homebuilders/homeowners plan, which must be found to resemble natural

contours.

C. **If corrective grading outside these limits is necessary for geotechnical safety reasons, the finished grading shall closely resemble the pre-existing natural appearance of the topography.**

Facts in Support: The limits of grading necessary for geotechnical reasons have been established by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. With the limitations of creating buildable lots within the approved Development Area, and the need to address hydrologic and geotechnical safety requirements, the grading within open space slopes will blend into existing landforms to resemble the pre-existing appearance of the topography.

31.345: **First priority shall be given to siting streets, residences and public facilities to avoid geologic hazards and instabilities, prevent the creation of drainage hazards which would threaten slope stability and to minimize visual impacts of plateau development. Where serious geologic or drainage conditions which threaten public safety, or where significant visual impacts which would result from development cannot be mitigated by locating development away from the hazards or by grading in Compliance with Policies 31.342 and 31.343, additional grading may be permitted.**

Facts in Support: The residential units and water tank are located at the summit of the plateau, which as a Development Area, has relatively fewer Geotechnical hazards than the hillsides below, which are to remain as open space. The limit of grading, which been established by completing detailed construction level grading plans and soils reports that have been peer reviewed by the City's Geotechnical consultant, is generally consistent with the scope of grading envisioned by Policies 31.342 and 31.343, except as outlined in 31.346 below.

31.346: **In situations of serious geologic hazard and in limited areas where significant visual impacts would result without more extensive grading, grading in compliance with the following (and as conceptually illustrated under the "cut and fill" option mitigations provided in the "Grading Concepts" Report by Rodgers/Pacific dated January 23, 1987 and integral to the EIR), may be permitted.**

A. **Street Grading – Expanded street grading shall be allowed to recontour slopes and create large flat pad lots and;**

B. **Lot Grading – Grading of individual lots shall be allowed to create large flat pads draining toward the street. The periphery of the developed area shall be tapered and rounded into the existing contours.**

Facts in Support: The mitigation of geologic hazards that could otherwise

result from having development drainage saturate the plateau and thus undermine the slopes below, requires that mass grading techniques be used to intercept drainage. The necessary street and pad grading will direct drainage into a managed storm drainage system, where it can be safely conveyed as per approved storm water management plans. Furthermore, where grading of the plateau is thus necessary for geotechnical safety, it will create an upper and lower terrace to avoid the creation of an unnatural table top image, but rather echo the existing landform. And finally, lots at the periphery will not have pad grades but rather will be largely built on natural grade, achieving the desired tapered and rounded effect.

31.347: **Up to 20% of the lots may meet R-7.5 Zoning code requirements. All other lots shall conform with R-10 minimum requirements. Overall density shall average at least 10,000 sq. ft. of Development Area per residence.**

Facts in Support: Of the 110 lots proposed, all but 17 are 10,000 sq. ft., or larger, so less than 20% meet the reduced R-7.5 District's 7,500 sq. ft. minimum size requirement. All other requirements of the applicable R-7.5 and R-10 development standards have either been meet, or exceptions to these standards have been approved as part of the Planned Unit Development. Of the approximate 297.5 acre project area, approximately 76.2 acres is considered to be the Development Area, resulting in a density of over 29,000 sq. ft. of site area per dwelling unit.

31.348: **Sites shall be planned to preserve open space, existing vegetation (especially on ridgelines) and knoll tops as much as possible.**

Facts in Support: The development plan leaves Properties L M and Q as open space for Alameda Whip Snake habitat, thus preserving a greater portion of the ridgeline than was required at the time the Alhambra Hills Specific Plan was adopted.

31.349: **Site layout and grading shall provide continuity of design between parcels.**

Facts in Support: The plateau is largely under the ownership of the project's developer, so the grading for units, access and infrastructure is now integrated among the several Properties identified at the time Alhambra Hills Specific Plan was adopted.

Section 5. BUILDING DESIGN (31.35)

31.351: **Building design and materials shall be compatible with and better than nearby existing development.**

Facts in Support: Although the Project site visual character would change with the introduction of residential development roadways, the Alhambra Hills Specific Plan allowed such development on the site. The Project is consistent with the Specific Plan building design policies because the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) contain design criteria that will be applied to all development within the project site to establish a cohesive site design. The Development Guidelines and Design Criteria state that each of the residential designs should strive for simplicity of form with strong simple details, a subdued color palette using pastels and earth tones, carefully crafted architectural details and integration of house design and landscape design. Additionally, Alhambra Highlands architectural styles include Monterey, Early California/Spanish Colonial, Craftsman, French County, Cottage, Ranch and Farmhouse which are compatible with the similar single-family residential neighborhoods in the project vicinity. Extensive landscaping will be incorporated throughout the site that will be integrated into the lot design.

31.352: **Structures shall be designed to blend into, rather than dominate, the natural setting.**

Facts in Support: Consistent with the Alhambra Hills Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) provide that existing slopes should be reflected through stepping of architectural forms. All levels of the house would actively relate to the grade of the site. Consistent with the guidelines, houses would appear to "grow out" of their sites and will be designed to be integral with the topography, landscaping and natural features of the land. Further, the Design Guidelines encourage that site grading be minimal and relate to the natural topography of the site. Structures would be located to minimize any grading out of the structure's foundation and driveway. For these reasons, the Project would be consistent with the Alhambra Hills Specific Plan.

31.353: **Buildings shall be sited and designed to fit the natural topography and preserve existing vegetation as much as possible.**

Facts in Support: As discussed above for finding 31.352, the Design Guidelines provide for the siting and design of future residences to fit the natural topography and preserve existing vegetation with minimal grading consistent with the Alhambra Hills Specific Plan. The Landscape Design Concept/Character found in Section 5 of the Design Guidelines is based on design principles that focus on maintaining the natural character of the area. The Design Guidelines encourage the use of native plant materials and the protection and preservation of existing native oaks. Additionally, the City has imposed a rigorous process for removal of native trees and a corresponding extensive tree replacement ratio that are designed to preserve the existing vegetation consistent with the Specific Plan.

31.354: **Buildings which can be viewed from below shall be sited, designed and**

landscaped so that supporting columns, piers and building undersides are not visually dominate.

Facts in Support: As discussed in Design Guidelines, existing slopes would be reflected through stepping of architectural forms that would relate to site grades. The Design Guidelines discourage tall, blank walls of hillside residences and the homes must incorporate the use of terrace walls and/or landscaping. In no case would decks be allowed to be more than 6 feet above the grade established by the approved as-built grading plan, or the individual lot's approved as-built grading plan, exclusive of railings. Balconies from upper levels of single-family residences may cantilever no more than 2 feet laterally without support. Consistent with the Specific Plan, the project is designed to minimize the potential for columns, pier and building undersides to visually dominate the landscape as further discussed in the Design Guidelines and the Final SEIR.

31.355: **Buildings on hillsides shall step down to follow the topography.**

Facts in Support: Consistent with the Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* require that all levels of the house would actively relate to the grade of the site as discussed above. Importantly, residential development would primarily occur on the plateau that characterizes the hillside, thereby limiting disturbance of the hillside slopes. The project geotechnical recommendations and SEIR mitigation measures also address the project' efforts to minimize site grading, thereby further ensuring that site development minimizes alteration of the slopes.

31.356: **Natural appearing colors and building materials shall be required. Visually obtrusive/reflective colors and materials shall be prohibited.**

Facts in Support: As required by the Alhambra Hills Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* encourage the use of warm earth toned colors and lights shades of gray. Trim colors should accent body colors with color blocking encouraged. The Design Guidelines expressly discourage the use of stark blues, whites, and bright pastels and intense primary colors consistent with the Specific Plan.

31.357: **Buildings shall be designed to meet all Fire District requirements (roof materials, alarms, sprinklers, etc.)**

Facts in Support: Consistent with the Alhambra Hills Specific Plan, the Project incorporates exterior building materials, roof materials and accessories into home designs to meet all Fire District requirements as further discussed in Section IV.C of the Design Guidelines. Section 5 of the Design Guidelines provides for incorporating fire defensible space and reduced fuel zones into the landscape design.

Section 7. LANDSCAPING, FENCING AND LIGHTING (31.37)

31.371: **The Character of the natural setting shall be enhanced with natural landscape designs emphasizing native species and retaining existing vegetation.**

Facts in Support: Existing oak woodlands on the hillside open spaces are to be preserved. Where oak trees are to be removed for the grading of the Development Area and Wildcroft extension, they will be replaced at a ratio of 1.5:1, ultimately resulting in an increase of the number of trees on-site. All open space plantings are of naturalistic designs with native species removed being replaced with same native species.

31.372: **Visually significant man-made improvements along the periphery of plateau or hilltop development areas should be landscaped to blend into the natural setting. Yard improvements and solid fencing which extend into the periphery area shall be prohibited by scenic easement.**

Facts in Support: Additional oak trees clusters, and naturalistic ground plane treatments, are to be planted adjacent to the custom home units, and over open space fill areas, at the western perimeter of the development area (Aberdeen Road and Heath Lane). Similar naturalistic planting shall be provided to help integrate the Wildcroft Drive extension and Reliez Valley Road basin into their natural settings. Solid fencing shall be prohibit on sloping, peripheral areas, and be limited to internal pad locations. At the peripheral lots, as identified the SEIR, scenic easements shall be recorded against that lot in favor of the City of Martinez. The scenic easement shall require the lot owner and successor owners of such a lot to retain existing and any added landscaping. The scenic easement shall apply to the landscaped area on the lot and it shall provide that no trees in the landscaped area shall be removed or reduced in height without the prior written approval of the City of Martinez. Solid fencing within the easements shall be prohibited.

31.373: **An overall natural landscape theme for the major access road should be provided to unify the development areas.**

Facts in Support: In accordance with the SEIR, mitigation measures and Conditions of Approval implementing same, upslope frontage areas adjacent to Cumberland Road, Aberdeen Road, Wicklow Road and Health Lane will be planted in a naturalistic style, (rear and/or street-side side yards of lots 44-51, 54-57, 59-68, 81-84, 93-102, 106-108, 112), shall be placed within a landscape easement, to be dedicated to the HOA, or equivalent, thus providing a unified landscape stamen throughout the plateau neighborhood.

31.374: **Fencing which would be visible from outside the development areas shall be non-obscure and natural in appearance. A wood frame open wire fence is**

recommended.

Facts in Support: In accordance with the approved Fencing Plan and Conditions of Approval, only open wire mesh fences are to be used in areas visible from outside development areas.

31.375: **Exterior lighting shall be compatible with and sensitive to surrounding uses and the natural setting. Necessary lighting shall be situated as much as possible in the interior portion of visually sensitive development areas.**

Facts in Support: As per the mitigation measures of the SEIR, Conditions of Approval implementing same and standards the *Alhambra Highlands Development Guidelines and Design Criteria,* all lighting shall avoid causing glare that could otherwise be seen off-site. Only fixtures which prevent light-leakage are permitted.

Section 8. OPEN SPACE/TRAILS (31.38)

31.381: **Open Space areas shall be privately owned and maintained. Maintenance of such areas shall be by homeowners associations rather than individuals.**

Facts in Support: Approximately 220 acres of the 297.5 acre project site are to be open space parcels maintained by the Alhambra Highlands Homeowner's Association or equivalent.

31.383: **Public trail easements shall link the plateau areas to surrounding development and the general plan riding and hiking system. Minimum connections shall include the California Riding and Hiking Trail ... recommended linkages are shown in Figure 31.30 ("Land Use and Circulation – Alhambra Hills Specific Plan").**

Facts in Support: Within the limits of geotechnical constraints, the trail network as conceptually illustrated in Fig 31.30 and shown on approved Landscape Improvement Plans is to be constructed by the developer, linking Alhambra Avenue to Horizon Drive and Reliez Valley Road. The trail is to be built to East Bay Regional Park District standards and is to be maintained by the Alhambra Highlands Homeowner's Association or equivalent.

31.385: **Sound barriers shall also be provided along major roads were needed (see Noise Element). Sound barriers shall be designed to fit into the surrounding visual environment; large masonry walls are discouraged.**

Facts in Support: As a mitigation measure identified in the SEIR and implemented by the Conditions of Approval, sound barriers are to be constructed on the south side of the Wildcroft extension where the new road will adjoin

existing residences on Valley Glen Drive. Extensive landscaping will be provided adjacent to the barrier, so that it will better fit into its visual environment.

Section 10. IMPLEMENTATION (31.40)

31.401: **Alhambra Hills Specific Plan IMPLEMENTATION ELEMENT, Section C, pages 13-29 are hereby required and incorporated into this policy plan. Implementation measures shall be amended or eliminated as necessary to address plan modifications.**

Facts in Support: The scale of water and sewer infrastructure needed for the current 110 unit plan is far less than what was envisioned in 1986 when the Implementation Element was approved. Furthermore, the now more limited plateau development is largely under the control of one developer. Requirements for infrastructure improvements, which include but are not limited to the single water tank and upgrades to the Webster Pump Station are appropriately scaled to the current 110 unit project, and will constructed by the developer as per the project plans and conditions of approval.

* * *

RESOLUTION NO. PC 11-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ, APPROVING A VESTING TENTATIVE MAP FOR THE DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT WITH UP TO 110 SINGLE -FAMILY UNITS ("ALHAMBRA HIGHLANDS") ON AN APPROXIMATE 297.5 ACRE SITE, WITH APPROXIMATELY 240 ACRES OF PERMANENT OPEN SPACE, GENERALLY LOCATED WEST OF ALHAMBRA AVENUE AT WILDCROFT DRIVE (APN: 164-010-019,025 & 026; 164-150-016,022 & 030; 366-010-007; 366-060-007) SUB#9257

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

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

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

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

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

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

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

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

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

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

WHEREAS, on the basis of said Initial Study, a Subsequent Environmental Impact Report was prepared pursuant to Public Resource Code Section 21116 and CEQA Guidelines Section 15162, to analyze the environmental impacts associated with the 2008 Alhambra Highlands Project; and

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

WHEREAS, on March 22, 2011, the Planning Commission of the City of Martinez held a duly noticed public hearing on the 2008 Alhambra Highlands Project; and

WHEREAS, the Planning Commission of the City of Martinez continued the items relating to the 2008 Alhambra Highlands Project to the meeting of April 12, 2011; and

WHEREAS, on April 12, 2011, the Planning Commission of the City of Martinez adopted Resolution PC 11-03, certifying the Subsequent Environmental Impact Report prepared as required under CEQA and adopting a statement of overriding considerations; and

WHEREAS, PUD 08-01, the 2008 Alhambra Highlands Project constitutes the approval of the proposed modifications to the previously approved PUDs including: amended development standards for the subject R-10 (Residential, Single-family, 10, 000 sq. ft. minimum lot size) Zoning District, and Alhambra Highlands Development Guidelines and Design Criteria for individual residential lots; and

WHEREAS, on April 12, 2011, the Planning Commission of the City of Martinez adopted Resolution PC 11-04, approving the proposed modifications to the previously approved Planned Unit Developments, and

WHEREAS, on April 12, 2011, the Planning Commission of the City of Martinez adopted Resolution PC 11-05 , approving the proposed water tank; and

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

WHEREAS, the Custodian of Records in the City Clerk of the City of Martinez; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on its independent judgment, does hereby find and resolve as follows:

Section 1 Consistency with General Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the General Plan and adopts the findings set forth in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 2. Consistency with Alhambra Hills Specific Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the Alhambra Hills Specific Plan and adopts the findings set forth in **Exhibit B**, attached hereto and incorporated herein by reference.

Section 3. Approval of Vesting Tentative Map for Subdivision # 9257, as

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that:

1. With the incorporation of the exceptions to the development standards of the subject R-10 (Residential, Single-family, 10, 000 sq. ft. minimum lot size) Zoning District approved by the Planning Commission with the adoption of Resolution PC 11-04, approving the proposed modifications to the previously approved Planned Unit Developments, the proposed Subdivision #9257 substantially conforms to the requirements of the R-10 Zoning District, as well as all other applicable zoning provisions of Title 22; Zoning of the Municipal Code.

2. Proposed Subdivision #9257 substantially conforms to the standards, and standards for the granting of exceptions, to the applicable provisions of Title 21; Subdivisions of the Municipal Code.

3. Proposed Subdivision #9257 is in conformance with the Subdivision Map Act, including but not limited to:

   a. Section 66412.3 Local Agencies to consider housing needs of region: **In carrying out the provision of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.**.

   Facts in support: The proposed development will provide, as required by the City's Housing Element, new housing for upper income residents of a type that has not been made available in the greater Martinez areas for many

years. Public improvements to serve the new housing will be constructed by the developer at no cost to existing residents. Additionally, the project water system improvements will provide redundancy to improve water service to the existing residents in the surrounding area. The benefit of the additional housing opportunity outweighs the nominal added impact to the surrounding existing infrastructure.

b. Section 66474 - Grounds for approving a tentative map:

- **That the site is physically suitable for the type of development.**

  Facts in support: The Alhambra Hills Specific Plan contemplated residential development on the Alhambra Highlands site. The development area is appropriately limited to the relatively level areas of the project site, leaving the steeply sloping areas (30% or greater) undeveloped. Areas of significant native trees or Alameda whipsnake habitat also will remain undeveloped. Complete construction level geotechnical analyses were performed. The proposed grading of all sloped areas within and adjacent to proposed development areas was peer reviewed by the City, and measures are incorporated into the project to mitigate potential geotechnical risks.

- **That the site is physically suitable for the proposed density of development.**

  Facts in support: The proposed density within the development area, is less than 10,000 sq. ft. of site area per dwelling unit. This density is within the permitted density limit specified in the Martinez General Plan, the Alhambra Hills Specific Plan, and zoning regulations. The proposed density is equal to or less than that of the surrounding neighborhoods on the slopes below the project site.

- **That the design of the subdivision or proposed improvements are unlikely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.**

  Facts in support: The Final SEIR evaluated potential impacts to biological resources. To address these impacts the SEIR identified mitigation measures to avoid or substantially lessen the impacts of the Project. For example the design of the subdivision and proposed improvements will not disturb areas where wildlife could be injured or habitat disturbed. Care and management of the Alameda whipsnake population and its habitat protected under conservation easement will be an ongoing mitigation and management activity during construction and in perpetuity.

- **That the design of the subdivision or type of improvements is unlikely to cause serious public health problems.**

  Facts in support: There are no hazardous substances or public health concerns in the vicinity of the project. No records of hazardous materials have been reported on the project site.

- **That the design of the subdivision or the type of improvements does not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

  Facts in support: There are no such conflicts with existing easements within the project as there are no existing formal easements on the project site. Nevertheless, the project includes trail connections to the existing trails along the existing fire access road and connecting through the project boundaries.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves the Mitigation Monitoring and Reporting Program for the proposed project, set forth in **Exhibit C**, attached hereto and incorporated herein by reference.

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves Subdivision # 9257, as modified by "Alternative #1" submitted by the developer, Richfield Investment Corporation, on May 14 2010 and subject to conditions of approval set forth in **Exhibit D**, attached hereto and incorporated herein by reference.

* * * * * * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 12th day of April, 2011:

AYES: Ford, Keller, Kelly, Waggener & Glover

NOES: Allen & Burt

ABSENT:

ABSTAIN:

BY: Donna Allen

Donna Allen
Planning Commission Chair

Terry Blount

Terry Blount
Planning Manager

EXHIBIT A

PLANNING COMMISSION RESOLUTION PC 11-06
"Alhambra Highlands" – Sub #9257

FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN

The proposed project, a Planned Unit Development which consists of subdividing a 297.5 acre project area into 110 custom residential lots, a parcel for construction of a water tank, a parcel reserved for possible future development and remaining parcels as common open space areas ("Project") is consistent with the policies of the Martinez General Plan and Housing Element, components thereof, including, but not limited to the following:

21.322 - Land Use Element, Residential Uses, Hill Residential Areas: **All land designated for residential use with slopes in excess of ten percent shall be developed in a manner which respects the site's natural features and protects against natural hazards common to most hill area sites in Martinez. Allowable residential density shall be governed by the City's slope density ordinance. Use of planned unit development approach is made mandatory in order that conditions unique to each site can be considered.**

Facts in Support: The project, as a Planned Unit Development, appropriately clusters all units onto the "hilltop plateau", generally leaving the wooded hillsides below the plateau in a natural condition. Geotechnical hazards on the hillsides are thus avoided, tree loss is kept to a minimum and the natural landform of the Alhambra Hills is thus respected and retained.

22.4 - Open Space Element, Conservation Lands Policies (Fig F22.2):

- **Large scale alteration of the topography to accommodate incompatible development patterns is prohibited to prevent severe erosion and hydrologic hazard.**

- **In all hilly areas, grading practices for drainage purposes should restore natural patterns of surface water run-off with respect to volume of flow.**

- **Grading alterations should not induce or accelerate natural channel grading, sheet erosion, gullying and other forms of erosion.**

- **All woodlands and marshes should be conserved and protected from degradation, destruction or deleterious encroachment. Where development occurs, site plans should be required to maximize retention and preservation of these vegetative resources.**

- **Development within areas dominated by oak species should avoid damage to their sensitive root crowns by grading practices**

Facts in Support: The project appropriately clusters all units onto the "hilltop plateau," generally leaving the hillsides below, with their trees, grass areas and water channels, in a natural condition. These naturally forested areas are to be within open space easements to preserve their existing character. Grading, where necessary for access roads and geotechnical safety, echoes natural landforms to avoid channelization and prevent erosion.

22.51 - Open Space Element, Open Space & Conservation Policy Zones: **Hill areas greater than 30% slope shall not be developed, except as set forth in A & B below, and except on an existing lot of record where only one single family house is proposed and there is no building site under 30% slope. In such cases, development shall only be allowed if it can be demonstrated that significant alteration of the topography will be minimized and that hazards to public safety will not be incurred. This prohibition will protest public safety and soils, safeguard watershed areas and waterways, and preserve the natural scenic setting of the community as determined by its landforms. This policy shall be applied as part of all specific area plans, area plans, and/or specific plans adopted as part of, or pursuant to, this general plan, and need not be restated or repeated in such plans.**

A. **Where no alternative exists, roads connecting development area may pass over areas of over 30% slope, subject to approval by the Planning Commission. Grading shall be limited to that necessary for the road or the minimum amount which will create the most natural appearing contours. If such grading creates buildable areas, residential development fronting the road may be permitted subject to approval by the Planning Commission.**

B. **Small areas of 30% and over slope entirely surrounded by areas under 30% slope may be developed. Small infringements on areas of over 30% slope may be permitted where the existing topography of the majority of the building area and area to be graded are under 30% slope.**

and

24.222 - Safety Element, Geologic Hazards and Constraints: **All slopes which are over 30% in grade shall be precluded from development except as stated in <General Plan> Section 22.51.**

Facts in Support: All of the proposed development area is generally contained in areas of less than 30% slope. Limited grading and access roads is permitted as per the criteria herein contained, and as outlined below:

- The Wildcroft extension (primary access road, as conceptually illustrated the Alhambra Hills Specific Plan Fig. 31.30), which is both through areas exceeding 30% slope, is appropriate as there is no feasible alternative to access the project's developable area with less than 30% slopes, given the properties' constrains of topography, geology, protected Alameda whipsnake habitat areas and the goal of limiting traffic impacts to the fewest number of existing residents. Likewise, there is no viable alternative to the Horizon Drive Emergency Vehicular Access (EVA) link.

- Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance, thus minimizing vegetation removal and visual impact. Additional tree planting are to be provided, as per the SIER, to mitigate what otherwise could be a visual impact of the Wildcroft extension.

- The applicant has demonstrated the stability of soils for development proposed at the periphery of the development by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. The visual impact of such development areas have been appropriately minimized by the incorporation of SIER mitigation measures, which require such design features as reduced building height limits and additional tree plantings as means of mitigating otherwise possible visual impacts.

3.6 – 2007-2014 Housing element of the General Plan Policy. **Encourage a mix of housing units throughout the City including...recognition that higher priced residential opportunities must also be provided.**

Facts in Support: The development proposal is for custom and semi-custom residences in a premium view-oriented setting. Most all single-family development in Martinez over the past 40 years has been homebuilder's "production units" using standardized plans with few architectural embellishments. The proposal will allow for a far greater degree of personalized designs, will include far greater individual architectural detailing, and will offer outstanding views of the Carquinez Straight, Mount Diablo, and surrounding hillsides. Such architectural features and views will warrant higher prices, commensurate with the quality of the housing opportunity to be provided. The project will offer housing opportunities to more affluent buyers that are largely not currently available within the City of Martinez.

* * *

EXHIBIT B

PLANNING COMMISSION RESOLUTION PC 11-06
"Alhambra Highlands" – Sub # 9257

FINDINGS OF CONSISTENCY WITH THE ALHAMBRA HILLS SPECIFIC PLAN

The proposed project, a Planned Unit Development which consists of subdividing a 297.5 acre project area into 110 custom residential lots, a parcel for construction of a water tank, a parcel reserved for possible future development and remaining parcels as common open space areas ("Project") is consistent with the policies of the Alhambra Hills Specific Plan ("AHSP"), including, but not limited to the following:

Section 1. LAND USE (31.31)

Development Area shall consist of all Plan areas shown on Fig 31.31 ("Land Use and Circulation – Alhambra Hills Specific Plan"), under 30% slope, which shall be considered developable unless site constraints prevent development of that particular area (see Policies 31.321 and 31.322).

31.311: **Development of the Plan area shall be limited to single family homes.**

31.312: **Development and grading... shall be limited to the Development Area, except <for> access roads and residences as allowed by Policy 31.314.**

31.313: **No development on areas of 30% or greater slope shall be permitted except that: a) where no alternative exists, roads connecting Development Areas may pass over 30% slope. Grading shall be limited to that necessary for the road or to the amount which will create the most natural appearing contours. If such grading creates buildable areas... residential development fronting the road may be permitted; and b) small areas (10,000 sq. ft. or less) of 30% and over slope, entirely surrounded by areas under 30% slope, may be developed. Small infringements on areas may be permitted where the existing topography of the majority of the building area and the area to be graded are under 30% slope.**

31.314: **Development of... access roads outside the Development area shall comply with the criteria that such development demonstrates: a) soil stability, b) minimal visual impact, c) minimal grading or vegetation removal and d) compliance with Site Development Policies (Section 31.34)**

> Facts in Support: All proposed development is limited to single family homes. The portion of the property proposed for single family-home development is both generally consistent with graphic representation of the Development Area provided in Fig 31.30 and policy of limiting development to areas of slopes less than 30% (placing such steeper slopes in open spaces areas to be preserved),

except as per the criteria of AHSP Section 31.314 which allows grading and development outside the illustrated Development Area and/or on slopes greater than 30% slope:

- The Wildcroft extension (primary access road, as conceptually illustrated in Fig 31.30), which is both outside the Development Area and through areas exceeding 30% slope, is appropriate as there is no feasible alternative to access the project's Development Area given the properties' constraints of topography, geology, protected Alameda Whip Snake habitat areas and the goal of limiting traffic impacts to the fewest number of existing residents. Likewise, there is no viable alternative to the Horizon Drive Emergency Vehicular Access (EVA) link.

- Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance, thus minimizing vegetation removal and visual impact. Additional tree plantings are to be provided, as per the SEIR, to mitigate what otherwise could be a visual impact of the Wildcroft extension.

- The applicant has demonstrated the stability of soils for development proposed at the periphery of the illustrated Development Area contours by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. The visual impact of such development areas has been appropriately minimized by the incorporation of SIER mitigation measures, which require such design features as reduced building height limits and additional tree plantings as means of mitigating otherwise possible visual impacts.

Section 2. DEVELOPMENT DENSITY (31.32)

31.321: **The maximum number of units for that portion of the project on the plateau (Properties, D, E, H, J, K L M and Q as identified on Fig 31.31 ("Land Use and Circulation – Alhambra Hills Specific Plan") is within a range of 269 – 297. The range established is the number of units which may be approved for proposals in minimal conformance with Specific Plan criteria up to the maximum permitted for exceptional projects.**

Facts in Support: Only 110 single-family units are being proposed, well below the prescribed maximum, as Properties L M and Q are not be developed but are to be preserved as open space for Alameda Whip Snake habitat. Even if the units allocated for Properties L, M and Q are discounted, the maximum permitted number of units on Properties D, E, H J and K is within a range of 171 – 183, which is well above the 110 units now being proposed. The current proposal is thus in compliance with the Specific Plan's policies on maximum allowable density.

Section 3. CIRCULATION (31.33)

31.331: **Access to the plateau shall be provided... connecting Wildcroft Drive and Horizon Drive (from its current terminus at APN 164-150-029). A turnaround bulb shall be constructed near the existing end of Horizon Drive and... the City may limit the use of <the Horizon Drive Extension> to emergency use only. Streets shall conform to the design shown in Fig. 31.30.**

> Facts in Support: The circulation plan for the portion of the project to be developed (Properties D, E, H J and K) conforms to the circulation design conceptually illustrated in Fig, 31.30, with access from the Wildcroft Drive extension and internally looped local streets at the plateau. Use of the Horizon Drive extension will limited to Emergency Vehicle Access (EVA) only.

31.332: **Innovative grading technique as discussed in the EIR Road Alignment Geotechnical Addendum... and other EIR mitigation measures... shall be required for the construction of Wildcroft Drive <extension> all road construction.**

> Facts in Support: To reduce the area to be graded and to mitigate any geotechnical hazards, the Wildcroft Extension is proposed to be constructed using alternatives to conventional 2:1 cut and fill slopes, such as gravity retaining structures and grid earth reinforcement techniques, as conceptually illustrated in the "Road Alignment Geotechnical Feasibility Study" by Rodgers/Pacific dated January 16, 1987. Additionally, mitigation measures applicable to the current 110 unit plan, including but not limited to, providing access to the plateau via the Wildcroft Extension and landscaping to mitigate the potential visual impacts of said extension, are incorporated into the project and project's conditions of approval.

31.336: **Off-site street and intersection improvements, listed as mitigation measures of the AHSP EIR and Goodrich Group's Traffic Study integral to the AHSP EIR, shall be required with the timing of installation to be determined by the City Engineer, except for off-site cumulative impact mitigations measures, which shall be funded by mitigation fees. On-site streets shall be constructed to standards listed in the AHSP EIR.**

> Facts in Support: The design of local streets have incorporated the applicable design features discussed as mitigations in the EIR, including but not limited to the provision of minimum 20' wide travel ways, appropriate turn-around designs to meet emergency services and adequate parking. Alhambra frontage improvements, including but not limited to the intersection at Wildcroft Drive extension, are to be installed, as per the conditions of approval, to the satisfaction of the City Engineer. Traffic mitigation fees, as per applicable legal agreements, are to be paid be developer.

31.338: **No development shall be permitted on the plateau prior to the completion of Wildcroft Drive to the development site. No construction equipment shall be allowed to use Horizon Drive.**

Facts in Support: As per tentative map and conditions of approval, upon completion of Wildcroft extension, all access, except for emergency vehicles, shall be exclusively through the Wildcroft Drive extension.

Section 4. SITE DEVELOPMENT (31.34)

31.341: **Planned Unit Developments which implement the design review criteria shall be required for all plateau sites.**

Facts in Support: Project entitlements includes the original Planned Unit Development approvals given currently with the original Alhambra Highlands subdivisions approvals in 1990, and as an amended Planned Unit Development for the current 1102 unit plan. Furthermore, the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) establish a high design standard for all of the 110 units within the project, implementing the design review criteria. The Design Guidelines are proposed as part of the overall project and subject to the approval of the City. As a custom home development pursuant to the Design Guidelines, standards meet or exceed those of the surrounding productions homes in regard to the use and constancy of materials on all sides of the building. Consistent use of architectural detailing is required throughout the residence, as opposed the typical "front elevation veneer" used in production homes. All colors will be muted. In addition, the potentially more visible lots at the periphery of the development area have been identified in the SEIR, and reduced height limits, special design review and landscaping are required for these lots, pursuant to the Mitigation Measures outlined in the SEIR and applied to the project through the conditions of approval, to minimize visibility from off site. As such, these homes will appear as single story designs, echoing the topography of the hillsides and without visible foundation/skirt walls. Additional landscaping shall is required by the conditions of approval, as needed, to further reduce off-site viability if warranted.

31.342: **Site plans shall minimize the visual impacts of development where possible while maintain the natural topography. Repair of slides, and other soil stability hazards shall be required for the protection of public safety and shall be reconstructed with a natural appearance.**

Facts in Support: The project, as a Planned Unit Development, appropriately clusters all units onto the plateau as identified in the Alhambra Hills Specific Plan, generally leaving the hillsides below the plateau in a natural condition. Geotechnical hazards on the hillsides are thus avoided and the natural

appearance is retained. Where grading of the plateau is necessary for geotechnical safety, the result will be an upper and lower terrace that avoids the creations of an unnatural table top image but instead echoes the existing landform. Where development is being permitted at the perimeter of the plateau, the potential visual impact of such development areas have been appropriately minimized by the incorporation of SEIR mitigation measures, which require such design features as reduced building height limits and additional tree plantings. Grading for the Wildcroft extension and Horizon EVA is appropriately limited to that solely needed for road functionality, geotechnical safety and to achieve a naturalistic appearance.

31.343: **Grading for the sole purpose of creating Development Area or buildable lots shall not be permitted (e.g. substantial cutting or filling of slopes over 30% to create lots shall not be permitted).**

Facts in Support: The proposed project does not include grading for the purpose of creating development area on slopes exceeding 30% slope. As the mitigation of geotechnical hazards and provision of access roads necessitates the grading in the plateau area, the grading of small areas of 30% slope will not be done for the sole purpose of creating buildable lots but rather for the larger intergrated purpose of making development of the plateau possible within the parameters of the Alhambra Hills Specific Plan.

31.344: **Grading shall comply with the following policies (except for exceptions pursuant Section 31.345 below).**

A. Street Grading – **Sites shall be planned to preserve the natural topography. Street grading shall be limited to that necessary for safety and to achieve natural appearing contours.**

Facts in Support: The street layout for the proposed project is consistent with the approved Circulation Plan, Fig. 31.31 ("Land Use and Circulation"), which itself was designed to preserve the natural topography.

B. Lot Grading – **Grading for individual lot with existing slopes over 20% shall be limited to driveways and within the house foundation. Grading of lots under 20% slope shall resemble natural contours.**

Facts in Support: The developers' grading plan creates a variety of lots for future custom home construction. The majority will be near level pads, as the plateau is to be mass graded for the mitigation of geotechnical hazards and provision of access roads. In the less common circumstance where a lot will be wholly or partially on native ground with slops over 20%, grading is limited to that for driveway access or foundation location. Approval of any subsequent grading is subject to Design Review approval of the Homebuilders/homeowners plan, which must be found to resemble natural

contours.

C. **If corrective grading outside these limits is necessary for geotechnical safety reasons, the finished grading shall closely resemble the pre-existing natural appearance of the topography.**

Facts in Support: The limits of grading necessary for geotechnical reasons have been established by completing detailed construction level grading plans and soils reports, which have been peer reviewed by the City's Geotechnical consultant. With the limitations of creating buildable lots within the approved Development Area, and the need to address hydrologic and geotechnical safety requirements, the grading within open space slopes will blend into existing landforms to resemble the pre-existing appearance of the topography.

31.345: **First priority shall be given to siting streets, residences and public facilities to avoid geologic hazards and instabilities, prevent the creation of drainage hazards which would threaten slope stability and to minimize visual impacts of plateau development. Where serious geologic or drainage conditions which threaten public safety, or where significant visual impacts which would result from development cannot be mitigated by locating development away from the hazards or by grading in Compliance with Policies 31.342 and 31.343, additional grading may be permitted.**

Facts in Support: The residential units and water tank are located at the summit of the plateau, which as a Development Area, has relatively fewer Geotechnical hazards than the hillsides below, which are to remain as open space. The limit of grading, which been established by completing detailed construction level grading plans and soils reports that have been peer reviewed by the City's Geotechnical consultant, is generally consistent with the scope of grading envisioned by Policies 31.342 and 31.343, except as outlined in 31.346 below.

31.346: **In situations of serious geologic hazard and in limited areas where significant visual impacts would result without more extensive grading, grading in compliance with the following (and as conceptually illustrated under the "cut and fill" option mitigations provided in the "Grading Concepts" Report by Rodgers/Pacific dated January 23, 1987 and integral to the EIR), may be permitted.**

A. **Street Grading – Expanded street grading shall be allowed to recontour slopes and create large flat pad lots and;**

B. **Lot Grading – Grading of individual lots shall be allowed to create large flat pads draining toward the street. The periphery of the developed area shall be tapered and rounded into the existing contours.**

Facts in Support: The mitigation of geologic hazards that could otherwise

result from having development drainage saturate the plateau and thus undermine the slopes below, requires that mass grading techniques be used to intercept drainage. The necessary street and pad grading will direct drainage into a managed storm drainage system, where it can be safely conveyed as per approved storm water management plans. Furthermore, where grading of the plateau is thus necessary for geotechnical safety, it will create an upper and lower terrace to avoid the creation of an unnatural table top image, but rather echo the existing landform. And finally, lots at the periphery will not have pad grades but rather will be largely built on natural grade, achieving the desired tapered and rounded effect.

31.347: **Up to 20% of the lots may meet R-7.5 Zoning code requirements. All other lots shall conform with R-10 minimum requirements. Overall density shall average at least 10,000 sq. ft. of Development Area per residence.**

Facts in Support: Of the 110 lots proposed, all but 17 are 10,000 sq. ft., or larger, so less than 20% meet the reduced R-7.5 District's 7,500 sq. ft. minimum size requirement. All other requirements of the applicable R-7.5 and R-10 development standards have either been meet, or exceptions to these standards have been approved as part of the Planned Unit Development. Of the approximate 297.5 acre project area, approximately 76.2 acres is considered to be the Development Area, resulting in a density of over 29,000 sq. ft. of site area per dwelling unit.

31.348: **Sites shall be planned to preserve open space, existing vegetation (especially on ridgelines) and knoll tops as much as possible.**

Facts in Support: The development plan leaves Properties L M and Q as open space for Alameda Whip Snake habitat, thus preserving a greater portion of the ridgeline than was required at the time the Alhambra Hills Specific Plan was adopted.

31.349: **Site layout and grading shall provide continuity of design between parcels.**

Facts in Support: The plateau is largely under the ownership of the project's developer, so the grading for units, access and infrastructure is now integrated among the several Properties identified at the time Alhambra Hills Specific Plan was adopted.

Section 5. BUILDING DESIGN (31.35)

31.351: **Building design and materials shall be compatible with and better than nearby existing development.**

Facts in Support: Although the Project site visual character would change with the introduction of residential development roadways, the Alhambra Hills Specific Plan allowed such development on the site. The Project is consistent with the Specific Plan building design policies because the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) contain design criteria that will be applied to all development within the project site to establish a cohesive site design. The Development Guidelines and Design Criteria state that each of the residential designs should strive for simplicity of form with strong simple details, a subdued color palette using pastels and earth tones, carefully crafted architectural details and integration of house design and landscape design. Additionally, Alhambra Highlands architectural styles include Monterey, Early California/Spanish Colonial, Craftsman, French County, Cottage, Ranch and Farmhouse which are compatible with the similar single-family residential neighborhoods in the project vicinity. Extensive landscaping will be incorporated throughout the site that will be integrated into the lot design.

31.352: **Structures shall be designed to blend into, rather than dominate, the natural setting.**

Facts in Support: Consistent with the Alhambra Hills Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* (Design Guidelines) provide that existing slopes should be reflected through stepping of architectural forms. All levels of the house would actively relate to the grade of the site. Consistent with the guidelines, houses would appear to "grow out" of their sites and will be designed to be integral with the topography, landscaping and natural features of the land. Further, the Design Guidelines encourage that site grading be minimal and relate to the natural topography of the site. Structures would be located to minimize any grading out of the structure's foundation and driveway. For these reasons, the Project would be consistent with the Alhambra Hills Specific Plan.

31.353: **Buildings shall be sited and designed to fit the natural topography and preserve existing vegetation as much as possible.**

Facts in Support: As discussed above for finding 31.352, the Design Guidelines provide for the siting and design of future residences to fit the natural topography and preserve existing vegetation with minimal grading consistent with the Alhambra Hills Specific Plan. The Landscape Design Concept/Character found in Section 5 of the Design Guidelines is based on design principles that focus on maintaining the natural character of the area. The Design Guidelines encourage the use of native plant materials and the protection and preservation of existing native oaks. Additionally, the City has imposed a rigorous process for removal of native trees and a corresponding extensive tree replacement ratio that are designed to preserve the existing vegetation consistent with the Specific Plan.

31.354: **Buildings which can be viewed from below shall be sited, designed and**

landscaped so that supporting columns, piers and building undersides are not visually dominate.

Facts in Support: As discussed in Design Guidelines, existing slopes would be reflected through stepping of architectural forms that would relate to site grades. The Design Guidelines discourage tall, blank walls of hillside residences and the homes must incorporate the use of terrace walls and/or landscaping. In no case would decks be allowed to be more than 6 feet above the grade established by the approved as-built grading plan, or the individual lot's approved as-built grading plan, exclusive of railings. Balconies from upper levels of single-family residences may cantilever no more than 2 feet laterally without support. Consistent with the Specific Plan, the project is designed to minimize the potential for columns, pier and building undersides to visually dominate the landscape as further discussed in the Design Guidelines and the Final SEIR.

31.355: **Buildings on hillsides shall step down to follow the topography.**

Facts in Support: Consistent with the Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* require that all levels of the house would actively relate to the grade of the site as discussed above. Importantly, residential development would primarily occur on the plateau that characterizes the hillside, thereby limiting disturbance of the hillside slopes. The project geotechnical recommendations and SEIR mitigation measures also address the project' efforts to minimize site grading, thereby further ensuring that site development minimizes alteration of the slopes.

31.356: **Natural appearing colors and building materials shall be required. Visually obtrusive/reflective colors and materials shall be prohibited.**

Facts in Support: As required by the Alhambra Hills Specific Plan, the *Alhambra Highlands Development Guidelines and Design Criteria* encourage the use of warm earth toned colors and lights shades of gray. Trim colors should accent body colors with color blocking encouraged. The Design Guidelines expressly discourage the use of stark blues, whites, and bright pastels and intense primary colors consistent with the Specific Plan.

31.357: **Buildings shall be designed to meet all Fire District requirements (roof materials, alarms, sprinklers, etc.)**

Facts in Support: Consistent with the Alhambra Hills Specific Plan, the Project incorporates exterior building materials, roof materials and accessories into home designs to meet all Fire District requirements as further discussed in Section IV.C of the Design Guidelines. Section 5 of the Design Guidelines provides for incorporating fire defensible space and reduced fuel zones into the landscape design.

Section 7. LANDSCAPING, FENCING AND LIGHTING (31.37)

31.371: **The Character of the natural setting shall be enhanced with natural landscape designs emphasizing native species and retaining existing vegetation.**

Facts in Support: Existing oak woodlands on the hillside open spaces are to be preserved. Where oak trees are to be removed for the grading of the Development Area and Wildcroft extension, they will be replaced at a ratio of 1.5:1, ultimately resulting in an increase of the number of trees on-site. All open space plantings are of naturalistic designs with native species removed being replaced with same native species.

31.372: **Visually significant man-made improvements along the periphery of plateau or hilltop development areas should be landscaped to blend into the natural setting. Yard improvements and solid fencing which extend into the periphery area shall be prohibited by scenic easement.**

Facts in Support: Additional oak trees clusters, and naturalistic ground plane treatments, are to be planted adjacent to the custom home units, and over open space fill areas, at the western perimeter of the development area (Aberdeen Road and Heath Lane). Similar naturalistic planting shall be provided to help integrate the Wildcroft Drive extension and Reliez Valley Road basin into their natural settings. Solid fencing shall be prohibit on sloping, peripheral areas, and be limited to internal pad locations. At the peripheral lots, as identified the SEIR, scenic easements shall be recorded against that lot in favor of the City of Martinez. The scenic easement shall require the lot owner and successor owners of such a lot to retain existing and any added landscaping. The scenic easement shall apply to the landscaped area on the lot and it shall provide that no trees in the landscaped area shall be removed or reduced in height without the prior written approval of the City of Martinez. Solid fencing within the easements shall be prohibited.

31.373: **An overall natural landscape theme for the major access road should be provided to unify the development areas.**

Facts in Support: In accordance with the SEIR, mitigation measures and Conditions of Approval implementing same, upslope frontage areas adjacent to Cumberland Road, Aberdeen Road, Wicklow Road and Health Lane will be planted in a naturalistic style, (rear and/or street-side side yards of lots 44-51, 54-57, 59-68, 81-84, 93-102, 106-108, 112), shall be placed within a landscape easement, to be dedicated to the HOA, or equivalent, thus providing a unified landscape stamen throughout the plateau neighborhood.

31.374: **Fencing which would be visible from outside the development areas shall be non-obscure and natural in appearance. A wood frame open wire fence is**

recommended.

Facts in Support: In accordance with the approved Fencing Plan and Conditions of Approval, only open wire mesh fences are to be used in areas visible from outside development areas.

31.375: **Exterior lighting shall be compatible with and sensitive to surrounding uses and the natural setting. Necessary lighting shall be situated as much as possible in the interior portion of visually sensitive development areas.**

Facts in Support: As per the mitigation measures of the SEIR, Conditions of Approval implementing same and standards the *Alhambra Highlands Development Guidelines and Design Criteria*, all lighting shall avoid causing glare that could otherwise be seen off-site. Only fixtures which prevent light-leakage are permitted.

Section 8. OPEN SPACE/TRAILS (31.38)

31.381: **Open Space areas shall be privately owned and maintained. Maintenance of such areas shall be by homeowners associations rather than individuals.**

Facts in Support: Approximately 220 acres of the 297.5 acre project site are to be open space parcels maintained by the Alhambra Highlands Homeowner's Association or equivalent.

31.383: **Public trail easements shall link the plateau areas to surrounding development and the general plan riding and hiking system. Minimum connections shall include the California Riding and Hiking Trail ... recommended linkages are shown in Figure 31.30 ("Land Use and Circulation – Alhambra Hills Specific Plan").**

Facts in Support: Within the limits of geotechnical constraints, the trail network as conceptually illustrated in Fig 31.30 and shown on approved Landscape Improvement Plans is to be constructed by the developer, linking Alhambra Avenue to Horizon Drive and Reliez Valley Road. The trail is to be built to East Bay Regional Park District standards and is to be maintained by the Alhambra Highlands Homeowner's Association or equivalent.

31.385: **Sound barriers shall also be provided along major roads were needed (see Noise Element). Sound barriers shall be designed to fit into the surrounding visual environment; large masonry walls are discouraged.**

Facts in Support: As a mitigation measure identified in the SEIR and implemented by the Conditions of Approval, sound barriers are to be constructed on the south side of the Wildcroft extension where the new road will adjoin

existing residences on Valley Glen Drive. Extensive landscaping will be provided adjacent to the barrier, so that it will better fit into its visual environment.

Section 10. IMPLEMENTATION (31.40)

31.401: **Alhambra Hills Specific Plan IMPLEMENTATION ELEMENT, Section C, pages 13-29 are hereby required and incorporated into this policy plan. Implementation measures shall be amended or eliminated as necessary to address plan modifications.**

Facts in Support: The scale of water and sewer infrastructure needed for the current 110 unit plan is far less than what was envisioned in 1986 when the Implementation Element was approved. Furthermore, the now more limited plateau development is largely under the control of one developer. Requirements for infrastructure improvements, which include but are not limited to the single water tank and upgrades to the Webster Pump Station are appropriately scaled to the current 110 unit project, and will constructed by the developer as per the project plans and conditions of approval.

* * *

EXHIBIT C

PLANNING COMMISSION RESOLUTION PC 11-06 -"Alhambra Highlands" – Sub. 9257, as modified by "Alternative#1 – May 14, 2010
APPROVED MITIGATION MONITORING PLAN

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
A. AESTHETICS					
AES-1: In addition to the policies set forth in the Specific Plan, the following mitigation measures shall be implemented to reduce potentially significant aesthetic impacts to a less-than-significant level: AES-1a: Each home on each lot shall not exceed 33 feet in height from the approved subdivision lot grade to the highest point of the roofline, excepting chimneys. AES-1b: For the lots most visible from public vantage points and along the southwestern edge of the project including the lots located adjacent to Darley Way (lots 3A1, 4A1, 5A1, 6A1, 37A1, 38A1, and 40-43), southwest of Arbordeen Road (lots 70-73), and southwest of Heath Lane (lots 74-80), lots 109 and 110, and lots 27-29, 30, and 31: • The homeowner shall limit the height of the building to one-story structures, or design residences on downslope lots so that the structure appears to be a one-story structure from a publicly visible location with a view of the lot. In the event that a residence on a downslope or other lot that is visible from a public vantage point appears as a two-story structure due to the split design of the home, and the structure complies with the allowable building height for the lot, the homeowner shall: – Modify the design of the proposed residence on each of these lots to minimize the prominence of the structure, or install landscape screening along the perimeter of the lot in	City of Martinez Planning, Building, and Engineering Divisions	Prior to the issuance of building permits for each home.	Planning review of architectural plans for consistency with height requirements detailed in Mitigation Measure AES-1a and AES-1b Approval by Design Review Committee for lots 27-29, 30, 31, 3A1, 4A1, 5A1, 6A1, 37A1, 38A1, and 40-43, 70-73, 74-80, 109, and 110		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
a manner that would minimize the view of the residence from public vantage points. – Designated lots identified in this mitigation measure and in the project conditions of approval as lots with structures that will otherwise result in significant visual impacts to public vantage points will be subject to complete design review approval by the Design Review Committee in accordance with the Martinez – Design Review Ordinance (Martinez Municipal Code section 22.34) prior to issuance of a building permit. – The requirements of Mitigation Measure AES-1b can be waived if it can be demonstrated that the home will not be visible from any public vantage points.					
AES-1c: Prior to final map recordation, the developer shall submit a landscape plan that incorporates screening landscaping for lots subject to Mitigation Measure AES-1b. The landscape screening shall minimize views of structures on these lots from Alhambra Valley Drive and Reliez Valley Road, Orchard Trail and Diablo Trial (Briones Regional Park), Thistle Circle, and Mt. Wanda. [Visual Simulations 1, 2, 3, 5, and 7] AES-1d: Prior to final map recordation, the developer shall submit a landscape plan that incorporates landscaping to screen views of project infrastructure. [Visual Simulations 4 and 8]	City of Martinez Planning Division	Prior to final map recordation	Submit landscape plan consistent with requirements of Mitigation Measure AES-1c and AES-1d		
AES-1e: All landscaping installed along the perimeter of the individual lot and shown on the final landscape plan shall be planted in accordance with the Open Space Management Plan and prior to issuance of the first building permit for the custom or semi-	City of Martinez Planning Division	Prior to issuance of building permits for each lot.	Verify perimeter landscaping has been planted.		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
custom residence on the individual lot.					
AES-1f: For the lots visible from public vantage points (see Mitigation Measure AES-1b), if landscaping is added on one of these designated lots to mitigate significant visual impacts to public vantage points, then prior to occupancy of that lot, a scenic easement shall be recorded against that lot in favor of the City of Martinez. The scenic easement shall require the lot owner and successor owners of such a lot to retain existing and any added landscaping. The scenic easement shall apply to the landscaped area on the lot and it shall provide that no trees in the landscaped area shall be removed or reduced in height without the prior written approval of the City of Martinez. The scenic easement shall further provide that removal of any proposed tree(s) or reduction in tree height in the scenic easement area on such a lot shall be authorized by the City of Martinez Zoning Administrator, if he/she finds that the home behind the tree(s) will not result in significant visual impacts to public vantage points. Any scenic easement decision by the City of Martinez shall be supported by substantial evidence. A note referencing such scenic easements shall be set forth on the final subdivision map that includes these lots. Tree removal or tree height reduction on these lots shall be subject to all of the applicable permit processes in the City of Martinez.	City of Martinez Planning Division	Prior to occupancy each individual lot that is subject to Mitigation Measure AES-1b	Verify recordation of scenic easement.		
AES-1g: In accordance with the Alhambra Highlands Development Guidelines and Design Criteria, color selections that blend in with the landscape will be encouraged: such as, earth toned colors and light shades of gray, with trim colors which accent ex-	City of Martinez Planning Division	Prior to approval of building permit.	Review plans for compliance with Development Guidelines and Design Criteria.		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
terior wall colors. AES-1h: In accordance with the Alhambra Highlands Development Guidelines and Design Criteria, tall, blank walls of hillside houses are discouraged. Terrace walls and/or landscaping shall be used to provide screening of exterior walls of hillside homes.					
AES-2: Implementation of Mitigation Measure AES-1 would reduce impacts on visual character to a less-than-significant level.	See Mitigation Measure AES-1				
AES-3: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties (i.e., use of shielded light fixtures that direct light downwards and have incandescent light color). The project shall incorporate non-mirrored glass to minimize daylight glare.	City of Martinez Planning Division	Prior to approval of building permits	Lighting details shall be included in architectural plans. Lighting shall be consistent with the requirements of AES-3		
B. AIR QUALITY & GREENHOUSE GAS EMISSIONS					
AIR-1: The following mitigation measure shall be implemented: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • To the extent feasible, all roadways, driveways, and sidewalks to be paved shall be completed within two weeks after grading. If paving is not completed within two weeks after grading, a dust	City of Martinez Building Division	Ongoing throughout grading and/or construction activity	Make regular site visits to the project site to ensure that all dust control mitigation measures are being implemented Verify that a sign is posted on the project site with the telephone number and person to contact at the Lead Agency regarding		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
suppressant shall be applied to all roadways, driveways, and sidewalks. The suppressant shall be applied in a manner consistent with manufacturer's specifications. • Building pads shall be laid within two weeks after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to commencement of construction and monthly thereafter. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. The above BMPs are expected to reduce dust generation by 75 percent or more.			dust complaints		
AIR-2. The individual lots within the project would be developed as custom and semi-custom home sites. All homes would be subject	City of Martinez Building and Planning Divisions	Prior to approval of the CC&R's	Include a requirement in the CC&Rs for each individual		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
to the 2010 Green Building Standards Code. The CC&Rs for the project shall require that each individual home be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code.		Prior to issuance of building permits	home within the project to exceed the minimum standards of the 2010 Green Building Standards Code. Review building plan sets to confirm that each individual home exceeds the minimum standards of the 2010 Green Building Code Standards		
AIR-3 The BMPs in Mitigation Measures AIR-1 are expected to reduce dust generation by 75 percent or more.	See Mitigation Measure AES-1				
C. BIOLOGICAL RESOURCES					
BIO-1: The following mitigation measures would reduce potential impacts to the Alameda whipsnake to a less-than-significant level: BIO-1a Pre-construction minimization measures will be implemented, including: • Prior to ground-disturbing activities, a pre-construction trapping survey for Alameda whipsnake will be conducted in the impact area. A trapping plan will be submitted to USFWS and CDFG for review and approval prior to implementation. • An exclusion fence shall be placed near the grading limit for the duration of the project grading, paving, and construction to prevent Alameda whipsnake from entering the project site. The	USFWS/CDFG	Prior to initiation of grading	Conduct trapping program Construct exclusion fencing Conduct worker training session		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
alignment and type of fencing to be used will be subject to review and approval by USFWS and CDFG. All construction workers shall receive training on the Alameda whipsnake and the measures being taken to avoid take of the species during construction.					
BIO-1b: Minimization measures during construction shall be implemented, including • A USFWS- and CDFG-approved biological monitor shall be present during the grading phase of the project. Monitoring requirements beyond that time will be subject to review and approval by USFWS and CDFG. The contract compliance inspectors and environmental compliance coordinator, with support from the USFWS and CDFG-approved biologist, shall ensure that construction equipment and associated activities avoid any disturbance of sensitive resources outside the project area. • All material stockpiling and staging areas shall be located within project right-of-ways in non-sensitive areas, or at designated disturbed/developed areas outside of designated construction zones. • Vehicle and equipment refueling, repair, and lubrication shall only be permitted in designated areas where accidental spills will be contained. • To allow Alameda whipsnake and other species to move between the north and south side of the Wildcroft Drive extension, an arched passageway shall be installed. • Plastic mono-filament netting (erosion control matting) or similar material shall not be used at the project site because Alameda whipsnake may become entangled or trapped in it. • To eliminate an attraction to predators, food-related trash	USFWS/CDFG	During project grading and construction	Biological monitor on-site		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers. To prevent inadvertent entrapment of Alameda whipsnake, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before these holes or trenches are filled, they shall be thoroughly inspected for trapped Alameda whipsnake. Additional details of this minimization measure are provided in the Biological Opinion included in Appendix D and are incorporated by reference.					
BIO-1c Several post-construction minimization measures shall be implemented, including: • The Covenants, Conditions, and Restrictions (CC&R's) that are recorded against the property and applicable to all conveyed to future landowners shall provide for restrictions on domestic pets including requiring all dogs be on a leash when off of private property and all cats to wear bells. These restrictions are intended to reduce the effects of domestic pets on common and sensitive wildlife species in open space areas.	USFWS/CDFG	Prior to approval of the CC&Rs	Project sponsor to include requirements of BIO-1c in CC&Rs for review and approval by City of Martinez		
• Limitations on fire management activities in Alameda whipsnake habitat shall be implemented (i.e., any removal of scrub vegetation, including coyote brush, will be conducted using manual methods and shall be monitored by a USFWS and CDFG-approved biologist if removal is done during March through October).	City of Martinez	On-going			
• Open space lands will be protected by a Conservation easement and maintained in their natural state. An Open Space Management and Monitoring Plan (OSMMP) and an Addendum to the	City of Martinez	On-going	Implement Open Space Management and Monitoring Plan		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
OSMMP have been developed and shall be implemented by Richfield Investment Corporation for the maintenance of these lands, including fire protection measures.					
• The on-site conservation easement lands shall be managed by a third party manager approved by the USFWS and CDFG. The costs of the management entity will be funded by an endowment provided by the project sponsor.	USFWS/CDFG	On-going	Manage on-site conservation lands		
• A Natural Habitat Preservation booklet shall be prepared and provided to each homeowner to educate homeowners about the natural resources in the open space, including the presence of Alameda whipsnake and its habitat.	City of Martinez	On-going	Include provisions for preparation of and providing a Natural Habitat Preservation booklet within the CC&Rs		
• The Post-Construction Monitoring Plan shall be implemented. This plan includes monitoring of scrub enhancement and creation areas, surveys for Alameda whipsnake prey, and Alameda whipsnake trapping surveys. Additional details are provided in the Alameda whipsnake Mitigation and Monitoring Plan.	USFWS/CDFG	10 years following construction			
BIO-1d: In addition, to mitigate for the reduction in habitat value of the Alameda whipsnake habitat in project open space and adjacent undeveloped lands due to habitat fragmentation and reduction of connectivity, several Alameda whipsnake recovery plan tasks shall be implemented, as provided in the Alameda Whipsnake Mitigation and Monitoring Plan and the Biological Opinion included in Appendix D and are incorporated by reference into this SEIR.	USFWS/CDFG	On-going	Implement Alameda whipsnake mitigation monitoring and reporting program		
BIO-2: The mitigation measures listed in the Streambed Alteration application shall be implemented including planting willow saplings on the streambank adjacent to the proposed outfall location and	CDFG	Following outfall construction	Plants installed by project sponsor		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
removal of the invasive plant species giant reed (*Arundo donax*).					
BIO-3: The project shall create 0.14-acre of new seasonal wetland and 0.11-acre of pond in accordance with the Corps' authorization/approved wetland mitigation plan. The wetland mitigation plan also includes preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The applicant shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in this SEIR.	Corps of Engineers	Concurrent with project construction	Mitigation features built by applicant		
BIO-4: The majority (217.93 acres) of the approximately 298-acre property shall be set aside as open space in perpetuity (i.e., a conservation easement shall be placed over this portion of the property). This open space would continue to provide habitat for native wildlife. Additionally, as mentioned under Mitigation Measure BIO-1 for Alameda whipsnake, a wildlife corridor will be constructed to allow passage beneath Wildcroft Drive.	City of Martinez	At project approval	Approval by Planning Commission		
BIO-5: The following multi-part mitigation measure shall be implemented: BIO-5a: Mitigation measures outlined in the tree preservation plan, included in Appendix D and incorporated by reference into this SEIR, shall be implemented. These measures include protection fencing, establishment of a tree protection zone, and special demolition and site clearing measures to protect trees that shall be maintained during construction and to provide for replacement trees for those that shall be removed.	City of Martinez	Prior to issuance of a grading permit and during all construction activity	Confirm tree preservation plan is being implemented		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
BIO-5b The project shall replace native trees that are proposed to be removed (within grading footprint and on custom lots) with the planting of replacement native trees at a 1.5:1 ratio. Species to be used in the tree planting shall be species native to the project site and will include the following species: blue oak, coast live oak, valley oak, California bay, and California buckeye. BIO-5c Replacement planting of trees shall 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 3A1, 4A1, 5A1, 6A1, 37A1, 38A1, and 40-43, and Lots 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. Replacement tree locations shall be identified on the project Open Space Management Plan. This plan will also incorporate information on tree planting and maintenance. This plan shall be submitted to the City Planning Manager for review for conformance with this mitigation measure. Trees shall be maintained for a minimum five-year period. Maintenance shall include weeding the planting basins, watering for three years, and inspection/repositioning tree protection cages to ensure they are protecting the trees. Maintenance activities shall	City of Martinez	Trees planted in fall after irrigation installed and monitored Five years following installation	Confirm replacement trees are planted and maintained consistent with Mitigation Measure BIO-5b and BIO-5c, consistent with Open Space Management Plan Tree counts conducted in Fall of each monitoring year		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
end when 75 percent of the planted trees are adding six or more inches in height/year without supplemental irrigation. The removal of tree protection cages shall be based on the growth of individual trees. In order to remove a cage a tree must be at least 6 feet in height with a trunk diameter of two or more inches. Annual reports providing information on the status of the mitigation tree plantings will be submitted to the City by December 31 of each year until maintenance activities end in the wildland plantings. The reports will include information on maintenance activities conducted and survival information from fall tree counts. The planting of additional trees will be undertaken if fall tree counts indicate that tree survival has fallen below the number of trees necessary to meet the 75 percent criteria for plant performance. Replanting will be held to the same performance standards as the initial plantings.					
BIO-5d: If a sufficient number of trees cannot be planted on-site to fully off-set tree loss associated with the project, the remaining required trees will be planted at one of the projects off-site mitigation properties (Christie Road, Allen). Off-site tree replacement will be allowed subject to the criteria outlined above and the approval of the City of Martinez.	City of Martinez	Prior to Final Map approval	Review and accept Open Space Management Plan		
BIO-5e: Project grading will be designed to protect existing trees on Lots 9, 21, 40-42, 45, 75-76, 106, and 108, and the Parcel E Park.	City of Martinez	Prior to issuance of grading permit	Confirm grading plan provides protection to existing trees on listed lots		
BIO-5f The City will review the design of homes on custom lots (Lots 1 to 7, 37-43, 70-80, 107-112) to minimize or avoid tree removal. If tree removal is unavoidable, tree replacement planting	City of Martinez	Prior to issuance of building permits for each home on lots 1- 7.	Review site and grading plans		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
will be required subject to the same requirements as the remainder of the subdivision.		37-43, 70-80, and 107-112			
D. CULTURAL RESOURCES					
CULT-1: If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the find, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. It is recommended that adverse effects to such deposits be avoided by project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, avoidance of project impacts on the deposit shall be the preferred mitigation. If adverse effects on the deposits cannot be avoided, such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; preparation of a brochure for public distribution that discusses the significance of the archaeological deposit; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City shall ensure that any mitigation involving exca-	Project Contractor	During grading and construction	Ensure that all work is halted if any archaeological materials are encountered and the measures detailed are followed		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
vation of the deposit is implemented prior to project construction or actions that could adversely affect the deposit in question. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to the project applicant, the City of Martinez Community Development Department and the NWIC. The applicant shall implement the recommendations of the archaeologist report.					
CULT-2: If paleontological resources are discovered during initial project monitoring, all work within 25 feet of the discovery should be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Adverse effects to the discovery should be avoided by project activities. If effects to such resources cannot be avoided, the resources should be assessed to determine their paleontological significance. If the paleontological resources are not significant, avoidance is not necessary. If the paleontological resources are significant, adverse effects to the resources must be mitigated. Upon completion of the assessment, the paleontologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources discovered. The report shall be submitted to the project applicant and the University of California Museum of Paleontology. The applicant shall implement the recommendations of the paleontological report.	Project Contractor	During grading and construction	Ensure that all work is halted if any paleontological resources are encountered and the measures detailed are followed		
CULT-3: If human remains are encountered, work within 25 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation and consult with agencies as appro-	Project Contractor	During grading and construction	Ensure that all work is halted if any paleontological resources are en-		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
priate. The project proponent shall also be notified. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the project applicant, the City of Martinez Community Development Department, the MLD, and the NWIC. The applicant shall implement the recommendations of the archaeologist's report.			countered and the measures detailed are followed		
E. HYDROLOGY/WATER QUALITY					
HYD-1: The following mitigation measure is proposed to reduce water quality impacts during construction to a less-than-significant level. In compliance with the terms of the 2009 NPDES Construction General Permit (CGP), the project sponsor shall prepare a SWPPP designed to reduce potential impacts to surface water quality throughout the construction period of the project. A NOI shall be prepared and submitted to the State Water Resources Control Board prior to rough grading. The NOI shall be attached to the SWPPP and kept on site during development. It is not required that the SWPPP be submitted to the Water Board, but must be maintained on-site and made available to Water Board staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate con-	State Water Resource Control Board (SWRCB) Project Contractor	Prior to commencement of grading, Project Contractor shall submit a Notice of Intent (NOI) for the project will be submitted to the City of Martinez Planning, Building, and Engineering Divisions.	Monitoring to be performed by applicant and submitted to State Water Resources Control Board. Notice of Termination will be reviewed by the Regional Water Quality Control Board in Oakland. Per 2009 State General Construc-		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
struction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of fiber rolls, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. The SWPPP shall include interceptors/barriers at natural channels and storm drain inlets to prevent temporary construction-related erosion from entering into permanent drainage systems. These inlet protection BMPs shall be in place and maintained all year until construction completion. During project construction, all exposed soil and other fill shall be permanently stabilized at the earliest date practicable. Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance			tion Permit, monitoring is based on risk level assigned to project. Weekly, quaterly and annual reporting is required for hillside grading projects. Sampling is performed during rain events. Reports are uploaded to State Water Resources Control Board website.		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. All standards and BMPs outlined in the project SWPPP shall be followed and, additionally, BMPs shall be enhanced as necessary to maintain the project in compliance with the CGP. The requirements of the 2009 State Construction General Permit are to be implemented on a year-round basis, not just during the winter season. BMPs shall be implemented at an appropriate level to minimize se-					

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
diment discharge or other discharges from the project in accordance with the adopted 2009 GCP, requirements which include numeric thresholds for turbidity and pH. With implementation of the mitigation measures identified above, the proposed project would result in less-than-significant water quality impacts due to the violation of water quality standards or the substantial degradation of surface or groundwater quality. Additionally, these mitigation measures would mitigate potentially significant water quality impacts resulting from the alteration of drainage patterns due to erosion or siltation to a less-than-significant level.					
HYD-2: In order to reduce water quality impacts after construction to less-than-significant levels, the project shall implement a Final SWMP approved by the San Francisco RWQCB to the City of Martinez prior to issuance of a Final Grading Permit. The SWMP plan shall demonstrate that post-construction stormwater discharges will be treated to the Maximum Extent Practicable with BMPs prior to release into downstream receiving waters.	Regional Water Quality Control Board (RWQCB)	Prior to the issuance of grading permits	Review by RWQCB and City of Martinez Planning, Building, and Engineering Divisions		
HYD-3: The following six-part mitigation measure would reduce impacts associated with alteration of drainage patterns, increases in calculated peak flood discharges and downstream flooding potential after the project is implemented to a less-than-significant level. HYD-3a: The project shall implement a Final SWMP approved by the San Francisco Bay RWQCB and a Final Drainage Plan to the City of Martinez and the Contra Costa County Flood Control and Water Conservation District prior to issuance of a Final Grading Permit. The Drainage Plan shall demonstrate that post-project discharges will be reduced to pre-project flow rates up to the 100-year recurrence interval storm. It shall also demonstrate the adequacy of on-site and downstream infrastructure capacity to	RWQCB, City of Martinez Planning, Building, and Engineering Divisions, Contra Costa County Flood Control District	Prior to the issuance of grading permits	Review by RWQCB and City of Martinez Planning, Building, and Engineering Divisions and Contra Costa County Flood Control District.		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
transmit post-project flows without flooding. The SWMP shall demonstrate that the post-project flows are attenuated to the Maximum Extent Practicable in BMPs prior to release into downstream receiving waters in accordance with RWQCB Standards. HYD-3b: In order to reduce impacts associated with alterations in subsurface flows near the Wildcroft Drive alignment, the project shall submit a remedial grading plan to the City of Martinez prior to issuance of a Grading Permit. The Plan shall depict areas of subsurface groundwater diversion in unstable slopes. The remedial grading plan shall also demonstrate locations of proposed remedial grading, geotechnical subdrains locations and subdrain connections to the proposed storm drain system. The project storm drainage system shall reduce subsurface seepage and surface flows from the project site onto properties adjacent to the proposed Wildcroft Drive alignment by rebuilding the slope and redirecting surface and subsurface water with subdrains and storm drainage infrastructure. The storm drainage system would be installed in conjunction with roadway improvements. The subdrain systems shall either discharge to the surface along with storm drain outfalls, or discharge directly into the storm drain system. HYD-3c: In order to reduce impacts associated with minor alterations in open space areas, the project shall submit a grading plan to the City of Martinez prior to issuance of a final grading permit, demonstrating that locations where open space improvements are proposed will not impact existing capacity or sediment transport capabilities of connected downstream drainage courses. Maintenance of gullies, trails and other areas where concentrated rainfall runoff currently exists, which are downslope of the project development footprint but within the project limits, shall					

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
be performed by the project GHAD. This includes several drainages downstream of the ridgetop development footprint, where the project intends to fill the headwaters of the drainages and route subdrain and surface water into them in order to mitigate potential loss of associated habitat value. Rip-rap sizing would be appropriate for any improvement to these channels where flows would be concentrated. Trails shall be designed such that the diversion of rainfall runoff is minimized. HYD-3d: A grading completion bond shall be put in place for the project prior to issuance of a Grading Permit to ensure that the project grading and storm drain improvements are completed in case the developer of the project is unable to successfully complete the project. HYD-3e: To reduce impacts at the proposed Alhambra Creek outfall, the project shall submit a drainage plan to the Contra Costa County Public Works Department prior to final map approval, demonstrating that erosion impacts at the outfall locations will be reduced to less-than-significant levels in accordance with the requirements of the Section 401 water quality certification. The Alhambra Creek storm drain outfall will require a 1010 Drainage Permit from the Contra Costa County Public Works Department since it is located outside of the City of Martinez limits. It is anticipated that rock rip-rap and concrete rock will be placed in the Alhambra Creek channel in order to reduce impacts at the proposed outfall locations.					
HYD-3f: Prior to Final Map approval, a final drainage report shall be submitted to the City or Martinez and the Contra Costa County Flood Control and Water Conservation District to confirm the results of the preliminary drainage studies performed by the project to date.	City of Martinez Contra Costa County Flood Control and Water Conservation District	Prior to Final Map approval	Review final drainage report to confirm the results of the drainage studies performed to		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
The project is partially located within Contra Costa County Flood Control and Water Conservation Service (CCCFCD) Drainage Areas 47 and 72. The project shall pay fees to the CCCFCD for portions of the project located within these Drainage Areas prior to final map approval. These fees are intended to be used for flood control maintenance and improvements of downstream watercourses. The implementation of the measures listed above together with the project design would reduce on-site erosion or flooding concerns to a less-than-significant level. The use of two detention basins on-site would reduce existing runoff generated from the site to levels less than that of the existing condition for a wide range of storms. Open space areas would be improved to mimic pre-hydrologic conditions or reduce off-site flows to the maximum extent practicable. As a result, potential impacts to on-site or downstream watercourses in regard to increases in flow rates, velocities or geomorphic conditions would be less than significant.			date		
HYD-4 The implementation of Mitigation Measure HYD-1 will help minimize the potential for mudflows. Site monitoring shall also be periodically performed during the rainy season by the project Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG) to monitor areas where hillside grading is to be performed, in order to assess any temporary erosion issues that might lead to mud flows or other discharges of soil material off-site. In the event that monitoring identifies potential debris flow hazards, the developer shall implement the following measures to eliminate the potential discharge of soil material off-site under the direction of the project GE/CEG. • Construct berms to block the potential for downstream movement of soil material.	City of Martinez Planning, Building, and Engineering Divisions, State Water Resources Control Board	During Construction	As needed and as directed by City Building Division.		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
• Create catchment areas downstream of potential debris flows to capture mobilized material. • Provide fencing or temporary barriers to block the movement of sediment.					
HYD-5: Prior to approval of the development the City will require site-specific geotechnical report for the detention basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand groundshaking. The site specific geotechnical report shall demonstrate that soils will be stabilized to minimize the potential for failure of the detention basins. The geotechnical report shall provide recommendations to stabilize slopes in such a manner that demonstrates breaching of the ponds is highly unlikely. The report shall be signed by the project Geotechnical Engineer (GE) and Certified Engineering Geologist (CEG). Ultimately, long-term maintenance of the basins will be performed by the project Geologic Hazard Abatement District in accordance with the plan of control.	Project Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG)	Periodically during rainy season during construction period	Observe hillside grading to assess temporary erosion issues and if necessary implement identified measures		
F. NOISE					
NOISE-1: All construction activities shall be restricted to Monday - Friday and to the hours of 7:00 a.m. to fuel and oil vehicles, 7:30 a.m. for vehicle warm-up, and construction shall not occur after 5:00 p.m. Work on weekends shall be limited to individual requests for low noise level work and shall be subject to revocation if complaints are received. The project applicant shall post a sign on the site notifying all workers of this restriction.	City of Martinez Building Department	As needed	Observe construction activities at site and confirm compliance with measure		
NOISE-2: Noise barriers shall be constructed to mitigate substantial noise increases attributable to the project. Preliminary calculations indicate that 5-foot barriers would generally be sufficient to reduce traffic noise levels to a point that it would not be substantially higher than existing levels (i.e., the increase attributable to the project	City of Martinez Building Department	Prior to issuance of building permits	Review noise report		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
would be less than 3 dBA Ldn). To be effective, the proposed noise barrier must be solid over the face and at the base of the barrier. Openings or gaps between barrier materials or the ground substantially decrease the effectiveness of a noise barrier. Suitable materials for barrier construction shall have a minimum surface weight of 3 lbs./ft.^{2} (such as 1-inch thick wood, masonry block, concrete, or metal). An acoustical specialist shall confirm the final design of the noise barrier based on the project's final grading plan to ensure the increase attributable to the project would be less than 3 dBA Ldn.					
NOISE-3: The project shall implement the following controls to reduce construction noise levels to a less-than-significant level: • Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Limited construction may occur, subject to City approval, on weekends and holidays between the hours of 9:00 a.m. to 5:00 p.m. • Construct permanent noise barriers or temporary solid plywood fences (minimum 8 feet in height) along the portion of Wildcroft Drive that adjoins existing residences in the Elderwood Subdivision as early in the construction schedule as possible. • Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses.	City of Martinez Building Department	During construction	Observe construction activities and confirm compliance with measure		

Mitigation Measure	Monitoring Responsibility	Monitoring Schedule	Monitoring Procedure	Date Completed	Initials
• Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses. • Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible. • Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site. • Prohibit all unnecessary idling of internal combustion engines; • Notify adjacent noise-sensitive land uses of the construction schedule in writing. • Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.					

F:\Community Development\All Projects\MAJOR SUBDIVIONS\Sub-9257 - ALHAMBRA HIGHLANDS 2008\CEQA-2011-MMMP as approved\PC Sub.Reso.Exhbit C ApprovedMMRP.doc

EXHIBIT D

PLANNING COMMISSION RESOLUTION PC 11-06, approved April 12, 2011

CONDITIONS OF APPROVAL

Project Name: **Alhambra Highlands (Subdivision 9257)**

Location: **Alhambra Hills, between Alhambra Avenue and Reliez Valley Road**

I. Description of Permit

These conditions apply to and constitute the approval of:

A. Amendments to Planned Unit Development #89-5 and # 89-6, now to be known as the Alhambra Highlands Planned Unit Development (#08-01), which, as amended, consists of up to 110 detached single-family homes on an approximate 297.5 acre site, with approximately 240 acres of permanent open space, an approximate 2.2 acre water tank site (Parcel J) and an approximate 4.3 acre site adjacent to Alhambra Avenue (Parcel I) reserved for potential future development.

1. The following exceptions to the standard R-10 Zoning District development standards are allowed by this permit:

   a. Lot sizes: from approximately 7, 500 sq. ft., but only up to 20% of lots may be less than 10,000 sq ft., and the average size for all lots must be at least 10,000 sq. ft.
   b. Lot widths: from approximately 70'.
   c. Lot depths: from approximately 90'.
   d. *Individual lot area coverage:*
      1. Maximum lot area coverage for lots less than 10,000 square feet in area shall be 35%;
      2. Maximum lot area coverage for lots 10,000 square feet or greater shall be 30%
      3. Exception: For those lots which are subject to reduced building height limitations as set forth in Condition V.A.2, no maximum lot area coverage shall apply. Coverage on these lots shall be governed by the required setbacks.
   e. Front yards: a minimum of 18' is required excepting that a minimum of 20' is required for a Front Load Garage
   f. Rear yards: a minimum of 20' is required
   g. Side yards: a minimum of 5' is required (one side) and a minimum of 10 is required on the alternative side, for an aggregate minimum of 15' for each lot and between units.
   h. Building height: unless a specific lot has lower building height limit as required by Condition of Approval I.A.2, a maximum of 33' above

subdivision's approved finished grades, excepting chimneys is permitted. [SEIR MM# AES-1.a]

2. Reduced height limits, special design and landscaping requirements for the following lots identified in the SEIR as being the most visible from public vantage points [SEIR MM# AES-1b]:
   - Erica Way (lots 27-31)
   - Darley Way (lots 3A1, 4A1, 5A1, 6A1, 37A1, 38A1, and 40-43)
   - Aberdeen Road (lots 70-73)
   - Heath Lane (lots 74-80)
   - Heath Court (lots 109 & 110)

   a. Height limitations and landscape requirements: The maximum height of structures on the lots identified above shall be 25' and one-story, except that on downslope lots, a two-story structure may be permitted in cases where: a) the structure appears to be a one-story structure from a publically visible location with a view of the lot; b) In the event that a residence on a downslope or other lot that is visible from a public vantage point appears as a two-story structure due to the split design of the home, and the proposed structure complies with the allowable building height for the lot, such a design may be approved, subject to Design Review per Condition of Approval I.A.2.b, if the design is found to minimize the prominence of the structure or landscape screening is included along the perimeter of the lot is installed in a manner that would minimize the view of the residence from Alhambra Valley Drive and Reliez Valley Road, Orchard Trail and Diablo Trial (Briones Regional Park), Thistle Circle, and Mt. Wanda. Such Landscaping shall be permanently maintained by the homebuilder/homeowner. [SEIR MM# AES-1.c]

      i. If landscaping is required on a lot as listed above, prior to occupancy of the residence on that lot, a scenic easement shall be recorded against that lot in favor of the City of Martinez. The scenic easement shall require the lot owner and successor owners of such a lot to retain existing and any added landscaping. The scenic easement shall apply to the landscaped area on the lot and it shall provide that no trees in the landscaped area shall be removed or reduced in height without the prior written approval of the City of Martinez. The scenic easement shall further provide that removal of any proposed tree(s) or reduction in tree height in the scenic easement area on such a lot shall be subject to the approval of the City of Martinez Zoning Administrator, if he/she finds that the home behind the tree(s) will not result in significant visual impacts to public vantage points. Any scenic easement decision by the City of Martinez shall be supported by

substantial evidence. A note referencing such scenic easements shall be set forth on the final subdivision map that includes these lots. Tree removal or tree height reduction on these lots shall be subject to all of the applicable permit processes in the City of Martinez. [SEIR MM# AES-1.f]

b. Design Review approval required: Prior to issuance of a building permit for an individual lot, the homebuilder shall follow the design review process specified in the Alhambra Highlands Development Guidelines and Design Criteria dated February 18, 2011 (Design Guidelines as further defined in Condition IV.A.1). The homebuilder must first obtain design approval for such lot from the Alhambra Highlands HOA's AHARC. Such design approval is required for construction on all lots as specified in Condition of Approval IV.A. Then the homebuilder must obtain Design Review approval for such lot pursuant to City of Martinez Design Review application requirements. (MMC Section 22.34.030 – 070; Design Review) [SEIR MM# AES-1.b (part)] **(Note: for Design Review requirements for lots other than those set forth in 2.a. above, see IV A and B below.**

c. Requirements may be waived: The requirements of Condition of Approval I.A.2 [SEIR MM # AES-1b] may be fully or partially waived by the Planning Manager if at time of building permit application, homebuilder can demonstrate that the home will not be visible from any public vantage points.

B. Tentative Subdivision Map No. 9257, as amended for *Alternative #1* by dk Consulting, 3 pages, dated May 14, 2010, consisting of up to 110 residential lots, and common landscape, drainage and access parcels, and/or easements, and an approximate 2.2 acre water tank site (Parcel J) and an approximate 4.3 acre site adjacent to Alhambra Avenue (Parcel I) reserved for potential future development.

C. Use Permit # 08-17, for the construction of one new water tank within the R-10 Zoning District (Parcel J).

D. Design Review approval of the Planned Unit Development's site design, preliminary landscape plans and the Alhambra Highlands Development Guidelines and Design Criteria for individual residential lots.

E. Unless a shorter statute of limitations applies, any judicial review of the conditions described herein must be brought pursuant to California Code of Civil Procedure Section 1094.6.

F. The conditions listed herein are valid relating to appeals, City Council approval, approval expiration, and requirements for applying for time extensions.

II. Exhibits

The following exhibits are incorporated as conditions of approval, except where specifically modified by these conditions:

Name of Exhibit	Dated	Prepared by	No. of pages
A. Vesting Tentative Map 9257 et al. (as amended for *Alternative #1* by dk Consulting, 3 pages, dated May 14, 2010)	Feb. 23, 2010	dk Consulting	22
B. Landscape Improvements (as amended for *Alternative #1* by Thomas Baak & Associates; plan view - 1 page and sections - 13 pages, dated, May 14, 2010)	Apr. 20, 2010	Rabben/Herman Design	11
C. Water System Plan	Dec. 12, 2008	Brown and Caldwell	5
D. Development Guidelines and Design Criteria (for homebuilders and homeowners).	Feb. 18, 2011	Dahlin Group	55

All construction plans shall conform to these exhibits as amended by the conditions of approval. Where a plan or further information is required by these conditions to be submitted for "City review and approval", such "City review and approval" shall mean that it is subject to review and approval by the Martinez Planning Division, Planning Manager, Building Division or Engineering Division, City Engineer, as noted in each condition.

The conditions apply to the applicant and subdivider, Richfield Investment Corporation, referred to as the "developer" in these conditions of approval, or to the subsequent homebuilder or homeowner (referred to as, the "homebuilder") for purposes of these conditions. In those cases, in which the developer builds the home, the conditions identified for the "homebuilder" also would apply to the developer's obligations.

III. General Conditions

A. Lighting

1. Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties (i.e., use of shielded light fixtures that direct light downwards and have incandescent light color). The project shall

incorporate non-mirrored glass to minimize daylight glare. [SEIR MM# AES-3]

2. Energy-saving lighting fixtures shall be used

B. Signs

1. Signs identifying the development and for directional purpose during construction and post construction may be permitted subject to review and approval of a master sign program for the site by the Planning Division in accordance with the provisions of Title 16.

2. A monument entry sign may be permitted subject to review and approval by the Planning Manager and City Engineer accordance with the provisions of Title 16. The sign shall be detailed on the revised landscape plans and shall be located outside the Right-of-Way, within the property boundary.

C. Homeowners' Association and Covenants , Conditions &Restrictions (CC&R's)

1. Developer shall prepare a revised Landscaping Plan following approval of Tract Map 9257 or Alternative #1 which shall depict the delineated HOA maintenance easement areas located in the front and rear yards of the lots identified in Condition V.

2. Homeowner's Association: The developer shall establish a Homeowners' Association (hereinafter referred to as the "HOA"). Except as set forth below, the CC&Rs shall include, but not be limited to, HOA responsibility for : a) the maintenance of all private and unaccepted public EVAs, streets and trails; b) maintenance of all common area parcels; c) maintenance of all landscape easement areas; d) maintenance of the park parcel and all improvements located thereon; e) maintenance of all other parcels of common ownership as described on the Vesting Tentative Map; f) establishment of the Alhambra Highlands Architectural Review Committee's (AHARC) design review approval process, and g) enforcement of the Alhambra Highlands Development Guidelines and Design Criteria. Unless otherwise specified in the GHAD plan of control, the HOA shall be responsible for all inspection and maintenance of common and easement area private improvements such as: storm drain system, storm water management plan facilities, all landscaping and irrigation systems as shown on the revised Landscaping Plan required in Condition III.C.1, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, and private utilities. Said CC&R's shall include minimum acceptable maintenance standards for all common facilities and improvements. Unless otherwise specified in the GHAD plan of control, the HOA shall also responsible for inspection, maintenance, and reporting

plan for the storm water management plans required by the Contra Costa County Clean Water Program. Final configuration of the easements, wording of the implementing CC & R's and "owner's statements" on the final map are subject to the approval of the City Attorney, Planning Manager, and City Engineer.

3. Project CC & R's shall be submitted for City review and shall be subject to approval of the City Attorney, Planning Manager, and City Engineer, with the final map and improvement plans. The CC & R's shall contain clauses requiring City approval of subsequent changes to the CC&R's once initially approved by the City and giving the City the right, but not the duty, to enforce the CC & R's.

IV. Architectural

A. All homebuilders shall complete the Alhambra Highlands Architectural Review Committee's (AHARC) design review approval process, as specified in the Alhambra Highlands Development Guidelines and Design Criteria, dated February 18, 2011 (Design Guidelines), prior to applying for a Building Permit. Prior to issuance of building permit, Planning Manager shall review the homebuilder's/homeowner's AHARC approved plans to verify consistency with the above Development Guidelines and Design Criteria, including:

1. Color selections that blend in with the landscape, such as, earth toned colors and light shades of gray, with trim colors which accent exterior wall colors shall be encouraged. [SEIR MM# AES-1.g]

2. Tall, blank walls of hillside houses shall be discouraged. Terrace walls and/or landscaping shall be used to provide screening of exterior walls of hillside homes. [SEIR MM# AES-1.h]

B. The Planning Manager may require changes to the building plans so that consistency with the Alhambra Highlands Development Guidelines and Design Criteria is achieved. Should the homebuilder be unwilling or unable to make such changes to achieve consistency, the homebuilder/homeowner may then apply to the City Planning Manager in order to secure an individual Design Review approval pursuant City of Martinez Design Review application requirements (MMC Section 22.34.030 – 070; Design Review) prior to issuance of the applicable building permit(s).

C. Pursuant to Condition of Approval I.A.2, reduced height limits and special requirements for individual Design Review approval are required for construction on the following lots, identified in the SEIR as being the most visible from public vantage points [SEIR MM# AES-1b – *SEE CONDITION OF APPROVAL 1.A.2 above]*:

- Erica Way (lots 27-31)
- Darley Way (lots 3A1, 4A1, 5A1, 6A1, 37A1, 38A1, and 40-43)
- Aberdeen Road (lots 70-73)
- Heath Lane (lots 74-80)
- Heath Court (lots 109 & 110)

V. Landscaping, Trees and Open Space Improvements

A. Public and Common Open Space areas. The developer shall landscape the common and easement areas as outlined Conditions of Approval V.A.1- 6 and shown for each zone identified on the March 17, 2011 Alhambra Highlands Landscape Exhibit. These landscape improvements shall be installed by the developer, and maintained by the HOA for all common and identified landscape easement areas. Final landscape plans for these improvements shall be prepared by a licensed landscape architect, and shall be in substantial conformance with the conceptual Landscape Improvement Plans dated April 20, 2010approved by the Planning Commission and tree replacement requirements (Condition V.B below). The final landscape plans shall be submitted for review and approval by the Planning Manager at the same time grading and improvement plans are submitted. Final plans must receive City Planning Manager approval prior to filing of the Final Map or issuance of building or grading permits, whichever comes first.

1. Zone 1: Transitional open space interface:
   - All Zone 1 areas shall require planting with native oaks, including replacement oaks, large shrubs and native grassy hydroseed with flowers.
   - Zone 1 includes all graded and disturbed slopes not otherwise designated in common areas.
   - Temporary irrigation (approximately 5-year period) shall be provided to the trees and shrubs, unless otherwise required in accordance with 5. below.
   - A minimum of 100-foot band along the roadway edges shall be mowed or weed whipped to control grass height during summer months.

2. Zone 2: Open Space Screening.

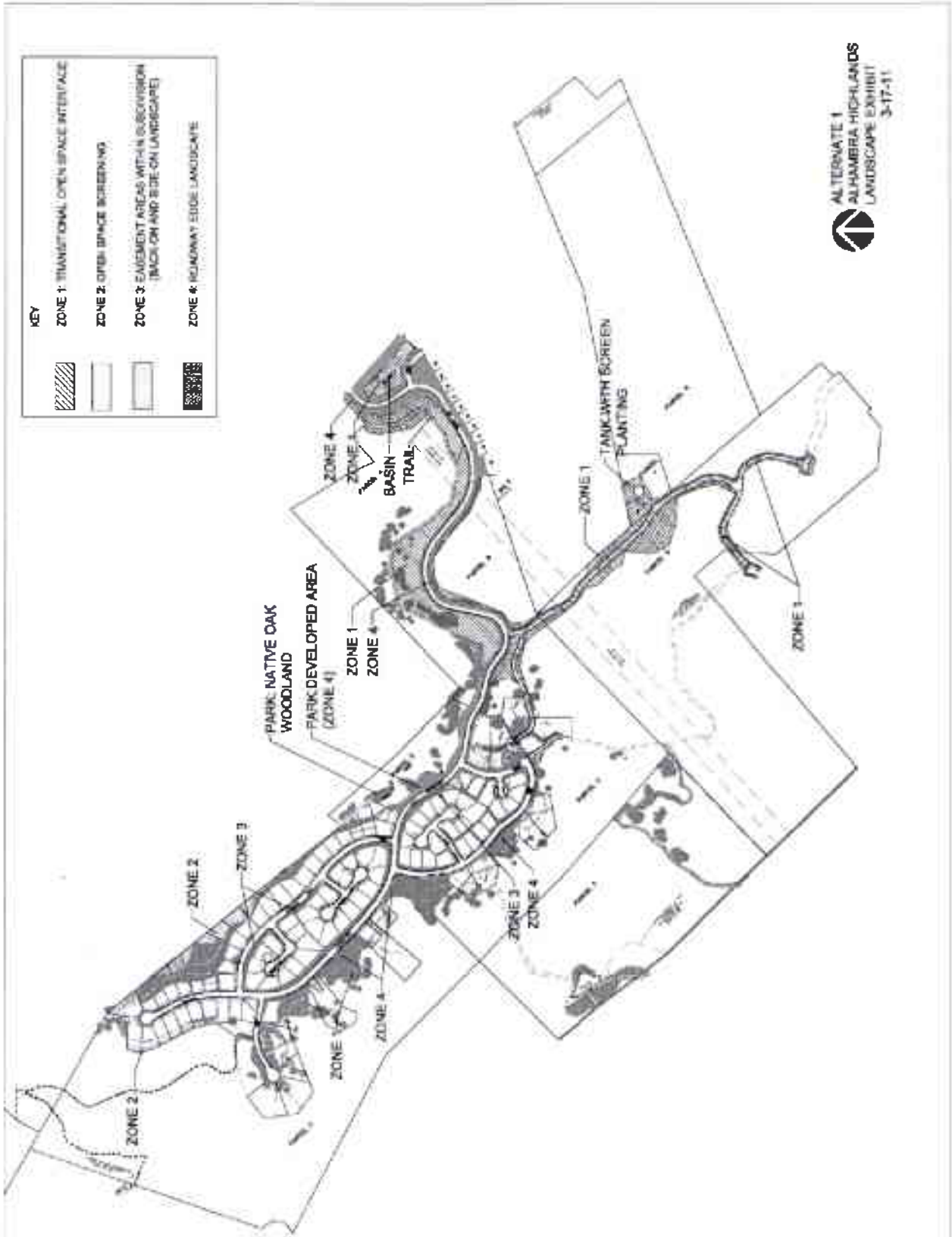
   - Easement areas below lots 1-29 and lots 30-36 shall include native oaks with some larger size trees and some replacement oaks, large shurbs and native grass hydroseed with wildflowers.
   - Temporary irrigation (approximately 5-year period) shall be provided to the trees and shrubs, unless otherwise required in accordance with 5. below.

- Zone 2 areas shall be mowed or weed whipped to control grass height during summer months

3. Zone 3: Easement Areas within the subdivision:

   - Zone 3 includes areas between rear and side property lines and street edges as shown on the attached March 17, 2011 Alhambra Highlands Landscape Exhibit.
   - Areas shall be completely landscaped with a combination of drought tolerant ground covers, shrubs and trees, including informally grouped street trees.
   - Areas in Zone 3 shall be completely irrigated with permanent water conserving irrigation system.

4. Zone 4: Additional tree plantings to screen Roadway Edge Landscape:.
   - Zone 4 includes areas along all streets including Wildcroft Drive and within the subdivision where the Transitional Open Space (Zone 1) abuts the street as shown on the attached March 17, 2011 Alhambra Highlands Landscape Exhibit.
   - An undulating swath approximately 15-20' wide along the street edge and/or sidewalk shall be completely landscaped with a combination of drought tolerant ground covers, shrubs and trees including informally grouped street trees.
   - All areas shall be completely irrigated with a permanent water conserving irrigation system.


KEY
ZONE 1: TRANSITIONAL OPEN SPACE INTERFACE
ZONE 2: OPEN SPACE SCREENING
ZONE 3: EASEMENT AREAS WITHIN SUBDIVISION (BACK-ON AND SIDE-ON LANDSCAPE)
ZONE 4: ROADWAY SIDE LANDSCAPE
ALTERNATE 1
ALHAMBRA HIGHLANDS
LANDSCAPE EXHIBIT
3-17-11
ZONE 2
ZONE 3
ZONE 1
ZONE 4
PARK: NATIVE OAK WOODLAND
PARK: DEVELOPED AREA (ZONE 4)
ZONE 1
ZONE 4
BASIN
TRAIL
TANK WITH SCREEN PLANTING
ZONE 1
ZONE 3
ZONE 4
ZONE 1
ZONE 2

5. Additional tree plantings for visual screening and replacement mitigation.

Notwithstanding the above (Conditions V.A.1-4), areas of additional bubbler and/or drip irrigation shall be provided to:

a) Establish trees to screen views of project infrastructure, including but not limited to Wildcroft Drive access road and related retaining walls, and water tank, in accordance with Visual Simulations 4 and 8 as shown in the Alhambra Highlands Residential Project Draft Subsequent EIR, Volume 1, October 21, 2010. [SIER MM# AES-1.d]

b) Mitigate the visual impacts of construction on lots at the development's perimeter, and as per the requirements of Condition V.B below, areas of additional bubbler and/or drip irrigation shall be installed to establish replacement tree plantings within the open space parcels, and locating trees around the perimeter of Lots 37-43 and 70-80. All such landscaping to be installed along the perimeter of the individual lot and shown on the final landscape plan shall be planted in accordance with the Open Space Management Plan and/or final landscape plan and prior to issuance of the first building permit for the custom or semi-custom residence on the individual lot. [SEIR MM# AES-1.c]

6. Open space parcel shown on *Alternative 1*: Pursuant to the *Alternative #1* plan by dk Consulting, dated May 14, 2010, (if approved) detailed improvement plans for "Parcel E" common area shall be submitted for review and approval by the City's Planning, Building and Engineering Departments.

7. The final landscaping plans shall be submitted to the Planning Manager and shall:

a. Be prepared in accordance with the City's applicable water conservation and landscaping regulations.
b. Show all non-plant features: benches, lights, paths, pools, etc.
c. Trees species shall be as required by applicable native tree replacement requirements under "Tree Preservation/Replacement" conditions below.
d. Trees sizes shall be shown per planting area in accordance with SEIR MM# BIO 5. Shrubs shall be 5 gal. size and drought tolerant.
e. Final landscape plans shall contain a table showing the amounts of landscape area, plus a count of trees and shrubs to be planted by size.

f. Complete irrigation plans shall be prepared with calculation applicable to the City water conservation ordinance.

g. Plans shall include designated "replacement trees" indicated with an "R" on the final landscape plan which shall denote where tree replacement shall occur within the landscape zones identified above. Replacement trees shall be subject to the survivability criteria as set forth SEIR MM#BIO 5.

8. Once final landscape and irrigation plans are approved, the applicant shall submit reproducible copies for signature. Once the landscaping is accepted by the City Engineer, as-built mylars shall be submitted.

9. The satisfactory installation of all landscape and irrigation improvements shall be guaranteed by posting a bond or equivalent surety with the City equal to 100 percent of the cost of materials and installation prior to issuance of grading permit, building permits or City approval of the Final Map, as determined by the City. In no event shall tree removal take place prior to the posting of said bond.

10. Installation of the landscaping and all related improvements shall be inspected by a registered landscape architect and certified in writing as being in compliance with the approved plan prior to the City's release of bond.

B. Tree preservation and replacement:

1. Prior to the issuance of any grading permit, the developer shall implement all mitigation measures outlined in the Tree Survey (LSA and Associates), as shown in Appendix D of the Alhambra Highlands Residential Project Draft Subsequent EIR, Volume 1, October 21, 2010. These measures include protection fencing, establishment of a tree protection zone, and special demolition and site clearing measures to protect trees that shall be maintained during construction and to provide for replacement for those trees that shall be removed. [SEIR MM# BIO-5.a]

2. The Grading Plan shall be revised to show that project grading will be designed to protect existing trees on Lots 9, 21, 40-42, 45, 75-76, 106, and 108, and, if *Alternative #1* plan by dk Consulting, dated May 14, 2010 is approved, Parcel E. [SEIR MM# BIO-5.e]

3. The Developer shall replace native trees to be removed within development's grading footprint, and the homebuilder/homeowner shall replace trees subsequently removed at time of custom lot construction, with the planting of replacement native trees at a 1.5:1 ratio. Species to be used in the tree planting shall be species native to the project site and will

include the following species: blue oak, coast live oak, valley oak, California bay, and California buckeye. [SEIR MM# BIO-5.b]

4. The developer's landscaping plans shall identify replacement trees, in accordance with the above COA A.3, within the following areas in the order of priority as listed below [SEIR MM# BIO-5.c]:

   a. 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.
   b. Around the perimeter of Lots 37-43 and 70-80 to provide screening from off-site views.
   c. Common area landscaping such as along the Wildcroft Drive entry road.
   d. On fill slopes to maintain the visual continuity of woodland areas where project fills require tree removal.

   Replacement tree locations shall be identified on the project Open Space Management Plan. This plan will also incorporate information on tree planting and maintenance. This plan shall be submitted to the City Planning Manager for review for conformance with this condition.

   Trees shall be maintained for a minimum five-year period. Maintenance shall include weeding the planting basins, watering for three years, and inspection/repositioning tree protection cages to ensure they are protecting the trees. Maintenance activities shall end when 75 percent of the planted trees are adding six or more inches in height/year without supplemental irrigation. The removal of tree protection cages shall be based on the growth of individual trees. In order to remove a cage a tree must be at least 6 feet in height with a trunk diameter of two or more inches.

   Annual reports providing information on the status of the mitigation tree plantings will be submitted to the Planning Manager by December 31 of each year until maintenance activities end in the wildland plantings. The reports will include information on maintenance activities conducted and survival information from fall tree counts.

   The planting of additional trees will be undertaken if fall tree counts indicate that tree survival has fallen below the number of trees necessary to meet the 75 percent criteria for plant performance. Replanting will be held to the same performance standards as the initial plantings. Notwithstanding the above, replacement trees planted along project streets shall be maintained in perpetuity by HOA.

5. If a sufficient number of trees cannot be planted on-site in accordance with Condition of Approval V.B.4.a-d above to fully off-set tree loss associated

with the project, the remaining required trees will be planted at one of the projects off-site mitigation properties (Christie Road, Allen). Off-site tree replacement will be allowed subject to the criteria outlined above and the approval of the City of Martinez. [SEIR MM# BIO-5.d].

C. Trails and Paths

1. Developer shall construct pedestrian paths/walkways and trails as conceptually shown on the vesting tentative map. These improvements shall be completed prior to formal acceptance of the subdivision improvements. A minimum 15' wide easement shall be provided at the rear of lots 107 and 108 (at Wicklow Road) to link the "Pedestrian and Equestrian Trail" from Aberdeen Road to Heath Court.].

2. Construction details shall be shown on the Subdivision Improvement Plans and landscape plans as necessary, and shall be subject to approval by the City Engineer.

3. Maximum gradient of new trails and paths shall be 15 percent. The City Engineer may allow a grade up to 20 percent in special situations.

4. All street crossings shall have curb cuts, ramps, signs and pavement markings.

5. Rest areas, as approved by the City Engineer, shall be constructed at intervals.

6. All trails shall be designed to EBRPD Standards to the satisfaction of the City Engineer.

7. A bike trail with a minimum width of 8 feet shall be installed along Reliez Valley Road Frontage to the entrance of Briones Park.

8. Trail easements shall be offered for dedication to the City of Martinez (or its designee) for public use. Maintenance of the trails shall be the responsibility of the GHAD or HOA as determined by the City Engineer and City Attorney.

D. Fences and retaining walls:

1. All fencing, retaining walls, barriers, etc., shall be installed by the developer per the Design Guidelines unless otherwise phased in accordance with the Fencing Plan, and shall be as conceptually shown on Vesting Tentative Map and Landscape Improvement plans (sheet L1.01; Residential Areas & Lot Fencing Types Plan) and in substantial

compliance with the approved Open Space Management and Monitoring Plan. All walls shall have a decorative finish, subject to staff approval at time of improvement plans review. Subject to City Planning Manager approval, installation of individual lots' wood and wire privacy and open space fencing may be deferred to the homebuilders'/homeowners' installation at time of lot development. All such fences installed on an individual lot shall be installed prior to certificate of occupancy. All fencing necessary for the control of grazing stock on adjacent property shall be installed by the developer prior to City acceptance of subdivision improvements, unless otherwise determined in the Fencing Plan.

2. Unless otherwise shown on approved Vesting Tentative Map and Planned Unit Development plan, the maximum height for all walls, fences and/or fences with retaining walls shall be 6 feet total. Fences offset from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 feet each.

E. Front yards and construction on individual lots:

1. Prior to issuance of building permits for each home on lots 1- 7, 37-43, 70-80, and 107-112, the City Planning Manager will review the design of homes on custom lots to minimize or avoid tree removal. If tree removal is unavoidable, the homebuilder/homeowner will be required to provide replacement trees at the same 1.5:1 ratio as was required of the subdivision's developer. [SEIR MM# BIO-5.f]

2. Each homebuilder shall, concurrently with building permit application, include plans for front and adjacent street-side landscaping consistent with Alhambra Highlands Architectural Review Committee's (AHARC) design review approval process, as specified in the Alhambra Highlands Development Guidelines and Design Criteria, dated February 9, 2011. Project CC&Rs shall specify these requirements for private landscaping Front yard landscaping, subject to City Planning Manager approval, shall be installed prior to final building inspection of the residence, or as otherwise approved by City Planning Manager.

VI. Conditions for Pre-Construction/Construction Activities and Noise/Dust Control

A. During project construction, the site shall be fenced with locked gates at Wildcroft and Horizon Drives. The gates shall remain locked until 7:00 am. Contractors shall not arrive or set traffic control measures at the site prior to the opening of the gates. Upon the construction of the Wildcroft extension, all subsequent construction traffic for the project shall only use the Wildcroft extension.

B. Adequate dust control measures shall be employed throughout all grading and construction periods. To reduce wind erosion, the contractor shall regularly water all surface areas that are exposed for extended periods (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day. [SEIR MM# AIR-1(part)]

C. Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, etc. coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All vehicular mud or dirt track-out into all streets in the vicinity of the project shall be removed using wet power vacuum street sweepers at least once per day unless otherwise approved by City Engineer. The use of dry power sweeping is prohibited. All haul trucks transporting soil, sand or other loose material shall be covered. [SEIR MM# AIR-1(part)]

D. Speeds of all vehicles on unpaved roads shall be shall be limited to 15 miles per hour. Speeds of construction equipment on local streets to and from the site shall also be limited to 15 miles per hour.

E. During construction periods, access to any driveway shall not be blocked by construction generated vehicles, equipment, supplies, or other material.

F. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Developer shall be responsible for the repair of any damage to city streets (private and public) caused by construction vehicles or the import or export of soils materials necessary for the project.

G. Prior to subdivision improvement construction, contractor shall contact city inspector for a pre-construction meeting.

H. Horizon Drive may be used for construction traffic to construct: utility lines in Horizon Drive, construction of the water tank, initial construction of the EVA leading from Wildcroft Drive to Horizon Drive, and Wildcroft Drive to the point it can be used for construction traffic. Following completion of these improvements, Horizon Drive shall not be used as the primary construction access and Wildcroft Drive extension shall instead be used for project construction access.

I. To the extent determined feasible by the City Engineer, all roadways, driveways and sidewalks required to be paved shall be completed in conformance with erosion control plans and the SWPPP. Dust suppressant shall be applied to all roadways, driveways and sidewalks if not paved per the erosion control plans and the SWPPP. Graded pads shall be hydroseeded in accordance with the erosion control plans and SWPPP unless soil binders are used to the satisfaction of the City Engineer.

J. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. [SEIR MM# AIR-1(part)]

K. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to commencement of construction and monthly thereafter. [SEIR MM# AIR-1(part)]

L. Developer shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

M. Homes shall be subject to the 2010 Green Building Standards Code. The CC&Rs for the project shall require that each individual home be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code. [SEIR MM# AIR-2]

N. The following pre-construction minimization measures shall be implemented by the developer to reduce potential impacts to the Alameda whipsnake to a less-than-significant level, including: [SEIR MM# BIO-1a]

1. Prior to ground-disturbing activities, a pre-construction trapping survey for Alameda whipsnake will be conducted in the impact area. A trapping plan will be submitted to USFWS and CDFG for review and approval prior to implementation.

2. An exclusion fence shall be placed near the grading limit for the duration of the project grading, paving, and construction to prevent Alameda whipsnake from entering the project site. The alignment and type of fencing to be used will be subject to review and approval by USFWS and CDFG.

All construction workers shall receive training on the Alameda whipsnake and the measures being taken to avoid take of the species during construction

O. The developer shall implement the following minimization measures during grading or subdivision improvements to reduce potential impacts to the Alameda whipsnake to a less-than-significant level, including: [SEIR MM# BIO-1b]

1. A USFWS- and CDFG-approved biological monitor shall be present during the grading phase of the project. Monitoring requirements beyond

that time will be subject to review and approval by USFWS and CDFG. The contract compliance inspectors and environmental compliance coordinator, with support from the USFWS and CDFG-approved biologist, shall ensure that construction equipment and associated activities avoid any disturbance of sensitive resources outside the project area.

2. All material stockpiling and staging areas shall be located within project right-of-ways in non-sensitive areas, or at designated disturbed/developed areas outside of designated construction zones.
3. Vehicle and equipment refueling, repair, and lubrication shall only be permitted in designated areas where accidental spills will be contained.
4. To allow Alameda whipsnake and other species to move between the north and south side of the Wildcroft Drive extension, an arched passageway shall be installed and maintained by the GHAD or HOA as determined by the City Engineer.
5. Plastic mono-filament netting (erosion control matting) or similar material shall not be used at the project site because Alameda whipsnake may become entangled or trapped in it.
6. To eliminate an attraction to predators, food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers.

To prevent inadvertent entrapment of Alameda whipsnake, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before these holes or trenches are filled, they shall be thoroughly inspected for trapped Alameda whipsnake. Additional details of this minimization measure are provided in the Biological Opinion included in Appendix D and are incorporated by reference.

P. All construction activities shall be restricted to Monday – Friday and to the hours of 7:00 a.m. to fuel and oil vehicles, 7:30 a.m. for vehicle warm-up, and construction shall not occur after 5:00 p.m. Work on weekends shall be limited to individual requests for low noise level work and shall be subject to revocation if substantiated complaints are received. The project applicant shall post a sign on the site notifying all workers of this restriction. [SEIR MM# NOISE-1]

Q. Noise barriers shall be constructed to mitigate substantial noise increases attributable to the project. Preliminary calculations indicate that 5-foot barriers would generally be sufficient to reduce traffic noise levels to a point that it would not be substantially higher than existing levels (i.e., the increase attributable to the project would be less than 3 dBA Ldn). To be effective, the proposed noise barrier must be solid over the face and at the base of the barrier. Openings or gaps between barrier materials or the ground substantially decrease the effectiveness of a noise barrier. Suitable materials for barrier construction shall have a minimum surface weight of 3 lbs./ft.^{2} (such as 1-inch thick wood, masonry block, concrete,

or metal). An acoustical specialist shall confirm the final design of the noise barrier based on the project's final grading plan to ensure the increase attributable to the project would be less than 3 dBA Ldn. [SEIR MM# NOISE-2]

R. The project shall implement the following controls to reduce construction noise levels to a less-than-significant level. [SEIR MM# NOISE-3]:

1. Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Limited construction may occur, subject to City approval, on weekends and holidays between the hours of 9:00 a.m. to 5:00 p.m.
2. Construct permanent noise barriers or temporary solid plywood fences (minimum 8 feet in height) along the portion of Wildcroft Drive that adjoins existing residences in the Elderwood Subdivision as early in the construction schedule as possible.
3. Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
4. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
5. Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses.
6. Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
7. Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.
8. Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.
9. Prohibit all unnecessary idling of internal combustion engines;
10. Notify adjacent noise-sensitive land uses of the construction schedule in writing.
11. Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule where required by the City Engineer.

VII. Common Open Space Areas and Management of Natural Areas

A. The open space portions of Parcels "A" thru "H" shall be transferred to a conservation entity in accordance with the conservation easement and the Open Space Management and Monitoring Plan or shall be subject to an open space easement or other deed restriction at the election of the Planning Manager and City Attorney, with the exception of the park parcel which shall be limited to development as a park in accordance with the project approvals. Said open space easement or deed restriction shall preclude the removal of trees, grading or erection of structures except for grading required to repair slopes (subject to the approval of the City), construction of retaining walls required for improvements, grading or removal of vegetation as required by the Contra Costa County Fire Protection District and subject to the terms of the conservation easement, or other activities associated with geologic hazard abatement or open space/habitat management and utility-related maintenance. Parking and use of any type of vehicle within the open space shall also be prohibited, except upon the approved trails and paths for a limited time during maintenance activities. The responsibility for maintenance of areas not transferred to the conservation entity shall (weed abatement, etc.) shall lie with the homeowners association (HOA).

B. The Final Map shall show the majority (217.93 acres as delineated on the Vesting Tentative Map, including the undeveloped portions of Parcels A-D and F-H) of the approximately 298-acre property to be placed in a Conservation Easement and set aside as open space in perpetuity. [SEIR MM# BIO-4]

C. Parcel "J" shall be offered to the City (in fee) for water storage and system use, with all required access easements for access and water line construction maintenance to this parcel. A grant deed to the City for Parcel "J" shall be granted to the City concurrently with the Final Map.

D. The Covenants, Conditions, and Restrictions (CC&R's) that are recorded against the property and applicable to all parcels conveyed to future landowners shall provide for restrictions on domestic pets including requiring all dogs be on a leash when off of private property and all cats to wear bells. These restrictions are intended to reduce the effects of domestic pets on common and sensitive wildlife species in open space areas. [SEIR MM# BIO-1.c (part 1 of 6)]

E. The HOA, or the non-profit conservation easement holder shall place limitations on fire management activities in Alameda whipsnake habitat (i.e., any removal of scrub vegetation, including coyote brush, will be conducted using manual methods and shall be monitored by a USFWS and CDFG-approved biologist if removal is done during March through October). [SEIR MM# BIO-1.c (part 2 of 6)]

F. The developer (Richfield Investment Corporation, or its successor in interest), shall record a Conservation Easement to protect Open Space land. This Open space is to be maintained in its natural state. An Open Space Management and Monitoring Plan (OSMMP) and an Addendum to the OSMMP as shown in

Appendix D of the Alhambra Highlands Residential Project Draft Subsequent EIR, Volume 1, October 21, 2010 have been developed and shall be implemented by the developer (Richfield Investment Corporation, or its successor in interest) for the maintenance of these lands, including fire protection measures. [SEIR MM# BIO-1.c (part 3 of 6)]

G. The on-site conservation easement lands shall be managed by a third party conservation easement holder approved by the USFWS and CDFG. The costs of the conservation easement management activities will be funded by an endowment provided by the developer (Richfield Investment Corporation, or its successor in interest). [SEIR MM# BIO-1.c (part 4 of 6)]

H. The Developer (Richfield Investment Corporation, or its successor in interest) shall prepare and distribute to each property owner a Natural Habitat Preservation booklet to educate homeowners about the natural resources in the open space, including the presence of Alameda whipsnake and its habitat. [SEIR MM# BIO-1.c (part 5 of 6)]

I. The Post-Construction Monitoring Plan shall be initially implemented by the developer (Richfield Investment Corporation, or its successor in interest) and by the holder of the conservation easement as provided for in Condition VII.G. or the HOA upon completion of the development. This plan includes monitoring of scrub enhancement and creation areas, surveys for Alameda whipsnake prey, and Alameda whipsnake trapping surveys. Additional details are provided in the Alameda whipsnake Mitigation and Monitoring Plan. [SEIR MM# BIO-1.c (part 6 of 6)]

J. To mitigate for the reduction in habitat value of the Alameda whipsnake habitat in project open space and adjacent undeveloped lands due to habitat fragmentation and reduction of connectivity, several Alameda whipsnake recovery plan tasks shall be implemented by the developer (Richfield Investment Corporation, or its successor in interest), as provided in the Alameda Whipsnake Mitigation and Monitoring Plan and the Biological Opinion included in Appendix D and are incorporated by reference into the SEIR. [SEIR MM# BIO-1.d]

K. Except as necessary for approved construction, as specifically approved by the City Engineer, natural slopes shall not be encroached on by construction equipment and shall be kept free of construction debris at all times.

VIII. Agreements, Fees and Bonds

A. Applicant shall enter into the City's standard improvement agreement to secure performance of all improvements in accordance with the approved improvement plans. Said plans shall be submitted to and subject to the approval of the City and other agencies having jurisdiction prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading or Site development permit, whichever comes first.

B. All required faithful performance bonds and labor materials bonds in penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading, or Site Development permit, whichever comes first.

C. A grading completion bond shall be put in place for the project prior to issuance of a Grading Permit to ensure that the project grading and storm drain improvements are completed in case the developer of the project is unable to successfully complete the project (SEIR HYD-3d).

D. City Fees: Prior to approval of the grading or building plans, as applicable, and issuance of the grading or building permits, the developer shall pay all applicable fees and deposits as further set forth below:

a. Non-Development Impact Fees. Developer shall pay all applicable Non-Development Impact Fees shall include, but not necessarily be limited to application fees, plan check fees, inspection fees, building permit fees, connection fees and Quimby Act (Park in Lieu) Fees, in accordance with the fee schedule in effect at the time of payment.

b. Development Impact fees for Single Family Homes. Developer shall pay Development Impact Fees as determined in accordance with the Martinez/Richfield Tolling Agreement (original effective date August 13, 2009, as amended through November, 2010) as listed below. Such fees include child care fees (as shown below), transportation impact fees, park and recreation facilities fees. Developer has, in addition, agreed to pay the police facilities fees as shown below. Said Development Impact Fees (per unit) shall be as follows:

i. Child care fee: $432
ii. Transportation impact fee: $1,780
iii. Park and recreation facilities fee: Not applicable
iv. Police facility fee: $411
v. Cultural facilities: Not applicable

E. All fees and deposits required by other agencies having jurisdiction shall be paid prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first, by the developer as specified in the other agencies' adopted regulations. Receipts or proof of such payments shall be provided to the City upon request

F. Drainage impact fees: The applicant shall pay the applicable drainage fees in accordance with the fee schedule at the time of payment. The project is located in three drainage areas (Drainage Areas 47, 72 & 5). The drainage area fees for DA 47 & 72 shall be as per the Contra Costa County Flood Control fee schedule and as stated below.

G. The developer shall pay the applicable drainage fee (Drainage Area 5) per square foot of impervious surface created by virtue of the improvements at the effective drainage fee rates at the time of payment.

H. All drainage area fees shall be calculated by the City and/or Contra Costa County and paid prior to approval and recordation of the final map.

I. The developer shall pay all school impact fees required by State laws in effect upon issuance of building permits for new homes.

J. Other agency review fees, permit fees, and costs shall be paid by the developer at his/her sole expense.

K. Other Fees and Costs:

1. The applicant shall be responsible for all required reviews and costs associated with City's technical consultants including, but not limited to, geotechnical engineer peer review, traffic, water, and GHAD. The fees shall be determined by the actual consultant fees plus 25% in accordance with the City's fee schedule.

2. The applicant shall be responsible for City Attorney's fee associated with implementation of this project.

3. The costs of all required off-site easements shall be borne by the applicant.

IX. <u>Grading</u>

A. A grading and drainage plan prepared by a registered Civil Engineer, shall be included with the Final Map and Improvement Plans submitted for review. The grading plans and soils report may require review by the City's geotechnical consultant with all costs to be borne by the applicant.

B. All recommendations made in the Geotechnical Engineers report for (Alhambra Highlands Various Reports 2000-2009), unless amended through the City's review, and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.

C. The onsite finish grading shall require drainage to be directed away from all building foundations at a slope of 2 percent minimum to 20 percent maximum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. A minimum 4-ft. wide clear access shall be provided around each building.

D. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.

E. Erosion control measures shall be implemented per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) prepared by a registered civil engineer shall be filed with the San Francisco Regional Water Quality Control Board (RWQCB) and with the City Engineer. A copy of the Notice of Intention (NOI) and a copy of the Waste Discharge Identification Number (WDID) shall be submitted to the City Engineer prior to issuing permit(s).

F. All graded slopes in excess of 5 ft. in height shall be landscaped or hydroseeded no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season.

G. The developer's engineer shall certify the actual pad elevations for all lots in accordance with City standards prior to foundation inspection by the Building Department or the issuance of Building Permit.

H. All front yard landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems on each lot.

I. The finished grading shall be inspected and certified by the developer's engineer that it is in conformance with the approved Grading Plan and Geotechnical Report(s) pursuant to the provisions of Title 15 of the Martinez Municipal Code.

J. Where applicable, the grading and finished lot pads shall meet or exceed the requirements of a 100-year (1 percent) flood zone.

K. All existing trees shall be clearly indicated on the grading plan. Refer to Section V Landscaping for tree preservation requirements.

L. Any grading on adjacent properties will require written approval of those property owners affected.

M. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.

N. In order to reduce impacts associated with minor alterations in open space areas,

the project shall submit a grading plan to the City of Martinez City Engineer prior to issuance of a final grading permit, demonstrating that locations where open space improvements are proposed will not impact existing capacity or sediment transport capabilities of connected downstream drainage courses.

Maintenance of gullies, trails and other areas where concentrated rainfall runoff currently exists, which are downslope of the project development footprint but within the project limits, shall be performed by the project GHAD or HOA. This includes several drainages downstream of the ridgetop development footprint, where the project intends to fill the headwaters of the drainages and route subdrain and surface water into them in order to mitigate potential loss of associated habitat value. Rip-rap sizing would be appropriate for any improvement to these channels where flows would be concentrated. Trails shall be designed such that the diversion of rainfall runoff is minimized (SEIR HYD-3c).

O. If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the find, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. It is recommended that adverse effects to such deposits be avoided by project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, avoidance of project impacts on the deposit shall be the preferred mitigation. If adverse effects on the deposits cannot be avoided, such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; preparation of a brochure for public distribution that discusses the significance of the archaeological deposit; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City shall ensure that any mitigation involving excavation of the deposit is implemented prior to project construction or actions that could adversely affect the deposit in question. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to the developer, the City of Martinez Planning Manager and the NWIC. The

applicant shall implement the recommendations of the archaeologist report (SEIR CULT -1).

P. If paleontological resources are discovered during initial project monitoring, all work within 25 feet of the discovery should be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Adverse effects to the discovery should be avoided by project activities. If effects to such resources cannot be avoided, the resources should be assessed to determine their paleontological significance. If the paleontological resources are not significant, avoidance is not necessary. If the paleontological resources are significant, adverse effects to the resources must be mitigated. Upon completion of the assessment, the paleontologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources discovered. The report shall be submitted to the project developer and the University of California Museum of Paleontology. The developer shall implement the recommendations of the paleontological report. (SEIR CULT-2).

Q. If human remains are encountered, work within 25 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation and consult with agencies as appropriate. The developer shall also be notified. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the project applicant, the City of Martinez Planning Manager, the MLD, and the NWIC. The applicant shall implement the recommendations of the archaeologist's report (SEIR CULT -3).

X. Drainage

A. A hydrologic study shall be prepared and/or submitted to the City Engineer and Contra Costa County Flood Control District, when required by the City Engineer, for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The applicant shall make necessary upgrades to existing

systems as depicted on the VTM 9257 drainage plans. Drainage area is defined as all that area draining into, and including, the area of the proposed development.

B. Prior to Final Map approval, a final drainage report shall be submitted to the City or Martinez City Engineer to confirm the results of the preliminary drainage studies performed by the project to date.

C.

The project is partially located within Contra Costa County Flood Control and Water Conservation Service (CCCFCD) Drainage Areas 47 and 72. The project shall pay fees to the CCCFCD for portions of the project located within these Drainage Areas prior to final map approval. These fees are intended to be used for flood control maintenance and improvements of downstream watercourses.
The implementation of the measures listed above together with the project design would reduce on-site erosion or flooding concerns to a less-than-significant level. The use of two detention basins on-site would reduce existing runoff generated from the site to levels less than that of the existing condition for a wide range of storms. Open space areas would be improved to mimic pre-hydrologic conditions or reduce off-site flows to the maximum extent practicable. As a result, potential impacts to on-site or downstream watercourses in regard to increases in flow rates, velocities or geomorphic conditions would be less than significant (SEIR HYD-3f).

D. Complete hydrology and hydraulic calculations with watershed and drainage map(s), prepared by a registered civil engineer, shall be submitted to the City Engineer for review and approval. The submittal shall also include a study showing the existing and developed peak flows and the adequacy of the existing downstream facilities to handle the runoff. The storm drain system shall be designed to convey the runoff to adequate downstream drainage facilities without diversion to the maximum practical extent. Where required, the applicant shall construct the necessary downstream improvements, as required, to the satisfaction of the City Engineer. The hydraulic grade line for the drainage storm drain system on Alhambra Avenue shall be established from the existing open channel on the westerly side of Alhambra Avenue to the site. The developer's engineer shall demonstrate (to the satisfaction of the City Engineer) that the proposed project will not adversely impact existing development or existing drainage conditions, including but not limited to Alhambra Creek and Grayson Creek. Said calculations and documentations shall be submitted to the City Engineer.

D. All concentrated runoff shall be collected and conveyed to an approved storm drainage system. Existing slopes that have no additional discharge directed onto them or are not substantially regraded can remain as natural runoff.

E. The developer shall not increase stormwater runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of onsite runoff and construction of an offsite storm drainage system. All required releases and/or easements shall be obtained prior to filing of Final Map or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.

F. The storm drain system shall be designed per City and County Flood Control District Standards to carry at least a 10-year storm. Furthermore, the system shall be designed to ensure that local streets remain passable during a 100-year storm. Passable is defined as one 10-ft. travel lane in each direction, pavement free of water runoff. The developer shall install a drainage system to ensure passability. Should the runoff due to the proposed development contribute incrementally to an existing flooding problem, then the developer may be required to contribute funds for his proportional share of future drainage system costs as required by the City Engineer.

G. Parking lots and onsite drainage shall be collected and conveyed to an approved storm drainage facility. When approved by the City Engineer, drainage may be conveyed under the sidewalk and discharged through the curb in accordance with City standards. Drainage shall be directed to a concrete curb and gutter whenever practical.

H. All public drainage facilities, which cross private lots and to be maintained by the City (if accepted by the City), shall require a 10-ft. minimum width storm drain easement. Private storm drain facilities to be maintained by the HOA and/or GHAD or by individual lot owners shall be contained within 10-ft. (minimum) private drainage reserves. Said easements and/or reserves shall be delineated on the Final Map or recorded by separate instrument prior to City approval of the Final Map or issuance of Building Permit, whichever comes first.

I. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.

J. The developer shall comply with Contra Costa County Flood Control District Design requirements.

K. Fifteen (15) inch minimum RCP (reinforced concrete pipe) shall be used for all public storm drain lines and 12-inch minimum pipe shall be used for laterals and for some private storm drain lines outside of street right of way to the satisfaction of the City Engineer.

L. Any drainage work within Contra Costa County will require a 1010 Drainage Permit from the County. Additionally, the developer shall obtain an Encroachment Permit from the County for any work within the County road right of way (Reliez Valley Road). Copies of these permits shall be submitted to the City Engineer prior to City approval of the plans and the issuance of City permits for construction.

M. All impervious surface and graded pad drainage shall be directed to approved drainage facilities. This condition shall be contained in project CC&Rs to insure compliance for all future construction on the project site.

N. (Intentionally omitted.)

O. The mitigation measures listed in the Streambed Alteration application shall be implemented including planting willow saplings on the streambank adjacent to the proposed outfall location and removal of the invasive plant species giant reed (*Arundo donax*) (SEIR BIO-2).

P. The project shall create 0.14-acre of new seasonal wetland and 0.11-acre of pond in accordance with the Corps' authorization/approved wetland mitigation plan. The wetland mitigation plan also includes preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The developer shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in this condition (SEIR BIO-3).

Q. The developer shall construct a storm drainage system at the end of Horizon Drive to collect runoff from upstream area in order to prevent runoff from sheeting over the existing pavement. Drainage system shall also be installed for paths, trails and EVA, to the satisfaction of the City Engineer.

R. The developer shall obtain applicable Contra Costa County permits for constructing required improvements outside the City's limits and within the unincorporated area to Contra Costa County. The developer shall be responsible for submitting all required materials, fees and deposits necessary to obtain CCC permit(s), including but not limited to, improvement plans, drainage maps, calculations and support documentations.

S. Detention Basins: Prior to approval of the improvement plans, the developer shall submit 2 site specific geotechnical reports for the Detention Basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand ground shaking. The site

specific geotechnical report shall demonstrate that soils will be stabilized to minimize the potential for failure of the detention basins. The geotechnical report shall address erosion and sedimentation issues, provide recommendations to stabilize slopes in such a manner that demonstrates breaching of the ponds is highly unlikely. The report shall be signed by the project Geotechnical Engineer (GE) and Certified Engineering Geologist (CEG). Ultimately, long-term maintenance of the basins will be performed by the project Geologic Hazard Abatement District (GHAD) or the Homeowners Association (HOA) if no GHAD is formed in accordance with the plan of control (SEIR HYD-5).

Detention basins shall be designed in accordance with the latest Contra Costa County design guidelines to mitigate the increase of storm drain runoff as a result of this project. The detention basins shall also be designed to meet the conditions as noted below. Any deviation from these requirements shall be subject to the review and approval of the City engineer. Complete calculations, sections, and design details for the detention basins shall be prepared by a registered civil engineer and submitted to the City and County for review and approval:

1. The applicant's engineer shall submit design plans and data for the detention basins with hydrology and hydraulic calculations including, but not limited to, inflow hydrographs for the existing conditions, outflow hydrographs for the developed conditions, hydrographs input data, stage discharge data, stage storage data, and detention basins routing calculations.
2. The basins shall be sized to contain the 100 year runoff (developed condition) with a minimum of one foot freeboard.
3. The peak outflow from the detention basins shall be no greater than 90% of the existing peak flow for the 10, 25 and 100 year storms.
4. Provide an emergency spillway at each basin. Runoff from the emergency spillways shall be collected and conveyed downstream to approved storm drainage facilities.
5. Side slopes: Detention basins side slopes shall be a maximum 4:1 (horizontal to vertical) below the design water surface, and 3:1 above the water level, unless otherwise determined by a licensed soil engineer, presented in a soil report and approved by the City Engineer.
6. Provide a maintenance access road for each basin, including turnaround.
7. Submit structural details and calculations for retaining walls and the control structures, as required.
8. The basins' improvement plans shall include an irrigation and landscaping plan.
9. Provisions for projected sediments in basin shall be included in the basin's design and freeboard.
10. Offsite drainage facilities from the Reliez Valley Road detention basin to the outfall structure at the creek, including the proposed outfall structure,

shall be reviewed and approved by the City, Contra Costa County and any other regulatory agencies prior to City approval of the plans. All required offsite easements and permits shall be obtained, at the applicant's sole expense, prior to City approval of the plans.

11. The design of the detention basins shall comply with the requirements of the State of California, San Francisco Division of Dam Safety, if applicable.
12. The design of the detention basins shall also accommodate and comply with the requirements of the Regional Water Quality Control Board (RWQCB) permit for water treatment. The developer shall obtain the RWCQB's approval of the plans prior to City approval.
13. All required improvements outside the City limits shall be reviewed and approved by the appropriate agency prior to City approval of the plans.
14. Onsite detention basins (including the water treatment facilities required by the RWQCB) shall be maintained and remain in good repairs by the Homeowners Association and/or GHAD for this Subdivision and shall be included in the CC&R. A detailed long term operation and maintenance plan and schedule shall be provided to and approved by the City Engineer and shall be included in the project's CC&Rs and GHAD plan. An annual maintenance report shall be submitted to the City by June 1st of each year. The report shall include description of the maintenance activities required to keep the stormwater control facilities in good repair including, but not limited to, silt and debris removal, landscaping, repair and/or replacement of BMPS and other structures.
15. Existing Grayson Creek-Wildcroft Drive detention basin: The project shall be designed and include provisions to prevent increase of the runoff into the existing detention basin. The applicant shall submit to the City Engineer drainage map and calculations showing the existing and the developed runoff to the basin for review and approval.
16. All improvements are subject to the City Engineer's review and approval.
17. All other regulatory agencies permit(s) including but not limited to the San Francisco Regional Water Quality Control Board, the Department of Fish & Game, shall be obtained prior to issuing City permits.

T. All required off-site easements shall be obtained and dedicated to the appropriate agencies prior to issuing permits.

U. The implementation of Mitigation Measure identified in SEIR, HYD-1 will help minimize the potential for mudflows. Site monitoring shall also be periodically performed during the rainy season by the project Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG) to monitor areas where hillside grading is to be performed, in order to assess any temporary erosion issues that might lead to mud flows or other discharges of soil material off-site. In the event that monitoring identifies potential debris flow hazards, the developer shall implement

the following measures to eliminate the potential discharge of soil material off-site under the direction of the project GE/CEG.

1. Construct berms to block the potential for downstream movement of soil material.
2. Create catchment areas downstream of potential debris flows to capture mobilized material.
3. Provide fencing or temporary barriers to block the movement of sediment (SEIR HYD-4).

V. In order to reduce impacts associated with alterations in subsurface flows near the Wildcroft Drive alignment, the developer shall submit a remedial grading plan to the City of Martinez prior to issuance of a Grading Permit. The Plan shall depict areas of subsurface groundwater diversion in unstable slopes. The remedial grading plan shall also demonstrate locations of proposed remedial grading, geotechnical subdrains locations and subdrain connections to the proposed storm drain system.

The project storm drainage system shall be designed to reduce subsurface seepage and surface flows from the project site onto properties adjacent to the proposed Wildcroft Drive alignment by rebuilding the slope and redirecting surface and subsurface water with subdrains and storm drainage infrastructure. The storm drainage system would be installed in conjunction with roadway improvements. The subdrain systems shall either discharge to the surface along with storm drain outfalls, or discharge directly into the storm drain system (SEIR HYD-3b).

W. Prior to Final Map approval, a final drainage report shall be submitted to the City of Martinez City Engineer and the Contra Costa County Flood Control and Water Conservation District to confirm the results of the preliminary drainage studies performed by the project to date.

X. To reduce impacts at the proposed Alhambra Creek outfall, the project shall submit a drainage plan to the Contra Costa County Public Works Department prior to final map approval, demonstrating that erosion impacts at the outfall locations will be reduced to less-than-significant levels in accordance with the requirements of the Section 401 water quality certification. The Alhambra Creek storm drain outfall will require a 1010 Drainage Permit from the Contra Costa County Public Works Department since it is located outside of the City of Martinez limits. It is anticipated that rock rip-rap and concrete rock will be placed in the Alhambra Creek channel in order to reduce impacts at the proposed outfall locations (SEIR HYD-3e).

XI. NPDES Requirements

A. The following condition is proposed to reduce water quality impacts during construction to a less-than-significant level.

In compliance with the terms of the 2009 NPDES Construction General Permit (CGP), the developer shall prepare a SWPPP designed to reduce potential impacts to surface water quality throughout the construction period of the project. A NOI shall be prepared and submitted to the State Water Resources Control Board prior to rough grading. The NOI shall be attached to the SWPPP and kept on site during development. It is not required that the SWPPP be submitted to the Water Board, but must be maintained on-site and made available to Water Board staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of fiber rolls, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. The SWPPP shall include interceptors/barriers at natural channels and storm drain inlets to prevent temporary construction-related erosion from entering into permanent drainage systems. These inlet protection BMPs shall be in place and maintained all year until construction completion.

During project construction, all exposed soil and other fill shall be permanently stabilized at the earliest date practicable.

Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board

Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City Engineer to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

All standards and BMPs outlined in the project SWPPP shall be followed and, additionally, BMPs shall be enhanced as necessary to maintain the project in compliance with the CGP. The requirements of the 2009 State Construction General Permit are to be implemented on a year-round basis, not just during the winter season. BMPs shall be implemented at an appropriate level to minimize sediment discharge or other discharges from the project in accordance with the adopted 2009 GCP, requirements which include numeric thresholds for turbidity and pH.

With implementation of the mitigation measures identified above, the proposed project would result in less-than-significant water quality impacts due to the violation of water quality standards or the substantial degradation of surface or groundwater quality. Additionally, these mitigation measures would mitigate potentially significant water quality impacts resulting from the alteration of drainage patterns due to erosion or siltation to a less-than-significant level (SEIR HYD-1).

B. In order to reduce water quality impacts after construction to less-than-significant levels, the project shall implement a Final SWMP approved by the San Francisco RWQCB to the City of Martinez prior to issuance of a Final Grading Permit. The SWMP plan shall demonstrate that post-construction stormwater discharges will be treated to the Maximum Extent Practicable with BMPs prior to release into downstream receiving waters (SEIR HYD-2).

C. The project shall implement a Final SWMP approved by the San Francisco Bay RWQCB and a Final Drainage Plan to the City of Martinez and the Contra Costa County Flood Control and Water Conservation District prior to issuance of a Final Grading Permit. The Drainage Plan shall demonstrate that post-project discharges will be reduced to pre-project flow rates up to the 100-year recurrence interval storm. It shall also demonstrate the adequacy of on-site and downstream infrastructure capacity to transmit post-project flows without flooding. The SWMP shall demonstrate that the post-project flows are attenuated to the Maximum Extent Practicable in BMPs prior to release into downstream receiving waters in accordance with RWQCB Standards (SEIR HYD-3a).

D. Post construction BMP facilities shall be maintained in good repair by the HOA and/ or GHAD. An annual maintenance report shall be submitted to the City Engineer by June 1st of each year as stated in Section X, paragraph Q.

E. Trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage.

F. All areas used for washing, steam cleaning, maintenance, and repair or processing shall have impermeable surfaces and containment berms, roof covers, recycled water wash facilities, and shall discharge into the sanitary sewer, as approved by the City Engineer.

G. Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.

H. To the maximum extent practicable, as determined by the City Engineer, drainage from paved surfaces shall be routed through grassy swales, buffer strips or sand filters prior to discharge into the storm drain system.

I. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.

XII. Street Improvements

A. Pursuant to Chapter 12.30 of the Martinez Municipal Code sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property frontage. The developer shall repair damaged sidewalk, curb and gutter, relocate existing driveways, and construct and dedicate to the City the improvements within the City's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the City Engineer. Existing street structural section shall be

removed and replaced along the frontage of the property to the centerline of the street if the existing structural section is cracked or damaged in any way, or if the street structural section is determined by the City Engineer to be inadequate for the intended traffic. Sidewalks shall be ADA compliant. All improvements shall be designed and constructed to the satisfaction of the City Engineer.

B. All streets shall be paved and improved after utilities are installed in accordance with City of Martinez Standard Drawings and Design Guidelines. The interior streets within the project shall be as follows:

Table 1: Street Information – as per Vesting Tentative Map

Interior Streets (see Notes below):					Sidewalk (SW)		
Street Name	Location / Limits	Width (ft) FC to FC	R/W Width (ft.)	Traffic Index (T.I.)	SW width (ft.)	SW Remarks	SW location
Wildcroft Drive	From Valley Glen Lane to end	36	72	5.5	6.5	one side	northerly side
Aberdeen Road	Wildcroft to pedestrian path	32	42	5.5	5	both sides	
Aberdeen Road	From Pedestrian path to Wicklow Road	32	47	5.5	5	one side	westerly side
Aberdeen Road	From Wicklow Road to Heath Lane	32	42	5.5	5	both sides	-
Aberdeen Road	From Heath Lane to Daley Way	32	47	5.5	5	one side	easterly side
Aberdeen Road	From Daley Way to Cumberland Road	32	42	5.5	5	both sides	-
Wicklow Road	All	32	47	5.5	5	one side	northerly side
Wicklow Court	All	-	-	5.5	5	both sides	-
Heath Lane	All	32	47	5.5	5	one side	easterly side
Heath Court (private)	All	-	-	5.5	-	both sides	-

Carnegie Court	All	28	40	5.5	5.5	both sides	-
Cumberland Road	All	32	42	5.5	5	both sides	-
St. Keverne Court	All	28	40	5.5	5.5	both sides	-
Abercrombie Court	All	28	40	5.5	5.5	both sides	-
Erica Way	All	28	40	5.5	5.5	both sides	-
Darley Way	All	28	40 (min)	5.5	5.5	both sides	-
Darley Way (private)	All	20	40	5.5	5.5	both sides	-
Valley Glen Lane	All	32	44	5.5	5.5	Both sides	

Notes for the above table:

1. Street widths shall be measured from face of curb to face of curb. Refer to the Vesting Tentative Map for location of pavement.
2. Sidewalk widths shall be measured from face of curb.
3. Wildcroft Drive right of way may be reduced to accommodate improvements, subject to the approval of the City Engineer.
4. If the preferred alternate, as shown on the plans labeled "Vesting Tentative Map, Alhambra Highlands Alternative #1" is approved, then see Table Two below.

IF THE PREFERRED ALTERNATIVE (ALTERNATE #1) IS APPROVED THEN TABLE TWO BELOW SHALL APPLY:

Table Two:

Interior Streets:					Sidewalk		
Street Name	Location / Limits	Width (ft) FC to FC	R/W Width (ft.)	Traffic Index (T.I.)	SW width (ft.)	SW Remarks	SW location
Wildcroft Drive	From Valley Glen Lane to end	28	40	5.5	6.5	one side	northerly side
Aberdeen Road	Wildcroft to pedestrian path	28	40	5.5	5	both sides	
Aberdeen Road	From Pedestrian path to Wicklow Road	28	40	5.5	5	one side	westerly side
Aberdeen Road	From Wicklow	28	40	5.5	5	both sides	-

	Road to Heath Lane						
Aberdeen Road	From Heath Lane to Daley Way	28	40	5.5	5	one side	easterly side
Aberdeen Road	From Daley Way to Cumberland Road	28	40	5.5	5	both sides	-
Wicklow Road	All	28	40	5.5	5	one side	northerly side
Wicklow Court	All	28	40	5.5	5	both sides	-
Heath Lane	All	28	40	5.5	5	one side	easterly side
Heath Court (public)	All	28	40	5.5	-	both sides	-
Carnegie Court	All	28	40	5.5	5.5	both sides	-
Cumberland Road	All	28	40	5.5	5	both sides	-
St. Keverne Court	All	28	40	5.5	5.5	both sides	-
Abercrombie Court	All	28	40	5.5	5.5	both sides	-
Erica Way	All	36	48	5.5	5.5	both sides	-
Darley Way	All	28	40	5.5	5.5	both sides	-
Darley Way (private)	All	28	40	5.5	5.5	both sides	-
Valley Glen Lane	All	32	44	5.5	5.5	Both sides	

C. Pavement design and construction control for internal streets shall be based on State of California "R" value method, using Traffic Indices (T.I.s) as indicated in the above table or as approved by the City Engineer. Wildcroft Drive street section design shall have a minimum of 0.30 ft. AC pavement section over a minimum of 0.50 ft. Class 2 aggregate base. The remaining streets shall have a minimum of 0.20 ft. AC pavement section over a minimum of 0.50 ft. Class 2 aggregate base. The maximum street grades shall be 16 percent unless otherwise approved by the City Engineer and Contra Costa County Fire Department.

D. Curb returns at all intersections shall be a 25-ft. radius. Cul-de-sac bulbs shall have a minimum curb radius of 40 ft., unless an alternate curb radius is approved by the City Engineer and Contra Costa County Fire Protection District. The curve

approaches to cul-de-sac bulbs shall have a curb radius of 100 ft. Valley gutters shall not be used to provide drainage across any through street or intersection.

E. All new utility distribution services onsite and offsite shall be installed underground.

F. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.

G. A City Encroachment Permit is required for any work within the City Right-of-Way.

H. All traffic control devices, including Stop signs, traffic signal, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.

I. Street names for public and private streets are subject to the approval of the Community Development Department and the Fire District. One street shall be named after a past mayor of Martinez as assigned by the City Engineer.

J. Street lights shall be installed at the developer's expense in accordance with plans approved by the City Engineer. The developer shall bear full costs of energizing and monthly utility charges until acceptance of improvements by the City Council. If the City rejects any or all interior streets, the street lights within these streets shall be private street lights operated and maintained by the HOA. Standard street lights shall also be installed on Alhambra Avenue, Reliez Valley Road and Horizon Drive to the satisfaction of the City Engineer.

K. Street trees shall be planted in accordance with City standards.

L. The developer shall keep the adjoining streets free and clean of project dirt, mud, materials and debris during the construction period as is found necessary by the City Engineer.

M. Streets less than 36 ft. wide must have parking prohibited on one side. Streets less than 28 ft. wide shall have parking prohibited on both sides. All required improvements shall be shown on the plans and shall conform to Contra Costa Fire Protection District requirements.

N. All access drives, whether public or private, shall provide a minimum 20 ft. unobstructed paved width, with a maximum 20% grade and approved provisions for the turning around of police department and Contra Costa County Fire Protection District apparatus. Access to five or more dwelling units must be a minimum 28 ft. wide and conform to public street standards.

O. Prior to issuance of a site grading permit, necessary right-of-way and easement acquisition shall be completed; suitable access to the site shall be provided with the prior approval of the City Engineer. In accordance with Figure 31.30 of the Alhambra Hills Specific Plan, no access through the project shall be provided to Specific Plan Area F. The project CC&Rs shall also include this restriction.

P. Prior to issuance of the first building permit, installation of curb and gutter, and entire street structural section as shown on applicable Final Map phase, shall be complete. Model homes are accepted, if an all-weather access road is built and maintained to the satisfaction of the City Engineer.

Q. Wildcroft Drive:

1. Wildcroft Drive shall be as per Paragraph "B" above and shall be posted for No Parking on both sides. The street structural section shall be designed for a T.I. of 6.5. The maximum grade shall be 16%unless otherwise approved by the City Engineer. The minimum AC pavement thickness shall be 0.3 feet. Furthermore, the extension shall intersect Alhambra Avenue at right angles and continue westward in a straight line for a least 100 feet from the Alhambra Avenue flowline (on the west side of street.

2. If Alternate #1 is approved, the final alignment of Wildcroft Drive shall be as proposed or in conjunction with an alternative (Alternate #1) described within the Subsequent Environmental Impact Report. The maximum grade shall be 16% unless otherwise approved by the City Engineer. If the final alignment is substantially different than that as proposed, a traffic study shall be completed with recommendations on the intersection details and safety requirements. If required by the City Engineer, a traffic study shall be prepared in order to identify specific improvements for the proposed alignment.

3. The developer shall construct a guard rail at the curve on the southerly side Wildcroft Drive extension to the satisfaction of the City Engineer.

R. The intersection of Wildcroft Drive and Alhambra Avenue :

1. The intersection of Alhambra Avenue and Wildcroft Drive shall be improved to accommodate the extension of Wildcroft Drive. The design shall include mitigation of sight distance limitations caused by the crest in the vertical curve on Alhambra Avenue. The design shall also include necessary modifications to Alhambra Avenue, including but not limited to:

street widening (a minimum of 400 feet on each approach), signalization, channelization, signing, and striping and adjustment to existing drainage facilities to conform with the ultimate design of Alhambra Avenue in accordance with City standards Signalization shall include interconnect coordination with the traffic signals at Elderwood and MacAlvey Drives.

2. If the preferred alternative is approved, as shown on the plans labeled "Vesting Tentative Map, Alhambra Highlands Alternative #1", then a traffic study for the relocated intersection and its connection to Alhambra shall be completed and submitted to the City Engineer. Improvement plans shall include the recommendations made in the Traffic study to the satisfaction of the City Engineer. Glen View Drive shall be reconnected at right angle to Wildcroft Drive. The existing portion of Wildcroft Road at Alhambra Avenue shall be removed. Intersection improvements shall be required similar to those above with some exceptions and/or additions pending recommendations from traffic studies and local requirements. All improvements shall be to the satisfaction of the City Engineer.

S. Alhambra Avenue:

1. Frontage improvement: In addition to required improvements on Alhambra Avenue as per Paragraph "R" above, the applicant shall also rehabilitate existing damaged pavement along Alhambra Ave (if any) to center line of the street, construct standard curb, gutter and sidewalk to the satisfaction of the City Engineer.
2. The developer shall obtain and dedicate to the City all required right-of-way and/or easements as necessary for the frontage improvements of Alhambra Avenue to the satisfaction of the City Engineer.
3. The developer shall construct required street lights, traffic signal (if required), striping, signage, and landscaping.
4. Alhambra Avenue pavement design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.s) approved by the City Engineer. The street section design shall utilize a T.I. of 8.5 with a minimum 0.40 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base. Sidewalk shall be 5.5 ft. wide as measured from the face of the curb

T. Wildcroft Drive Extension to Horizon Drive, (EVA , PUE, and Pedestrian Public Access to Horizon Drive):

1. The developer shall construct an all-weather emergency 20-foot wide vehicle access road (EVA) within a 50-foot wide public utility and public access easement from the end Wildcroft Drive to Horizon Drive, as shown

on the Vesting Tentative Map. The EVA shall also be utilized for pedestrian public access, public utilities, waterlines, and access to water reservoir. The emergency vehicle access road width shall be 20 feet. If Alternate #1 is approved, retaining walls may be constructed within the easements or right-of-ways. Otherwise, retaining walls shall be constructed outside this easement, unless otherwise approved by the City Engineer. The pavement design section and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.s) of 5.0 or as approved by the City Engineer. The EVA road shall also conform to the Contra Costa County Fire Protection District requirements. The EVA and public access easements shall be maintained by the HOA. All retaining walls within the easements or rights of way shall be maintained by the GHAD or HOA.

2. The developer shall acquire all required offsite rights-of-way, easements, and right of entry (at his own expense) as necessary for the offsite improvements and connecting to Horizon Drive.

3. If Alternate #1 is selected, the applicant shall dedicate to the City that portion of the EVA, from Wildcroft Drive to the Southwesterly corner of Parcel "B" of Subdivision 6942 (399 M 38), as a public right of way for roadway use. In addition the area between the easterly line of the EVA (on Parcel G) and the westerly line of said Parcel "B" (399 M 38) shall be dedicated to the City as public right of way for roadway use.

U. <u>Horizon Drive Cul - De-Sac & Emergency Vehicle Access, PUE and Public Access (offsite):</u>

1. An Emergency Vehicle Access (EVA) access roadway shall be constructed across the project site to connect at a point located at the top of the currently existing Horizon Drive. This EVA is for emergency vehicle access, pedestrian access and utility access. The 20-foot-wide EVA road shall be paved (asphalt concrete, and/or concrete) and an EVA gate shall be installed at the location where the new EVA is proposed to connect with existing Horizon Drive pursuant to Contra Costa Fire Protection District standards (letter dated 02/04, 2010, referencing 2007 California Fire Code, Sec. 503, D103.5) which states, "EVA gates shall have a minimum clear opening of 20 feet. Access gates shall slide horizontally or swing inward and located a minimum of 30 feet from the street. Manually operated gates shall be equipped with an approved Fire District lock." Typically, each agency (Fire, Police, City, utility) maintains their own lock on the gate. Fire prevention methods would be per the current Contra

Costa Fire Protection District standards.
The 20-foot-wide paved EVA roadway may be super-elevated and shall include a concrete lined ditch located to collect runoff. A stormdrain system shall be included connecting runoff from the EVA to the existing 30-inch stormdrain in Horizon Drive. The above mentioned requirements shall be included in the subdivision improvement plans and subject to the satisfaction and approval of the City Engineer.

2. All required drainage improvements to prevent upstream runoff from entering and sheeting over the pavement shall be constructed to the satisfaction of the City Engineer.

3. Prior to issuance of a site development or grading permit, the necessary offsite rights-of-way, easement acquisition and right of entry shall be completed. To the extent that public improvements or mitigation measures required for the Project require the acquisition of off site property, the developer shall demonstrate that all required real property has been obtained by the developer. In the event that the developer has not acquired such property interest prior to the filing of the final map or issuance of a certificate of occupancy for any building in the Project, whichever comes first, (pursuant to California Government Code Section 66457), the developer shall notify the City, in writing, and shall request that the City acquire said property interest(s) by negotiation or commence proceedings pursuant to Title 7 (commencing with section 1230.010) of Part 3 of the California Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made. The developer shall, prior to the filing of the final map, enter into an agreement with the City, in the City's standard form to pay and shall thereafter pay all costs of acquiring said offsite real property interests, including, but not limited to, all costs of eminent domain, litigation costs, attorney's fees, appraisal and expert witness costs, and any and all purchase costs including relocation costs and damages, if any. Prior to Final Map approval, or issuance of certificate of occupancy for any building in the Project, the developer shall enter into an agreement with the City to pay the costs of and complete all improvements at such time as the City acquires an interest in the land that will permit the improvements to be made.

5. A minimum 20 feet wide standard commercial driveway section shall be constructed at Horizon Drive to connect to the EVA, unless otherwise approved by the City Engineer.

6. The all-weather emergency vehicle access road shall be completed prior to issuance of certificate of occupancy of the first unit, unless otherwise approved by the City Engineer.

V. Reliez Valley Road:

1. The developer shall dedicate right-of-way and/or easements necessary for the ultimate improvements of Reliez Valley Road in accordance with the Contra Costa County Plans PA-3551, dated March, 1966, and on file at the City of Martinez Engineering Division. These plans indicate an additional right-of-way width of approximately 25 to 35 feet is necessary.

2. The developer shall improve Reliez Valley Road to create an 8-foot bike lane shoulder along the entire property frontage with necessary AC berms, drainage and transitioning to road sections beyond the property frontage. The applicant shall provide for surface preparation along the frontage to ensure conformance of the proposed shoulder with the existing pavement section. Final design shall be subject to the approval of the City Engineer.

W. Public Access (pedestrian)Easement, and Public Utility Easement Connection to Kathy Drive (a 50-feet wide Easement):

1. The developer shall grade a 10-feet wide gravel road (minimum) from the southern end of the EVA's turnaround to approximately 100 feet north of Kathy Drive. This easement shall be dedicated for pedestrian public access, public utilities, and water system as shown on the Vesting Tentative Map. This easement shall also be extended easterly to connect with adjacent City properties either APN 164-020-026 and/or APN 164-470-001.

X. Common Private Roads and Driveways:

1. Prior to approval of the Final Map, for common driveway not maintained by the HOA, a maintenance agreement(s) for the common driveways shall be prepared reviewed and approved by the City Engineer prior to recordation and approval of the Final Map.

2. All private access drives for four dwelling units or less shall provide a minimum 20 ft. unobstructed paved width within a 25 ft. right-of-way (min.), with a maximum 20 percent grade and approved provisions for the turning around of Police Department and Contra Costa County Fire Protection District apparatus, where required.

XIII. Water System

A. Water system facilities shall be designed to meet the requirements of the City of Martinez water service agency and the fire flow requirements of the Contra Costa County Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans.

B. Water system connection, including installation of the water meter, shall be made in accordance with Martinez Water District standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee schedule in effect at time of payment.

C. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building.

D. The developer shall construct all necessary onsite and offsite water system improvements to provide this project with water supply for domestic and fire use to the satisfaction of the City Engineer. These improvements may include, but not be limited to, construction of onsite new water reservoir with pump station, water transmission and distribution lines, replacing the existing pump station at Webster Drive, standby generator(s), upgrading or replacing the Sage Drive pump station, installing new mains in existing streets to provide water supply to the reservoir, constructing water mains and laterals for the new lots with all necessary appurtenances.

E. The developer's engineer shall submit calculations showing that the proposed water system improvements will not adversely impact existing homes currently being served by this water system. This may include, but not limited to, verifying the hydraulic and structural adequacy of existing water lines utilized for supplying water to the project from the pump stations at Webster Street and Stage Drive. All required improvements and upgrades required for the project or its related improvements shall be constructed by the developer at his own expense. All improvements are subject to the approval of the City Engineer.

F. The transmission lines, within the subdivision, shall be looped to provide more than one source of water through the system as approved by the City Engineer.

G. The developer shall install fire hydrants as required by the Contra Costa County Fire Protection District. The location of the hydrants shall be reviewed and approved by the Contra Costa County Fire Protection District.

H. The design of the water facilities may be reviewed by the City's water system consultant, as determined by the City Engineer. The applicant shall be responsible for all review costs plus 25% of the actual cost in accordance with the City's fee

schedule.

XIV. Sanitary Sewer System

A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the Central Contra Costa Sanitary District. All requirements of that District shall be met before approval of the improvement plans.

XV. Other Requirements

A. Any legal challenge under Code of Civil Procedure Section 1094.6 must be filed within 90 days of the approval of these conditions.

B. The CC&Rs shall include applicable requirements of the Regional Water Quality Control Board 401 water quality certification.

C. Wildlife Crossings: The Wildlife crossing on Wildcroft Drive, and the Whipsnake crossing on Aberdeen Road, as shown on the Vesting Tentative Map, shall be operated and maintained by the conservation easement holder and/or the HOA as identified on Tract Map 9257. If the HOA is responsible for the maintenance of the crossing, then an operation and maintenance plan shall be required by the CC&R's. For the whipsnake crossing, the conservation easement holder shall be required to comply with the open space and management plan.

E. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.

F. Design of all public improvements shall conform to the City of Martinez Design Guidelines, Standard Special Provisions, and Standard Drawings. Prior to preparation of improvement plans, the applicant or his representative should contact the City's Engineering Development Review section of the Community Development Department.

G. Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Attorney, City Engineer, and/or other agencies having jurisdiction for all improvements within the proposed development prior to filing of the Final Map or issuance of a Building, Site, Grading or Encroachment Permit whichever comes first. Approved plans shall become the property of the City of Martinez upon being signed by the City Engineer and City Engineer.

H. Prior to City approval of the Final Map, all fees, bonds, and deposits shall be paid and posted; all agreements shall be executed and all grading and improvement plans shall be approved by the City Engineer and City Engineer. No construction shall take place until recordation of the Final Map and issuance of the appropriate Encroachment, Grading and/or Building Permits.

I. If more than one unit is to be recorded on the area of the Tentative Map, master plans for the water facilities and mains, sanitary sewers, and storm drain system and detention basins must be approved prior to the submittal of an improvement plan. The master plans are subject to review with any requested time extension of approval of the Tentative Map. The sequence of constructing the required infrastructure improvements shall be subject to the City Engineer approval.

J. The developer shall comply with the applicable mitigation measures listed in the Alhambra Hills Specific Plan and EIR (1988) that are not currently proposed, provided, or addressed in the project's subsequent EIR. The City Engineer shall interpret the mitigation measures and furnish the applicant with specific improvements and/or instructions to be performed.

K. Prior to issuance of the first building permit, the access to building sites shall be graded and improved to at least an all-weather surface condition, and operating fire hydrants shall be in place.

L. Prior to issuance of the first certificate of occupancy, the public improvements including streets, sewers, storm drains, street lights, and traffic signs required for access to the sites of that phase of the project shall be completed. All public improvements shall be completed and accepted by the City prior to issuance of certificate of occupancy on final dwelling unit in the project.

M. Prior to acceptance of improvements, offers of dedication, and release of bonds and deposits by the City, the City's record copies of the grading, and improvement plans shall be updated to show "As Built" conditions of the project. Said plans shall be prepared by the responsible Civil Engineer of Work and shall reflect all changes made during the course of project construction. Grading and improvement plans shall be 24" x 36" in size. The as built plans and final map shall be provided in 4 mil photo mylars and in the form of electronic files compatible with AutoCAD.

N. All onsite improvements not covered by the building permit including sidewalks, driveways, paving, sewers, drainage, curbs and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.

O. Building permits for retaining walls shall be obtained as follows:

1. For major walls to be constructed during the mass-grading phase, obtain permit prior to issuance of the Grading Permit.

2. For all other walls, obtain permit prior to issuance of Permits for structures on the respective lot.

3. All retaining wall shall be constructed outside the public right of way and public utility and access easements, unless otherwise approved by the City Engineer. If Alternative 1 is approved, a retaining wall can be constructed within the easement as specified in Condition T.1. The GHAD or HOA shall be responsible for the maintenance of such retaining walls.

P. The minimum length for onsite driveways shall be in accordance with City code restrictions, but in no case shall they be less than 20 ft. as measured from the garage door to the street right-of-way, or access easement line, unless otherwise approved by the City engineer.

Q. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.

R. Where required, a lot line adjustment shall be subject to Zoning Administrator approval, and shall require a "Certificate of Compliance for a Lot Line Adjustment" to be approved by the City Engineer and recorded at the County Recorder's Office.

S. Approval by the developer's Geotechnical Engineer, the City's Geotechnical Consultant, the Fire District, Sewage District, water agency, the RWQCB, and State Department of Fish & Game of all improvements and buildings is required prior to City approval of a construction plan and issuance of permits.

T. A Final Map clearly showing lot numbers and property lines shall be submitted with building permit applications. Final Map shall be 18" x 26" in size.

U. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

V. The developer shall be required to submit documentation to the City Engineer from the State Department of Fish and Game, Regional Water Quality Control Board and the US Army Corps of Engineers, allowing work to be performed within each agency's jurisdiction. This documentation shall be provided prior to City approval of construction plans and issuance of any permits.

W. The developer shall relinquish to the City abutter rights of access along Reliez Valley Road (expect for the maintenance road to the detention basin); Alhambra Ave along the frontage of Parcel "A (except for Wildcroft Drive and the maintenance road from Alhambra Avenue to the detention basin); along the planter strips on Aberdeen Road on Lots 59 thru 65, 47 thru 51, 93 thru 99, Lot 106, 107, 112 ; along the planter strips on Cumberland Road Lots44 thru 47, and 54 thru 57; along the planter strips on Heather Lane on Lots 99 thru 102 and 81 thru 84.

X. The applicant agrees to participate in and waive any and all rights to protest the formation of a Geologic Hazard Abatement District (GHAD).

Y. Fire protection: The applicant shall install all required fire hydrants. The location of these hydrants, and the required flows, shall be subject to the review and approval of the City Engineer and the Fire Department. The applicant shall also provide fire protection measures (as applicable) designed to decrease the Fire Department response time and increase the level of fire protection. This may include but not limited to, installing automatic sprinkler systems, heat-smoke alarms, emergency access road, special traffic signal, use of fire-resistant building material, weed abatement, brush removal, firebreaks, trails, clear address and numbering system, and street lighting. Required improvements shall be subject to the review and approved by the City Engineer and the Fire Department.

Z. No construction or grading shall be permitted prior to recordation of the final map and issuance of appropriate Encroachment, Site, Grading and/or Building permits and the submittal all required bonds, fees and security deposit(s), unless otherwise approved by the City Engineer.

AA. The location of construction trailer(s) shall be subject to the approval of the City Planning Manager.

AB. Any legal challenge under Code of Civil Procedure Section 1094.6 must be filed within 90 days of the approval of these conditions.

AC. In the event that the GHAD is formed, the developer shall be responsible for all GHAD maintenance functions until such time as the GHAD accepts responsibility.

XVI. Validity of Permit and Approval

A. Planning Commission approval is subject to appeal to the City Council within ten calendar days of the approval.

B. The use permits and the amendment and extension to the PUD permit shall expire when the term of the vesting tentative Tract Map 9257 expires (unless extended under C) in accordance with the Subdivision Map Act and other applicable laws, rules and regulations. If approval includes approval of a subdivision, the expiration time period for all concurrently approved permits or approvals shall also require the recording of the Final Map or Parcel Map within that time period. The effective date of the permit and approval is **April 12, 2011**.

C. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.

D. The subdivider or developer shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Planning Commission, City Council, City Engineer, or any other department, committee, or agency of the City concerning a subdivision or other development which action is brought within the time period provided for in Government Code Section 66499.37; provided, however, that subdivider's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the subdivider or permittee of any said claim, action, or proceeding and the City's full cooperation in subdivider's or permittee's defense of said claims, actions, or proceedings.

F. The developer, Richfield Investment Corporation, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the City Council's [or Planning Commission's] decision to approve **PUD 08-01, UP 08-17 and Sub 9257**, and any environmental document approved in connection therewith. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by Richfield Investment Corporation, the City, and/or the parties initiating or bringing such action.

G. Richfield Investment Corporation shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of, or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Negative Declaration), if made necessary by said legal action and if Richfield Investment Corporation desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.

H. In the event that a claim, action or proceeding described in Subsection G, above, is brought, the City shall promptly notify Richfield Investment Corporation of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that Richfield Investment Corporation is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with Richfield Investment Corporation in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where Richfield Investment Corporation has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the applicant.

I. Richfield Investment Corporation shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

J. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirement, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

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