

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 <i>Alternative #1</i> by dk Consulting, 3 pages, dated May 14, 2010)	Feb. 23, 2010	dk Consulting	22
B. Landscape Improvements (as amended for <i>Alternative #1</i> 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

- 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 encourage. [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 I.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, 2010 approved 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.

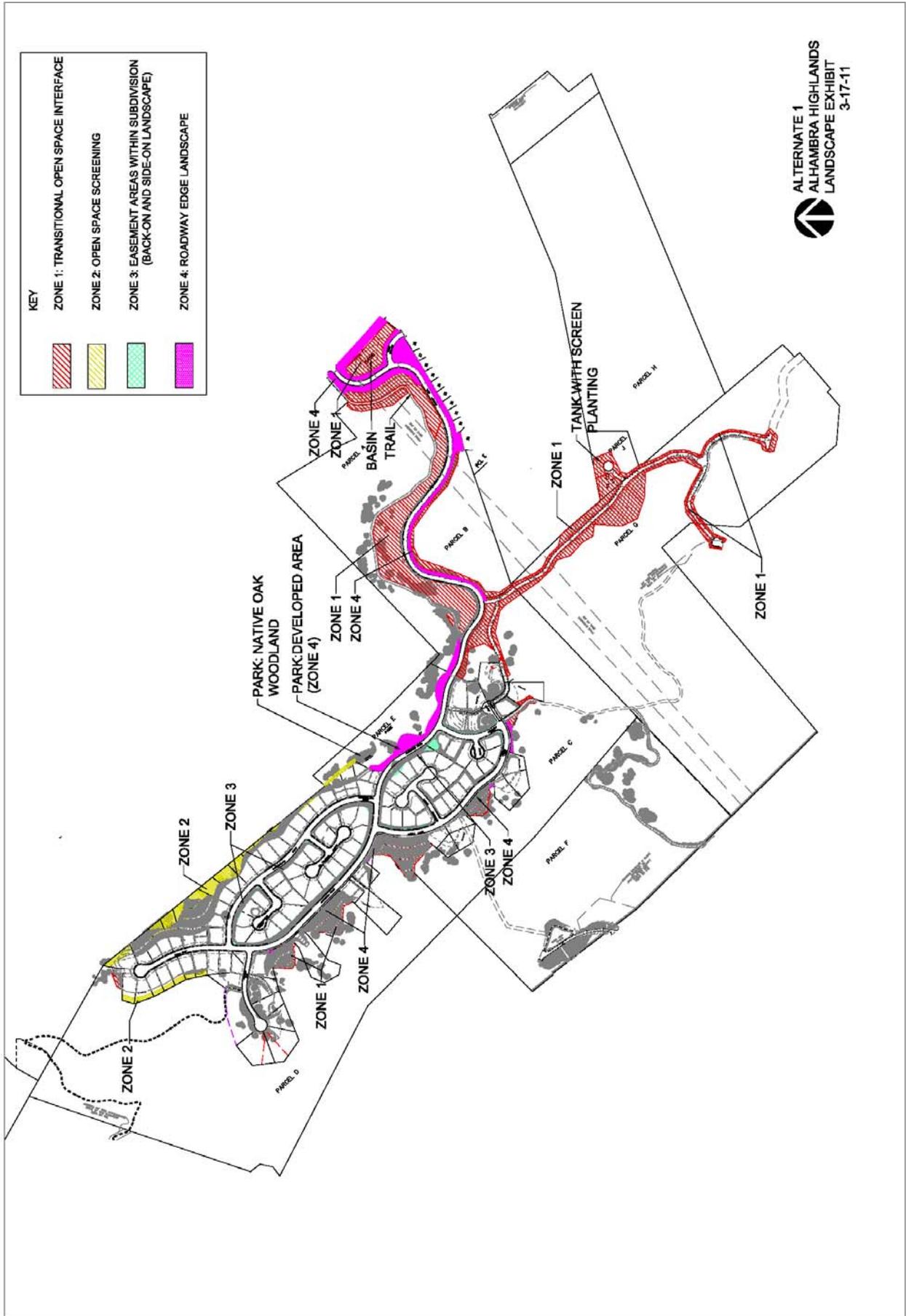
- Easement areas below lots 1-29 and lots 30-36 shall include native oaks with some larger size trees and some replacement oaks, large shrubs and native grass hydroseed with wildflowers.
- Temporary irrigation (approximately 5-year period) shall be provided to the trees and shrubs, unless otherwise required 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.



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.e]

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 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. Grading

- 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 RWQCB'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

Permits: PUD 08-01, UP 08-17 and Sub 9257

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 Road to Heath Lane	28	40	5.5	5	both sides	-
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. Horizon Drive Cul –De-Sac & Emergency Vehicle Access, PUE and Public Access (offsite):

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-foot wide Easement):

1. The developer shall grade a 10-foot 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 (except 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 Lots 44 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.

Permits: PUD 08-01, UP 08-17 and Sub 9257

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APPROVED BY PLANNING COMMISSION

April 12, 2011

\$ 250 pd

April 22, 2011

Mr. Gary Hernandez, City Clerk
City of Martinez – City Hall
525 Henrietta Street
Martinez, CA 94553



Pursuant to sections 22.06 and 22.40.100 of the City of Martinez Municipal Code, this letter shall serve as notice of appeal of the Planning Commissions April 12, 2011 decision to approve the development of Alhambra Highlands Project (2008) PUD #08-1/Sub #9257/UP #08-17 (the "Project") by approving the following:

- 1) Certification of the Final Subsequent Environmental Impact Report (SEIR);
- 2) Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
- 3) Vesting Tentative Map (Subdivision 9257);
- 4) Use Permit (UP) 08-17 (construction of a water reservoir tank); and
- 5) Alhambra Highlands Development Guidelines and Design Criteria. (Continued from the March 22, 2011, meeting) Applicant: Richfield Investment Corporation (TB)

We have been advised by the City that no appeal form exists, and this letter therefore shall satisfy the requirement set forth in section 22.40.100A that an appeal be made on the City's prescribed form.

This appeal incorporates by reference all previous testimony, both written and oral, submitted to the City in connection with the Project. Further we the undersigned expressly reserve the right to supplement this notice of appeal with such additional information as is necessary.

The Subsequent Environmental Impact Report (SEIR) should not have been approved by the Planning Commission because the Statement of Overriding Considerations does not contain substantial evidence to support its claims.

If public agencies disregard Significant Environmental Impacts – in this case the BAAQMD threshold for Greenhouse Gas Emissions – and can do so by simply stating the merits of a project, then those justifications require substantial evidence. There are claims in the Statement of Overriding Consideration that lack substantial evidence and are unsupported in the EIR and record.

In the case **10 Cal.App.4th 1212,1223 SIERRA CLUB v. CONTRA COSTA**, it is stated: *A statement of overriding considerations (Cal. Code Regs., tit. 14, § 15093), adopted by a county to justify approval of a project with significant environmental impact, was*

defective, since the assertions which could support the policy choice made by the county were unsupported by the final environmental impact report or other information in the record. Although the statement represents a policy decision rather than a factfinding decision, it must be supported by substantial evidence. Inasmuch as at least three of the twelve areas addressed by the statement were lacking evidentiary support, the statement failed to provide a written account of the balancing process undertaken by the county.

On the California Natural Resources Agency website, under CEQA – Lead Agency Adopts a Statement of Overriding Considerations, it is stated:

What Constitutes Substantial Evidence?

Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinions supported by facts.

Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.

The Alhambra Highlands SEIR is defective because the Statement of Overriding Considerations does not give substantial evidence for the following bald assertions:

1. Social and Community Benefits

“A new sustainable, comprehensively designed community is planned for future residents of the Alhambra Highlands.”

The Statement does not substantiate how the proposed development is sustainable. Based on its ongoing Greenhouse Gas Emissions threshold violation, the development is not environmentally sustainable as the Statement declares. It is an “island” development. The bulk of the project’s extra emissions are related to transportation – residents must make multiple trips up and down the hill. It also has a projected average of only 2.8 persons per very large home - a poor formula for energy efficiency.

“...providing a variety of residential land use designations to meet the future needs of the City and region.”

More specific information is needed about the City and region’s future housing needs. The current real estate market has plenty of high-end vacancies with properties staying on the market for long periods. Unsold vacant lots in the proposed development could require very long-term maintenance and destroy natural habitat prematurely. In terms of the Social and Community Benefits for the region, there is no documentation. The development negatively impacts views from three parks and scenic roadways, changes the natural hydrology of the area, creating potential risk for slides, flooding and creek deterioration in both the city and county. It also increases the traffic and noise (for a very long 10-year projected build-out) on city streets such as Horizon Dr. and on county roads in constant need of maintenance.

2. Economic/Public Revenues

“The developer will contribute its fair share toward the cost of City-wide community facilities which are proposed for construction outside the Alhambra Highlands project site.”

The development impact fees on this project are from 1999. How do these old, discounted fees make up for the increase in needed City revenue that current developer fees would fund? How will the developer contribute its fair share to City-wide community facilities?

“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.”

Where in the record, is a current fiscal analysis of property tax revenue vs. the city’s expenses to serve the development? Also lacking is the projected sales tax benefit. Many people in south Martinez shop in Pleasant Hill and Lafayette which would not benefit Martinez. What estimated percentage of project construction materials will be purchased in Martinez?

3. Natural Resources.

Though mitigation steps have been taken to protect the threatened Alameda Whipsnake, there is no mention in the statement of how this project will create habitat fragmentation and negatively affect wildlife populations. Also, there is no mention of the estimated 484 trees to be removed and the potential 300 or more lost on custom lots. Mitigation doesn’t repair the fragile ecosystem now in place. Off-site mitigation properties may never get developed, so are not a true replacement. New trees do not sustain the developed ecosystems of old ones. Leaving an existing ecosystem alone is the best policy. Also clarification on the benefits of ***“a 5.3-acre park within the project site”*** is needed. A graded park destroys natural habitat and is “private”, providing recreational open space only to Alhambra Highlands residents and not other Martinez residents.

The tree mitigation measure (SEIR MM # BIO-5 and Conditions of Approval B) is insufficient by calling for a 1.5:1 replacement ratio.

The Project oak woodlands to be removed are comprised of five different tree species that each have different growth rates and provide different habitat values to the whole. The offered mitigation ratio of 1.5:1 provides insufficient mitigation for a number of reasons:

- The mitigation by stem (not canopy area) ignores the contribution of the many smaller trees not counted in the survey.
- The biomass from a 5-year-old replacement tree is not equivalent to that to a much larger tree being removed.
- 75% survivability of a 1.5:1 replacement only provides a true 1.125 ratio.
- Lumping all species into the same replacement ratio will favor the faster growing live oaks at the expense of the slower growing (and rarer) valley and blue oaks.

To address this, the overall mitigation ratio should be raised to 3:1, or should be more specifically written such that the mix of replacement species are in proportion to those removed. (i.e: 12% blue oak, etc., based on the actual final species percentages.)

Please immediately advise the undersigned as to the date the appeal will be heard by the City Council.

Very truly yours,



Chuck Sutton
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Martinez, CA 94553

* 925) 372-7482

Sutton.07@comcast.net



Ellen Visser
5121 Alhambra Valley Rd.
Martinez, CA 94553

BRISCOE IVESTER & BAZEL LLP

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(415) 402-2700
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Alicia Guerra
Partner
aguerra@briscoelaw.net

June 15, 2011

Via Email and FedEx

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

Re: Alhambra Highlands Project – PUD #08-1/Sub #9257/UP #08-17

Dear Terry:

On behalf of Richfield Investment Corporation (dba Richfield Development) (“Richfield”), thank you and Staff for all of the time you have spent in your review of the Alhambra Highlands Project.

As you know, on April 12, 2011, the Planning Commission approved the Alhambra Highlands Residential Project approvals including PUD #08-1/Sub #9257/UP #08-17 (the “Project”). On April 22, 2011, four appeal letters were filed with the City Clerk requesting City Council review of the Project. I understand that the City Council will be considering the appeals at its meeting of July 6, 2011. In anticipation of the City Council’s review, the purpose of this letter is to address several key comments raised in the four appeal letters.

Standard of Review on Appeal

Pursuant to Martinez Municipal Code section 22.40.110, the City Council hears the appeal de novo and may affirm, or may reverse or modify the Planning Commission’s approval of the Alhambra Highlands Project. As explained below and in the attachments, all of the issues raised in the appeal letters previously were addressed by the City of Martinez or by Richfield and its consultants prior to, or in conjunction with, the Planning Commission’s Project approvals.

ATTACHMENT 16

Responses to Appeals

To assist you in your review of the four appeal letters, and to provide clarifying information that you may find helpful to the City Council's deliberations, we are enclosing the following technical information and responses from Richfield's team of consultants:

- Geology, Geotechnical & GHAD Issues – ENGEO (*Attachment A*)
- Tree Impacts – LSA Associates, Inc. (*Attachment B*)
- DK Consulting – Slope Analysis Information (*Attachment C*)
- Brion & Associates – Economic Analysis (*Attachment D*)

Each enclosed technical memorandum contains a summary of the comments raised in the appeal and responsive information from the applicable consultant.

Substantial evidence supports the City's Statement of Overriding Considerations in response to the comments raised in the appeal from Mr. Sutton and Ms. Visser.

Mr. Sutton and Ms. Visser state in their appeal letter that the Planning Commission should not have approved the Final Alhambra Highlands Residential Project Subsequent Environmental Impact Report ("SEIR") because the Statement of Overriding Considerations does not contain substantial evidence to support its claims. Specifically, the appeal letter indicates that the Alhambra Highlands Project would not result in social and community benefits, and the Project is an "island development."

The Statement of Overriding Considerations describes the rationale for the City's findings regarding the Project's sustainability based on the project design, the Alhambra Highlands Design Guidelines, and the preservation of extensive open space as part of the Project. While the appellant correctly notes that the Project would contribute to greenhouse gas emission level increases, these increases primarily are a result of the new Bay Area Air Quality Management District CEQA guidelines. Richfield, however, considerably reduced the development area, and the Project results in a corresponding substantial reduction in greenhouse gas emissions when compared to the prior 1990 approved project. Alhambra Highlands completes the residential development envisioned by the Alhambra Hills Specific Plan and the Martinez General Plan in an area already planned for development, rather than resulting in the

development of a new area. Further, the SEIR relied on population projections considered in the Martinez General Plan in order to maintain consistency with adopted policy documents that already projected growth in the Alhambra Hills area. The property is surrounded by residential neighborhoods, some of which were established following adoption of the Specific Plan as further discussed in the Alhambra Highlands Residential Project Initial Study. Accordingly, the property is not considered an island.

Attachment D contains a fiscal analysis, and reflects in part, future housing needs and market conditions in the area. As indicated in Attachment D and required in the Planning Commission's adopted conditions of approval, the Alhambra Highlands Project would be subject to the payment of development impact fees. Attachment D identifies projected fiscal benefits and tax revenues generated by the Project as compared to the City's costs associated with Project development. Richfield's proposed GHAD assessment structure is intended to enable the GHAD to establish funding for geologic hazard abatement, drainage and hydrologic management activities within the GHAD boundaries in the event some lots remain vacant for the initial years of the project. Additionally, Richfield will be required to fund an endowment to fund the long-term management of the open space and habitat.

Mr. Sutton and Ms. Visser also raise concerns that the Project's Statement of Overriding Considerations does not address habitat fragmentation and negative effects on wildlife populations, as well as tree removal. Under CEQA, if the City finds that the Project will result in a significant unavoidable environmental impact in the event that the Project is carried out, the City must adopt a finding that the public agency finds that specific overriding economic, legal, social, technological or other benefits of the Project outweigh the significant environmental effects (Pub. Resources Code, § 21081(a)(3); 14 Cal. Code Regs., § 15092). Here, the SEIR concluded that the Project would result in one significant unavoidable impact associated with greenhouse gas emissions. The Alhambra Highlands Project Statement of Overriding Considerations documents the significant unavoidable greenhouse gas emissions impacts associated with the Project and specifically explains why the benefits of the Project outweigh these impacts.

Based on the analysis and mitigation measures contained in the SEIR, the City of Martinez Findings Required Under the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) for the Alhambra Highlands Project Mitigated/Alternate Access Alternative SEIR concluded, however, based on the SEIR analysis that impacts associated with wildlife habitat and tree removal would be mitigated to a less-than-significant level. Because the SEIR determined those impacts would be mitigated to a less-than-significant level, the Statement

of Overriding Considerations is not required to specifically explain why the benefits of the project outweigh wildlife habitat and tree removal impacts.

Mr. Sutton and Ms. Visser's appeal letter also requests clarification as to the benefits of the private park, given that the private park would destroy natural habitat and would only provide benefits to Alhambra Highlands residents. The SEIR addresses impacts associated with Project development and specifically requires that project grading on the private park be designed to protect existing trees (see e.g., BIO-5d). The private park is located on the Alhambra Highlands property and primarily provides passive recreation opportunities for the Project residences which would alleviate additional project-generated demand for existing public parks, and provide a visual amenity.

Finally, Mr. Sutton and Ms. Visser express concern that the tree mitigation measure is insufficient in requiring a 1.5:1 tree replacement ratio. As further discussed in the LSA memorandum contained in *Attachment B*, Richfield commits to replacing native trees in the same ratio as the trees are removed. This clarification is a minor amplification and clarification of SEIR mitigation measure BIO-5 and is consistent with the appellant's request. No further mitigation is required and all of the tree-related impacts would be mitigated to a less-than-significant level.

Substantial evidence supports the City's findings regarding the Alhambra Highlands Project's consistency with the General Plan and Alhambra Hills Specific Plan.

Ms. Haws and Mr. Pile raise in their appeal letter that the facts do not support the findings regarding consistency with the General Plan policy 21.322 – *Land Use Element, Residential Uses, Hill Residential Areas*, that the project appropriately clusters all units on the plateau, and the hillsides are avoided and tree loss is kept to a minimum and the natural landform of the Alhambra Hills is respected and retained.

Richfield submitted an analysis in March 2009 of the Project's conformance with the Specific Plan requirements related to development on slopes over 30%. Further, Sheet 1 of 2 in *Attachment C* illustrates the development area in relation to the Alhambra Hills Specific Plan Figure 31.30. As demonstrated in *Attachment C* and the project site plan, development is clustered on the plateau of the Alhambra Highlands property.

Ms. Haws and Mr. Pile based their appeal on the assertion that the Alhambra Highlands Project plans include removing oak woodlands for purposes of grading lots which does not meet

Policy 22.4 – *Open Space Element, Conservation Lands Policies* requirements that “all woodlands and marshes should be conserved and protected from degradation 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.” Although this policy provides that woodlands and marsh habitat should be conserved and protected, removing oak woodlands for the purpose of grading lots is allowed by this policy. In such event, site plans are required to maximize retention and preservation of these resources. In fact, the Project has been designed to reduce tree loss from 713 trees¹ to 625 trees, with a further reduction resulting in a loss of 484 trees under Alternative #1. Consistent with this policy, the Planning Commission required as part of the Project approval, that the Project further reduce tree loss and maximize tree preservation. For these reasons, the Project is consistent with the applicable General Plan Open Space Element, Conservation Lands Policies.

All issues raised in the appeal from Mr. Schilz previously were addressed prior to Planning Commission consideration.

Mr. Schilz raises in his appeal letter that if the Project proceeds, the City Council must establish a GHAD and the GHAD Board of Directors must be independent of the developer and the Homeowners Association. Mr. Schilz also states that the developer should be required to fund the GHAD for an extensive period of time and that it should guarantee payment of the GHAD fees on all unsold lots through a surety bond until the last of the lots are sold. None of these comments raise new issues for the reasons set forth in Attachment A.

The ENGEO, Inc. letter dated June 9, 2011 (Attachment A) addresses Mr. Schilz’s comments regarding the structure of the GHAD. The Developer proposed the formation of the GHAD as part of the Project, and in its approval of the Project, the Planning Commission also recommended that the City Council consider GHAD formation. The Developer proposes that the City Council serve as the board of directors of the GHAD subject to the Council’s decision to approve a GHAD as part of the proposed Project. Richfield’s proposal is consistent with Mr. Schilz’s comments. Attachment A contains further information regarding potential GHAD obligations.

Regarding payment of the GHAD assessments, the Planning Commission included as a condition of approval (Condition XV. AC) that the developer shall be responsible for all GHAD

¹ The number of trees referenced above is based on the number of trees which meet the size criteria (20-inch trunk circumference) of the City’s tree ordinance.

BRISCOE IVESTER & BAZEL LLP

Terry Blount

June 15, 2011

Page 6

maintenance functions until such time as the GHAD accepts responsibility. This includes funding the GHAD plan of control responsibilities. This requirement is consistent with Mr. Schilz's comments.

The appeal from Dr. Barker does not raise any new issues concerning the Project.

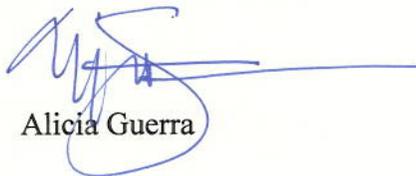
Dr. Barker alleges that his appeal is based on a violation of fair and just practices because the Planning Commission did not consider the personal property rights of the appellants and the Commission only considered the rights of the developer. Additionally, Dr. Barker states that all speakers, except the developer were limited to 3 minutes and the agenda item should have been continued.

In accordance with the Brown Act (Gov. Code, §§ 54950-54962) and the Martinez Municipal Code, the Planning Commission afforded every individual who desired to speak, whether in favor or opposed to the Project, an opportunity to speak at the hearing in accordance with its rules of procedure.

Please let me know if you have any questions regarding these items, or if we can be of further assistance. We appreciate the City Council's consideration of the responses in conjunction with the Council's review of the appeals.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP



Alicia Guerra

Attachments

cc: Veronica Nebb
Corey Simon
Rick Sabella
Debi Chung

ATTACHMENT A

Project No.
4269.205.501

June 8, 2011
Revised June 15, 2011

Ms. Alicia Guerra
Briscoe Ivester & Bazel LLP
155 Sansome Street, 7th Floor
San Francisco, CA 94104

Subject: Alhambra Highlands
Martinez, California

GHAD RESPONSE

Dear Ms. Guerra:

The purpose of this letter is to respond to Mr. Bill Schilz's letter dated April 22, 2011, that discusses potential Geologic Hazard Abatement District (GHAD) activities within the Alhambra Highlands development, including the division of responsibilities between the homeowner's association (HOA) and the GHAD. In addition, we have provided a broader discussion of the potential HOA and GHAD activities for the development related to the Conditions of Approval approved by the Planning Commission Resolution in PC11-06 on April 12, 2011.

Mr. Schilz's letter states:

- 1. Should this project move forward, it is absolutely imperative for a Geologic Hazard Abatement District (GHAD) to be established by the City Council which will have a Board of Directors independent of the Developer or Homeowners Association.*
- 2. The Developer should be required to fund the GHAD for an extensive period of time and to guarantee the payment of the GHAD fees on all unsold lots through a surety bond, until such time as the last lots are sold.*

It is our understanding, based on the discussion of the Planning Commission, that the Planning Commission recommends that the City Council consider a GHAD for the project. In addition, we have also included a matrix showing proposed responsibilities of the GHAD, HOA and City of Martinez for the Council's consideration. In our opinion, the revised Conditions of Approval address the comments provided by Mr. Schilz. If approved by the City Council the formation of the GHAD will include development of a Plan of Control and Engineer's Report that define the scope of the GHAD's services and the appropriate assessment to fund these services. As part of the formation process, the GHAD Board of Directors will consider and adopt a Plan of Control and approve the Engineer's Report. Typical conditions of GHAD formation include:

- A. A reserve fund shall be established in the GHAD budget to provide for work associated with an unexpected event such as a landslide or detention basin/water quality basin bank failure.
- B. The GHAD budget shall separately identify the projected costs associated with: (1) geotechnical/slope stability maintenance work; (2) Drainage Maintenance Plan; (3) Storm Water Quality Maintenance and Monitoring Plan; (4) Open Space and trail ownership and responsibility; and (5) reserve fund.
- C. The GHAD shall provide the name, phone number and mailing address of the contact person to all residents in the subdivision.

GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

The following may be considered as conditions if the City Council approves a GHAD for the Alhambra Highlands development.

1. Prior to the issuance of the first residential building permit, the applicant shall establish a Geologic Hazard Abatement District (GHAD) for the site.

In addition, we have the following clarifications related to the Planning Commission's approval of April 12, 2011, Conditions of Approval in the event that the City Council approves the project on appeal. These clarifications help in distinguishing between typical GHAD responsibilities versus those that are typically the HOA responsibilities.

2. The Geologic Hazard Abatement District (GHAD), formed to maintain the project graded slopes and associated drainage facilities, will also maintain the open space, the water-quality/detention basin, and the related drainage facilities described in the Storm Water Quality Maintenance and Monitoring Plan. The Storm Water Quality Maintenance and Monitoring Plan shall be included in the Plan of Control and incorporated into the maintenance responsibilities of the GHAD.
3. The GHAD shall be formed to include, and the Plan of Control shall contain, the following:

Page 13, Item No. 8 - Trail easements shall be offered for dedication to the City of Martinez (or its designee) for public use. Maintenance of the trails **for geologic hazard abatement purposes** shall be the responsibility of the GHAD ~~or HOA as determined by the City Engineer and City Attorney.~~

Page 13, Item No. 8 - 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&Rs 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 be 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&Rs and "owner's statements" on the final map are subject to the approval of the City Attorney, Planning Manager, and City Engineer.

Page 17, Item No. 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.~~

Page 30, Item No. 14 - On-site detention basins (including the water treatment facilities required by the RWQCB) shall be maintained and remain in good repair 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 of Control. ~~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.

Page 34, Item 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.~~

Pages 40 and 41, Item T (1.) - 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 **GHADHOA**. All retaining walls within the easements or rights of way shall be maintained by the GHAD ~~or HOA~~.

Page 47, Item O (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.

Page 48, Item AC - In the event that the GHAD is formed, the developer shall be responsible for all **the activities of the GHAD maintenance functions** until such time as the GHAD accepts responsibility.

TABLE 1
 Alhambra Highlands
 Long-Term Ownership and Management Matrix

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	OWNERSHIP
I. Development Area			
A. Residential Lots	Private	Private	Private
B. Neighborhood Common Areas	HOA	HOA Dues	HOA
C. Park	HOA	HOA Dues	HOA
D. Public Streets	City of Martinez	City of Martinez	City of Martinez
E. Private Streets	HOA	HOA Dues	HOA
F. Detention Basin (Parcel L)			
1. Basin Function	GHAD	GHAD Assessment	GHAD
2. Landscaping	HOA	HOA Dues	GHAD
3. Trash Removal	HOA	HOA Dues	GHAD
G. Stormwater System			
1. Accepted Improvements	City of Martinez	City of Martinez	City of Martinez
2. Non Accepted Improvements	HOA or GHAD	HOA or GHAD	HOA

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	OWNERSHIP
H. City of Martinez Reservoir	City of Martinez	City of Martinez	City of Martinez
I. Wildlife Crossings	HOA	HOA Dues	HOA
II. Open Space (Parcels A, B, C, D, F, G, and K)			
1. Plan of Control Defined Activities (Initial owner maintenance period)	Developer	Private Funding	Developer
2. Plan of Control Defined Activities (Post initial owner maintenance period)	GHAD	GHAD Assessment	GHAD
J. Trails	GHAD	GHAD Assessment	GHAD
1. Geologic Hazard (P.E.E)	GHAD	GHAD Assessment	GHAD
2. Surface Maintenance (P.E.E)	HOA	HOA Dues	HOA
K. Retaining Walls (Developer constructed)	GHAD	GHAD Assessment	GHAD
L. Emergency Vehicle Access Easement (E.V.A.E)	City of Martinez	City of Martinez	GHAD
M. Stormwater System	GHAD	GHAD Assessment	GHAD
N. Fire Trail 13-5	GHAD	GHAD Assessment	GHAD
O. Subdrains	GHAD	GHAD Assessment	GHAD
P. Fire Break Management	GHAD	GHAD Assessment	GHAD
Q. Open Space Slopes, Benches and Concrete Lined Drainage Ditches	GHAD	GHAD Assessment	GHAD

If you have any questions or would like any additional information, please do not hesitate to contact us.

Sincerely,

ENGEO Incorporated


 Eric Harrell, CEG
 eh/ue/jf:response


 Uri Eliahu, GE

ATTACHMENT B

May 5, 2011

Rick Sabella
Richfield Investment Corporation
10001 Westheimer Road, Suite 2888
Houston, TX 77042

RECEIVED

MAY - 9 2011

Subject: Sutton/Visser Letter
Alhambra Highlands Project Appeal

Dear Rick:

The City of Martinez received four letters appealing the Planning Commission approval of the Alhambra Highlands project. The letter submitted by Chuck Sutton and Ellen Visser, dated April 22, 2011, based their appeal in part on claiming that the projects tree replacement ratio is not sufficient. The Final EIR Response to Comments addresses this issue. Mater Response 3: Tree Removal provides the basis for the projects tree replacement ratio. Response to Comment B9-2 provides additional information on this subject. The project uses the size definition of a tree subject to the City's Tree Ordinance which is 20 inches or larger in circumference (6½ inches diameter) measured 4½ feet above the ground. This is the City standard.

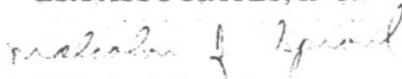
The Sutton/Visser appeal letter recommends that the replacement ratio be increased to 3:1 or that Condition of Approval V.B.3 which addresses tree replacement be more specifically written such that the mix of replacement tree plantings be made in proportion to those removed. The following table presents information on tree removal based on the grading footprint of the project approved by the Planning Commission.

Species	# Removed by Species	% Removed by Species
Blue Oak	56	12%
California Bay	35	7%
California Buckeye	46	10%
Coast Live Oak	98	20%
Valley Oak	<u>249</u>	<u>51%</u>
	484	100%

The project can commit to replace native trees in the same ratio at which they were removed. Condition of Approval V.B.3 requires the use of all of the species listed above in the mitigation planting. Condition V.B.3 could be modified to require replacement plantings to be made at the same ratio at which a species is removed. This approach would be consistent with the appellant's requested revision to the tree replacement requirements and it is consistent with the intent of the recommended EIR mitigation measures set forth in MM# BIO-5.

Please let me know if you have any questions about the information presented in this letter.

Sincerely,
LSA ASSOCIATES, INC.



Malcolm J. Sproul
Principal

ATTACHMENT C

JUNE 2, 2011

Alhambra Highlands Residential Project Slope Analysis

The City of Martinez Planning Commission approved the Alhambra Highlands Residential Project (“Alhambra Highlands”) on April 12, 2011. Subsequently, four appeals were filed seeking City Council review of the Planning Commission’s decision to approve Alhambra Highlands. One of appeal letters, the April 22, 2011 appeal letter from Marlene Haws and Richard Pile (“Haws/Pile Appeal Letter”), focused on the existing topography and the 30% slope gradients. The following summarizes the approach to addressing the Alhambra Hills Specific Plan limitations on development exceeding 30% slopes.

The slope analysis is based on comparing the proposed Alhambra Highlands Residential Project to the 1986 Alhambra Hills Specific Plan policies and exhibits. Richfield prepared two exhibits. The first exhibit (Sheet 1 of 2) illustrates the Alternative #1, Subdivision 9257 “Development Area” Overlay Onto the Alhambra Hills Specific Plan Figure 31.30¹. The overlay was superimposed on the Alhambra Hills Specific Plan Figure 31.30, "Land Use and Circulation." The second exhibit (Sheet 2 of 2) provides a “Diagram of Lots 21-29 and 2A1 of Alternative #1, Subdivision 9257 Overlay onto the Alhambra Hills Specific Plan Figure 31.30” and illustrates the 10 lots referenced in the Haws/Pile Appeal Letter.

Alhambra Hills Specific Plan

The Alhambra Hills Specific Plan Figure 31.30 interprets and implements the Specific Plan open space and development policies (see e.g., Policy 31.31). The Specific Plan land use policies state that the development and grading shall comply with the Specific Plan Site Development criteria (Section 31.34), and shall be limited to the “Development Area” except under those circumstances in which development is allowed on areas over 30% or greater slope (Policy 31.313) or where development outside of the Development Area complies with the criteria set forth in Policy 31.314. Figure 31.30 depicts the "Development Area" established in the Specific Plan. The Specific Plan defines the "Development Area" as the area consisting of pad grading for single family home sites (i.e. the home site) and roadways (access roads).

The shaded area shown in Figure 31.30 illustrates the "Development Area" on the Alhambra Highlands property. Figure 31.30 does not include the limits of grading necessary to complete the subdivision grading or improvements; it only identifies the area proposed for home sites and roadway construction. The Specific Plan depicts the interpretation of the slope areas greater than or equal to 30% for the properties within the limits of the Specific Plan. The Specific Plan also allows exceptions for Development Areas within slope areas with slopes that are greater than or equal to a 30% slope:

- A. “Where no alternative exists, roads connecting Development Areas may pass over areas of 30% slope, subject to approval by the Planning Commission. Grading shall be limited to that necessary for the road or to the minimum

¹ Alternative #1 is also referred to as the “Mitigated/Alternate Access Alternative.”

JUNE 2, 2011

amount which will create the most natural appearing contours. If such grading creates buildable areas (under 30% slope) residential development fronting the road may be permitted subject to approval by the Planning Commission.

- 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 of 30% slope may be permitted where the existing topography of the majority of the building areas and areas to be graded are under 30% slope.”

Sheet 1 of 2 – Alternative #1 Overlay on Figure 31.30

As shown in Sheet 1 of 2, the development area proposed in Alternative #1 complies with the Alhambra Hills Specific Plan and would result, in substantially less area than the development area established in the Alhambra Hills Specific Plan as illustrated in Figure 31.30. The City Council previously approved the zoning and Alhambra Highlands planned unit development (PUD #89-5, #89-6, and #91-4) which established the development area in accordance with the Alhambra Hills Specific Plan. The Alternative #1 proposed development area would be consistent with the Specific Plan and zoning as applied to the Alhambra Highlands property.

In order to present an accurate depiction of Alternative #1 superimposed on Figure 31.30, the 30% slopes were calculated using a function available in AutoCAD that creates a Triangulated Irregular Networks (TIN) based upon the existing contours and elevation information from the computer generated aerial topographic survey.

Sheet 2 of 2 – Diagram of Lots 21-29 and 2A1 of Alternative #1

Sheet 2 of 2 illustrates the proposed Alternative #1 development area as compared to the Alhambra Hills Specific Plan Development Area shown in Figure 31.30 for the 10 lots referenced in the Haws/Pile appeal letter. As shown in Sheet 2 of 2, all areas proposed as the development area in the proposed subdivision (Alternative #1 VTM 9257) would be within the development area for these 10 lots established in the Alhambra Hills Specific Plan. Additionally, the majority of the lots along the Figure 31.30 road alignment would be comprised of slopes less than 30% or would be entirely surrounded by areas under 30% slope. These 10 lots comply with the Alhambra Hills Specific Plan.

ALHAMBRA HIGHLANDS

ALTERNATIVE #1

SUBDIVISION 9257

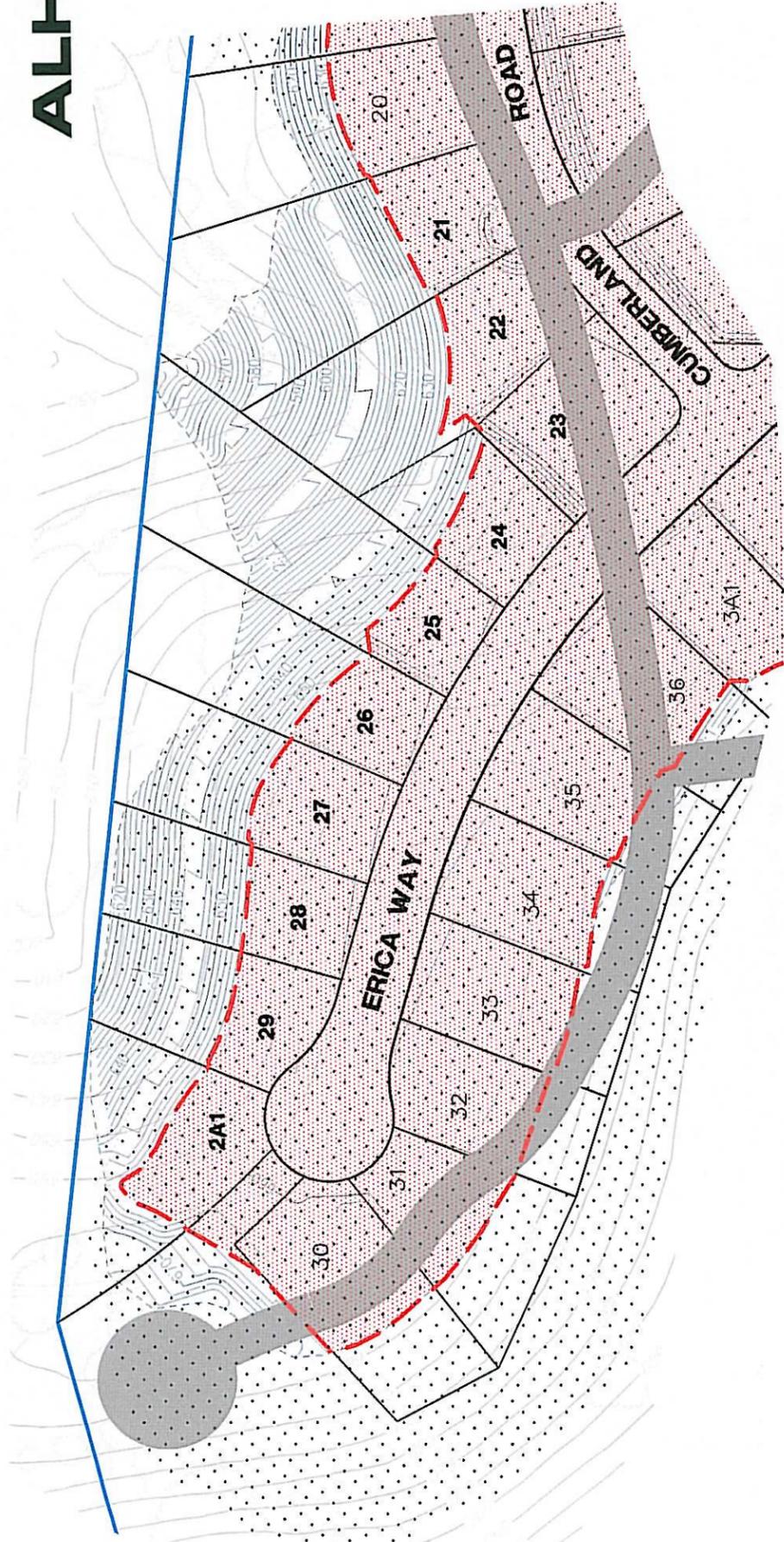
CITY OF MARTINEZ, CALIFORNIA
 RICHFIELD INVESTMENT CORP.
 dba RICHFIELD DEVELOPMENT

JUNE 1, 2011



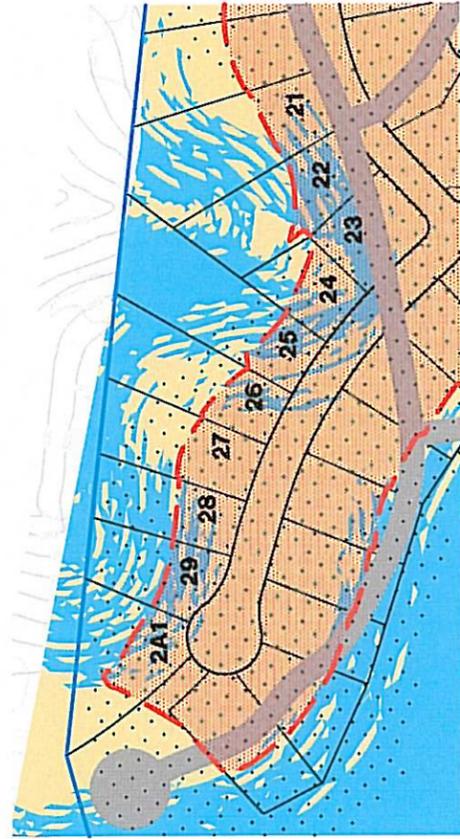
NOTES:

"DEVELOPMENT AREA" AS DEFINED ON THIS EXHIBIT IS THE AREA PERMITTED TO BE GRADED FOR SINGLE FAMILY HOMESITES AS WELL AS ROADWAYS.



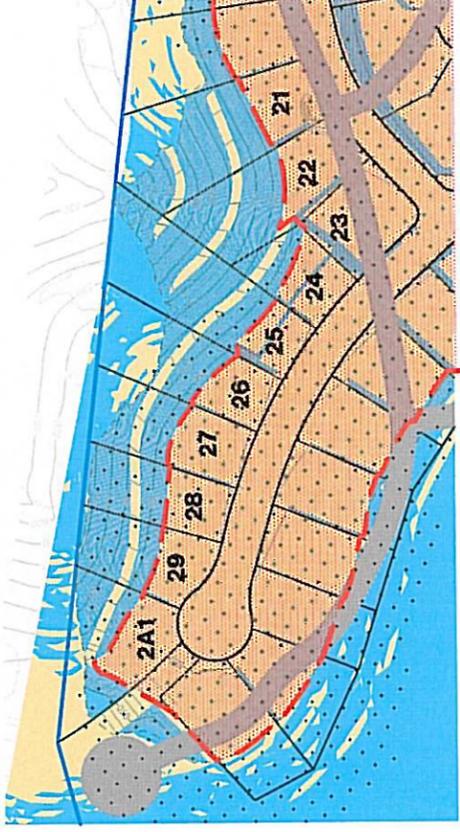
(A) THE 10 LOTS SHOWN ABOVE (LOTS 21-29 AND 2A1) ARE THOSE REFERENCED IN THE ALHAMBRA HIGHLANDS APPEAL LETTER SUBMITTED TO THE CITY OF MARTINEZ BY MARLENE HAWS AND RICHARD PILE AND DATED APRIL 22, 2011.

SCALE: 1"=50'



(B) ILLUSTRATION SHOWING EXISTING SLOPE ZONE GRADIENTS

SCALE: 1"=100'



(C) ILLUSTRATION SHOWING PROPOSED SLOPE ZONE GRADIENTS

SCALE: 1"=100'

LEGEND

DESCRIPTION	PROPOSED
SUBDIVISION BOUNDARY	Blue line
PARCEL/LOT LINE	Black line
RIGHT OF WAY LINE	Black line with dots
LOT NUMBER	36
AHSP FIGURE 31.30 ROAD ALIGNMENT	Grey line with dots
AHSP FIGURE 31.30 DEVELOPMENT AREA*	Stippled area
ALTERNATIVE #1 DEVELOPMENT AREA* (PROPOSED ROADWAYS AND PAD GRADING)	Red and white hatched area
SLOPE ZONE <30% SLOPE	Yellow area
SLOPE ZONE ≥30% SLOPE	Blue area

DIAGRAMS OF LOTS 21-29 AND 2A1 OF ALTERNATIVE #1, SUBDIVISION 9257 OVERLAY ONTO ALHAMBRA HILLS SPECIFIC PLAN FIGURE 31.30

dk JOB NO. 07-1058-10



ATTACHMENT D



BRION & ASSOCIATES

**Fiscal Impact Analysis
Alhambra Highlands Project
City of Martinez, California**

Prepared for
Richfield Investment Corp.
dba Richfield Development

Prepared by

Brion & Associates

June 2011

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1. INTRODUCTION

This study presents a fiscal impact analysis for the Alhambra Highlands project, located in the hills of the City of Martinez, in Contra Costa County. This project has been proposed for over 20 years and has gone through many revisions and a reduction in overall developable area, due to environmental constraints and habitat issues. The City Planning Commission has recommended approval of the Mitigated Alternative at 110 units in their April 12th approval of the project. The site consists of 297.5 acres of undeveloped land within the Alhambra Hills Specific Plan area, and 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 is called “Alhambra Highlands.”

For this analysis we will focus on both the on-going (annual) fiscal benefits and the one-time impact fees, as well as other one-time revenues and costs to the City. The report also addresses the annual costs to be funded privately through project special assessments. These include a Geological Hazard Assessment District (GHAD) and a Homeowners Association (HOA), which will fund road, landscape, and lighting maintenance costs. The study also estimates new construction jobs and economic activity associated with the project. Potential retail spending by project residents in the City will also be estimated, as it is a benefit to local businesses.

The proposed semi-custom and custom homes are to be constructed on lots ranging in size from 7,500 to 40,000 sqft. About 70% of the site will be retained as open space. Residential units in this type of setting include a price premium for the hillside location due to proximity to open space and views.

BACKGROUND

The City of Martinez previously approved a Planned Unit Development (PUD), Vesting Tentative Maps, (VTMs), and Design Review for a version of the Alhambra Highlands Residential Project in 1990. Due to changes in the 1990 Project necessitated by the Federal and State permit process, Richfield Investment Corporation filed applications in 2008 to modify the 1990 project approvals. The City of Martinez prepared a subsequent environmental impact report (SEIR) to the prior Alhambra Hills Specific Plan EIR in order to evaluate the proposed changes to the project. The SEIR analyzed the 2008 project which had 112 units. Subsequent to that analysis, the location and size of several lots was changed, and two lots were eliminated as part of the Mitigated Alternative evaluated in the SEIR. Those changes represent the project analyzed in this report. The project now contains 110 dwelling units.

SUMMARY OF FISCAL IMPACT FINDINGS

Table S-1 summarizes the fiscal impact analysis results for the City's General Fund, one-time revenues to the City, and the fiscal impact for the Martinez Area Recreation District.

1. General Fund revenues for the Alhambra Highlands project would equal about \$345,300 at buildout in constant 2011 dollars.

The bulk of the revenues from the project would be property tax revenues (65%). Vehicle In-Lieu Fees (VLF) as property tax revenues would equal about 25% of total General Fund revenues. There would be a modest amount of sales tax generated by new residents, estimated at \$11,000 per year, which is expected to total 3% of General Fund revenues for the entire project. All other expected revenue would equal about 6% of the total General Fund revenue; these include Transient Occupancy Tax, Franchise Fees, Document Transfer Tax, and Fines and Forfeitures.

2. General Fund net city costs from the Alhambra Highlands project would total about \$100,000 at buildout in constant 2011 dollars

As with most cities, police services make up the bulk of public service costs, constituting a combined 60% of expected General Fund revenues or about \$60,000 per year. The project is estimated to require .25 new sworn officers based on the City's current service standard of .95 sworn officers per 1,000 population. Community Development, Parks and Recreation, and General Government are the next largest expenditure categories.

3. The net fiscal benefit associated with the Development Plan would equal about \$246,000 or about 71% over project-related costs.

The Alhambra Highlands project would have a significant net positive fiscal balance for the City's General Fund. The project's high residential values combined with the proposal for the Homeowner's Association pay for road, landscape, and lighting maintenance costs helps generate this positive benefit to the City. The City receives over 15% of property taxes generated by the project, which is higher than many cities. The City also does not provide fire services, as discussed below, which is often a large expenditure category. Thus, it is safe to say that the Alhambra Highlands project will be of great benefit to the City and not generate any negative costs to the City's General Fund.

4. The Contra Costa County Fire Protection District would also experience a positive fiscal impact from the project with surplus revenues equaling about \$48,000.

The Fire District receives about 12% of the project's property tax revenues. At that rate the Fire District would receive about \$174,700 per year from the project. The annual service costs associated with the project are estimated at \$127,500 per year, for a fiscal balance of about \$48,000 per year. The Fire District has a service level of 1.6 firefighters per 1,000 residents within the district boundaries. The proposed project would generate a need for .42 new firefighters based on current standards. The project would generate 27% more revenues than expected annual operating costs.

5. *Over 20 years, the project would generate \$4.9 million in net new revenues for the City and about \$1 million for the Fire District.*

Over 20 years, the project would generate about \$6.9 million in total revenues while expenses will total about \$2 million in constant 2011 dollars. This would result in a net fiscal benefit of about \$4.9 million from the project to the City's General Fund.

6. *The City will also receive additional one-time revenues from the project. First-time sales of new residential units would generate an additional \$2.1 million in one-time revenues.*

This includes revenue from the property transfer tax revenue, City Building and Planning Fees, and City Impact Fees. **Table S-1** summarizes these revenues by item. These revenues would accrue to the City over the course of several years as the project units are completed and sold, rather than accruing within a single year.

7. *Total Impact and other fees from the project will total about \$7.2 million, and includes sewer, water, school, and other County fees.*

School impact fees are estimated at \$1.17 million; County impact fees are estimated at \$737,000; water district connection fees are estimated at \$2.4 million; and sanitary district connection fees are estimated at \$780,000. Actual impact fees may be higher based on specific review from each agency and the final proposed project information and drawings.

8. *The project will generate about 1,800 new construction "job years" of employment for the local construction industry.*

The project's construction costs are estimated at \$114 million of which \$79 million is the residential construction and \$35 million is infrastructure and site preparation. The project will develop over a number of years. Over the course of the project development, a total number of construction related jobs is estimated at 1,817. These are temporary jobs by nature but represent a significant local economic benefit to the community.

Table S-1		
Alhambra Highlands Fiscal Impact Summary		
City of Martinez, California		
Category	Finding Ref.	Alhambra Highlands
<i>in constant 2011 dollars</i>		
ANNUAL BENEFITS		
General Fund Revenues		
Property Taxes		\$225,894
Sales Taxes		\$11,024
VLF as Property Tax		\$87,714
Transient Occupancy Tax		\$2,027
Franchise Fees		\$8,727
Document Transfer Tax		\$7,551
Fines & Forfeitures		<u>\$2,331</u>
Total Revenues	#1	\$345,268
General Fund Expenditures (1)	#2	<u>\$99,659</u>
Net Fiscal Balance, General Fund	#3	\$245,609
Percent Surplus		71%
Contra Costa Co. Fire Protection District		
Estimated Property Tax Revenues		\$174,707
Estimated District Costs		<u>\$126,424</u>
Fire District Balance	#4	\$48,283
CUMULATIVE BENEFITS OVER 20 YEARS		
General Fund		
Revenues		\$6,905,361
Expenditures		<u>\$1,993,179</u>
Net Fiscal Balance, General Fund	#5	\$4,912,182
Fire District Fiscal Balance	#5	\$965,660
ONE-TIME REVENUES		
First Time Transfer Tax		\$79,332
City Impact Fees		\$848,980
City Bldg/Plan Check Fees		\$1,166,204
School District Impact Fees		\$1,173,637
County Impact Fees		\$737,446
CC Water District Fees		\$2,406,250
CCC Sanitary District Fees		<u>\$780,120</u>
Total One-Time Revenues and Fees	#7	\$7,191,969
City Total One-Time Revenues	#6	\$2,094,516
(1) See Table 6 for summary of General Fund Costs.		
Source: Brion & Associates.		

- 9. The project would establish a Geological Hazard Assessment District to provide protection and maintenance related to the site's open space and geology. The annual total assessment is estimate at \$214,000 per year, with an average per unit assessment of \$1,950 per year.**

Table S-2 summarizes the project's estimated GHAD annual operating costs, and includes a 10% contingency and reserve fund. The actual assessments would range from \$1,200 per year for the 7,500 sqft lots to about \$5,800 per year for the largest lots, based on the distribution of lot area for each unit type. A developer funded endowment of \$1 million would fund project related habitat management and would not be included in the GHAD budget.

- 10. The project's Homeowners Association (HOA) will maintain internal street, landscaped areas, street lights, park and tot lot, and trails at an estimated annual cost of about \$102,000 per year.**

The project's HOA will maintain the project streets¹, trails, park, landscaped areas, and street lights. The cost of this annual maintenance has been annualized and is estimated to be about \$102,000 per year in total, including administrative costs, reserves, and a contingency. This cost is allocated to each dwelling based on the total distribution of residential building space, or size of unit. The annual HOA dues will range from \$900 for the 7,500 sqft lots to about \$1,700 per unit for the largest, 40,000 sqft lots, and would average about \$925 per year per unit (see **Table S-2**)

¹ For this analysis, the project's streets and emergency roads are assumed to be private, and maintained by the Homeowner's Association, which is common for projects such as this one. If the roadways are public they would be publicly maintained and there would be a modest annual cost for this work, which typically includes periodic street cleaning and resurfacing every 5 to 15 years.

**Table S-2
Summary of Project Funded Services and Infrastructure
Alhambra Highlands Fiscal Impact Analysis -2011**

Item	Amounts	Notes
PROJECT FUNDED ANNUAL MAINTENANCE COSTS		
Home Owners Association (HOA)		
Onsite Roadway	\$3,578	Estimated by Brion & Associates
Emergency Access Roadway	\$4,783	Estimated by Brion & Associates
Landscaped Areas along Roads	\$33,000	Estimated by Brion & Associates
Street Lights	\$16,250	Estimated by Brion & Associates
Park and Tot Lot	\$15,000	Estimated by Brion & Associates
Trails	\$3,977	Estimated by LSA
Administration at 15%	\$11,488	Estimated by Brion & Associates
Reserve at 10%	\$8,808	Estimated by Brion & Associates
Contingency at 5%	\$4,844	Estimated by Brion & Associates
Total HOA Annual Costs	\$101,729	Estimated by Brion & Associates
Average Cost per Dwelling Unit	\$925	
Annual Geological Hazard Assessment District (GHAD)		
		Estimated by ENGENO
Professional Services	\$16,000	
Maintenance & Operations	\$50,000	
Slope Stabilization	\$20,000	
Erosion Protection	\$15,000	
Large Scale Repair (Annualized)	\$40,000	
Administration	\$24,000	
Misc./Contingency at 10%	\$16,500	
Reserve	<u>\$33,000</u>	
Total Annual GHAD Expenses	\$214,500	
Average Cost per Dwelling Unit	\$1,950	rate varies by size of lot
ONE TIME INFRASTRUCTURE AND AMENITY COSTS		
		Estimated by DK Associates.
Total Infrastructure	\$28,156,981	
Trails and Staging Areas	\$45,000	1.33 miles of trails
Park and TOT Lot	\$150,000	.6 acre park
Off Site Public Infrastructure	\$6,648,019	
Total Project Infrastructure	\$35,000,000	
Cost per Unit	\$318,182	
Sources: Richfield Investment Corp. dba Richfield Development; LSA Associates; ENGENO; DK Associates; Brion & Associates.		

REPORT ORGANIZATION

This report includes three chapters in addition to this introduction, as well as an appendix with supporting tables used in the fiscal impact model for the project. **Chapter 2** includes information concerning the development assumptions for the project, demographic information, and market values used in the analysis. **Chapter 3** presents the assumptions used in the fiscal model and the results of the analysis. The final chapter (**4**) includes the findings and conclusions that can be drawn from the analysis. **Appendix A** presents the detailed supporting analysis and tables used in the fiscal model. Please note that report tables referenced below are presented at the end of each chapter.

2. Development and Market Assumptions

This study analyzes the fiscal impact of the proposed Alhambra Highlands project, located within the Alhambra Hills Specific Plan. The proposed Alhambra Highlands project includes 110 single-family custom large lot homes on a 297 acre site. Approximately 70% of the site will remain in open space - habitat and not be developed or 240 acres.

The fiscal analysis update analyzes the development at the completion or buildout of the Alhambra Highlands project. Thus, the fiscal benefits related to this project are reported as they would occur at project completion, rather than the incremental development that takes place as Alhambra Highlands develops. This type of analytical setup is typical for a small project of this nature.

PROJECT LAND USE, DEMOGRAPHICS AND GROWTH

Development assumptions by land use are shown in **Table 1**. The plan includes approximately 110 dwelling units with five different lot/unit sizes including:

- 7,500 sqft lots – 15 units (14%)
- 10,000 sqft lots – 76 units (69%)
- 20,000 sqft lots – 14 units (13%)
- 30,000 sqft lots – 3 units (3%)
- 40,000 sqft lots – 2 units (2%)

The actual lot size varies slightly for each lot category. As shown, over half of the units are planned as 10,000 sqft lots. Only a handful of lots comprise the 30,000 to 40,000 sqft categories.

The single-family units have a density of 2.7 acres per dwelling unit including open space, habitat, roads and infrastructure. The average unit size is about 3,600 sqft per dwelling unit and ranges from a low of 2,755 sqft to a high of 6,671 sqft per unit based on the City's maximum allowable coverage. The actual homes sizes may be lower because of individual site/lot constraints.

The Alhambra Highlands development is estimated to house an additional 265 new residents in 110 new residential units, as shown in **Table 2**. This is based on an average persons per household factor of 2.41 (based on data from the project SEIR). The project's average household income is about \$154,200, based on the expected home sales prices discussed below. This income estimate is based on the assumptions shown in Appendix **Table A-1** and the income it takes to qualify for a mortgage, based on housing prices proposed for the project, shown in **Table 1** above.

Table 2 also summarizes the estimated construction jobs associated with the project's development. As shown, total construction costs are estimated to equal about \$114 million including \$35 million in infrastructure costs. Based on average construction industry salaries in Contra Costa County, and using a standard assumption that 50% of construction costs are labor-related, the project would generate about 1,817 construction job years of employment. These jobs are considered temporary by nature, and are called "job years" of employment. If, for instance, the project took two years to construct, the project would generate about 900 jobs per year over two years of construction employment. Given that the project will develop over time, the annual number of job years of employment is difficult to estimate at this time. Given the state of the housing construction industry throughout California, these jobs are an important project benefit.

Table 3 summarizes current demographic estimates in the City of Martinez for 2011. There are currently approximately 37,100 residents in Martinez, 14,840 households, and 18,932 employees according to ABAG's *Projections 2009*, extrapolated to year 2011. The city's overall persons per household factor is 2.5 or slightly higher than the project's average of 2.41. Total daytime population, which is used to create cost or revenue factors, is approximately 43,348 (daytime population is a service measure that equals 100% of population and 33% of employment). Current average income for the City of Martinez is estimated at \$93,860, based on data from ABAG *Projections 2009*.

With the project's 265 new residents, the City's population would increase by about 0.7% or less than 1%. The project does not include any employment uses or new jobs. The average household income for the development is estimated to be \$154,200, which is significantly higher (64%) than the current citywide average of \$93,900.

ESTIMATED MARKET VALUES

Projected market values for each land use are presented in **Table 4**. Residential units are expected to average \$1.25 million per unit and range from about \$900,000 per unit to \$2.3 million for the largest lot units. These prices are estimated based on currently active new large lot hillside developments with similarly sized units and lots in Contra Costa and Alameda Counties, based on market data from SS Slate & Associates in April 2011. The total residential market value is estimated at \$137.3 million as shown in **Table 4**. The acreage that will remain in open space/habitat has a current assessed value of about \$29,000 per acre (see **Table A-4** in **Appendix A**). We assume this value will continue when the project is developed because the current value is associated with the site's current use as open space. The total assessed value of the remaining open space is approximately \$6.4 million. The project's assessed value would be adjusted at 2% per year, based on the requirements of Proposition 13. If units are sold, they would be reassessed at the current market sales price, and could be higher over time. Thus, this approach represents a conservative estimate of project market value.

Tables A-2 and **A-3** in **Appendix A** present supporting market data used to develop the average market prices for the project. Both new and existing large lot homes in hillside

locations were used to develop the average unit prices. For new projects, hillside developments with large lots in Contra Costa and Alameda Counties were used because households looking for this type of home will typically search a wide range of locations to find the best product and price, and currently there are very few active housing projects in the market. Households in this income range are also not as concerned with the quality of public schools, when they have children, as they tend to use private schools. Thus they can afford to consider a larger market area than many households. The resale data used was restricted to large lot and custom homes in the greater Martinez area. **For these reasons**, Susan Slate of SS Slate Associates (that provided the market data) recommended the use of this market area for this particular project.

These market prices and values are used to establish assessed value for property tax and real transfer tax-estimating purposes as discussed in **Chapter 3** below.

Table 1
Project Description, Market Values and Construction Costs
Alhambra Highlands Fiscal Impact Analysis -2011

<u>New Development</u>		12,959,100 sqft	297.50 total acres		240.00 open space acres								
<u>Residential Uses</u>		Total Sqft Residential	Total	Percent	Total Lot Area	Average Lot Sizes	Avg Sqft Per Unit	Avg Base Unit Price	Average Price Premiums (2)	Total Average Price w/ Premiums	Market Value and Average Price, Overall		
7,500 Sqft Lots		41,332	15	14%	138,930	9,262	2,755	\$812,856	\$80,000	\$892,856	\$13,392,844		
10,000 Sqft Lots		253,291	76	69%	1,007,793	13,260	3,333	\$1,083,151	\$90,000	\$1,173,151	\$89,159,445		
20,000 Sqft Lots		69,953	14	13%	321,670	22,976	4,997	\$1,623,898	\$100,000	\$1,723,898	\$24,134,577		
30,000 Sqft Lots		17,248	3	3%	98,355	32,785	5,749	\$1,868,490	\$120,000	\$1,988,490	\$5,965,470		
40,000 Sqft Lots		13,342	2	2%	88,944	44,472	6,671	\$2,168,010	\$150,000	\$2,318,010	\$4,636,020		
Total Residential (1)		395,164	110	100%	1,655,692		3,592				\$1,248,076		
Total Average Per Unit													
<u>Construction Costs</u>													
Residential Uses		395,164	gsf	\$200			per sqft	\$79,032,804					
Infrastructure Costs								\$35,000,000					
Total Project Cost								\$114,032,804					

(1) See Table A-1 for more detail on residential lot and unit sizes.

(2) Market prices are based on a review of current residential projects in Contra Costa and Alameda Counties in hillside locations with large lot/unit sizes.

Data is from SS Slate & Associates as of April 2011; premiums are based on a project site view and an amenity analysis prepared for developer by Hanley Wood in 2007.

Sources: Richfield Investment Corp. dba Richfield Development; SS Slate & Associates; Brion & Associates.

**Table 2
Project Population and Construction Employment Estimates
Alhambra Highlands Fiscal Impact Analysis -2011**

Land Use and Items	Assumptions	Alhambra Highlands		
		Project Description	Population	Average Household Income (2)
Residential Population				
Residential Uses		Units	Residents	
7,500 Sqft Lots	2.41 residents per unit	15	36	\$108,425
10,000 Sqft Lots	2.41 residents per unit	76	183	\$144,479
20,000 Sqft Lots	2.41 residents per unit	14	34	\$216,609
30,000 Sqft Lots	2.41 residents per unit	3	7	\$249,234
40,000 Sqft Lots	2.41 residents per unit	2	5	\$289,187
Total Residential	2.41	110	265	\$154,231
Total Employment			-	
Daytime Population (1)			265	
Total Population and Employment			265	
Average Household Income			\$154,231	

Construction Employment		Alhambra Highlands
Residential Construction (3)		\$79,032,804
Site Infrastructure and Work (3)		\$35,000,000
Total Construction		\$114,032,804
Direct Labor Cost	50% of construction cost	
Avg. Annual Construction Salary (4)		
Single Family	\$56,576 per year	1,397
Infrastructure	\$83,304 per year	420
Total Construction Job Years		1,817

- (1) Daytime population is equal to 100 % population and 33% of employment.
(2) See Table A-1 for income derivation based on unit prices.
(3) See Table 1.
(4) See EDD's Quarterly Census of Employment and Wages (QCEW), 2010 3rd Quarter Weekly Salaries, New SF housing construction.

[http://www.labormarketinfo.edd.ca.gov/qcew/CEW-](http://www.labormarketinfo.edd.ca.gov/qcew/CEW-Detail_NAICS.asp?MajorIndustryCode=1012&GeoCode=06000013&Year=2010&OwnCode=50&Qtr=03)

[Detail_NAICS.asp?MajorIndustryCode=1012&GeoCode=06000013&Year=2010&OwnCode=50&Qtr=03](http://www.labormarketinfo.edd.ca.gov/qcew/CEW-Detail_NAICS.asp?MajorIndustryCode=1012&GeoCode=06000013&Year=2010&OwnCode=50&Qtr=03)

Sources: California Employment Development Department; US Bureau of Labor Statistics for CPI; Brion & Associates.

Table 3
Current City as of 2011 and Estimated Project Demographics
Alhambra Highlands Fiscal Impact Analysis -2011

Item		Estimated 2011 City Demographics (1)	Projected New Population & Employment	Percent Increase with Project
Population	(1)	37,100	265	0.7%
Households	(1)	14,840	110	0.7%
Persons per Household	(1)	2.50	2.41	na
Employment	(1)	18,932	-	0%
Daytime Population	(2)	43,348	265	0.6%
Total Population & Employment		56,032	265	0.5%
Household Income	(1)	\$93,860	\$154,231	na

(1) From ABAG Projections 2009, Martinez Jurisdictional Boundary, 2011 Estimate based on average annual growth between 2010 and 2015.

(2) Daytime population is equal to 100% population and 33% of employment.
Note the project would have no direct employment.

Sources: ABAG; Brion & Associates.

**Table 4
Project Market Values by Land Use and Estimated Assessed Value
Alhambra Highlands Fiscal Impact Analysis -2011**

Land Use	Alhambra Highlands		
	Amount of Development Units/Acres	Market Value per Unit	Total Assessed Value
Residential Uses			
7,500 Sqft Lots	15	\$892,856	\$13,392,844
10,000 Sqft Lots	76	\$1,173,151	\$89,159,445
20,000 Sqft Lots	14	\$1,723,898	\$24,134,577
30,000 Sqft Lots	3	\$1,988,490	\$5,965,470
40,000 Sqft Lots	2	\$2,318,010	\$4,636,020
Total Residential	110		\$137,288,356
Total Average Unit Price		\$1,248,076	
Value of Open Space/Habitat	240.0	\$28,966	\$6,951,937
Total Market-Assessed Value for Development (1)			\$144,240,293
City's Current AV (2)			\$4,265,334,275
Project's Increase in AV			3.4%

(1) Excludes any assessed value associated with open space, which would be relatively small.

(2) Total AV is as of 2010-2011 based on Certificate of Assessed Value, provided by Finance Dept. May 18, 2011.

Sources: Hanley Wood; SS Slate & Associates; City of Martinez; Brion & Associates.

3. Fiscal Impact Analysis

The following chapter describes the methodology and assumptions used in the fiscal analysis, followed by the fiscal impacts of the proposed Alhambra Highlands project at buildout. The fiscal impact analysis analyzes the project's impacts on the City of Martinez's General Fund and on the Contra Costa County Fire District budget. The City's General Fund provides the site's required public services such as police services, and collects the majority of revenues associated with development of the site. The analysis is based on the *City of Martinez Adopted Biennial Budget for FY 2010-2011*. Other City funds are not analyzed here, as these are either not expected to be impacted by the project, or are funded with separate funding sources such as user fees. Examples of these types of funds include parking funds, water funds, etc.

The General Fund includes most City services that are impacted by growth. General Fund revenues include discretionary funds such as property tax, sales tax, franchise fees, and other per capita revenues. Dedicated revenues, charges for services, and some State and Federal revenues are not forecast and are assumed to offset costs. As all internal streets and landscape areas will be maintained by the project's Homeowner's Association, no city maintenance costs of streets are included in the analysis. The project would have 1.79 miles of new private streets and .6 miles of emergency access roads. The project HOA would also maintain the project's trails (1.4 miles), roads, park, and landscaped areas, as discussed further below.

METHODOLOGY AND ASSUMPTIONS

The fiscal model is based on the revenues and expenditures included in the *City of Martinez Adopted Biennial Budget for FY 2010-2011*. Projected results are presented in constant 2011 dollars. The analysis assumes current service levels and cost and revenue relationships unless otherwise noted. Net City costs are used, which is the net of all dedicated revenues and/or charges for services associated with each activity or service. This method projects the costs that the City will have to pay from discretionary revenues. For instance, certain general governmental costs are partially offset by charges for services, as with photocopying fees, or, in the case of the building department, building permit fees. A small portion of each department's cost is assumed to not be impacted by growth for this analysis. For instance, the City does not add city council members as population grows. These assumptions are detailed below and shown in **Tables 5 and 6**.

For some revenue or expenditure items, average per daytime population factors are used, based on current demographics and the current allocation for a particular budget item. Daytime population is a service measure used for fiscal analysis that accounts for the cost and revenue impacts of employment uses while recognizing that these impacts are less than those of population. For this analysis, daytime population equals 100% of

population and 33% of employment. Current per daytime budget factors are estimated based on current conditions and then applied to the new development associated with the proposed project at buildout. Since the project has no employment uses, daytime population for this analysis equals 100% of population only. The premise is that the project would perform similarly to existing development with regard to most cost and revenue items, with a few exceptions, as described below.

For City General Fund expenditures, average net cost per daytime population is used. The approach and method used for each of the revenue and expenditure items in the General Fund is described below. Detailed revenue and cost estimates are provided in the model printout included in **Appendix A**.

GENERAL FUND REVENUES

Table 5 summarizes the City's current General Fund revenues and the assumptions used in the analysis as well as the estimated revenues from the project.

Property Tax

Property tax revenues are based on the market values discussed in **Chapter 2**. The average market values by land use developed for the project are applied to this development schedule to estimate new assessed value for the project. Property tax revenue is equal to 1% of total assessed value of the project. The City General Fund receives 15.66% of the 1% property tax revenue. Other tax agencies receive the remainder, as shown in **Table A-6** in **Appendix A**. The local school district receives a large portion of property tax revenues.

Under the restrictions of Proposition 13, the assessed value of existing development can be increased by 2% per year if the property does not turn over. For property that resells, the assessed value is adjusted to reflect the actual sales price. Thus, some property's assessed value grows at 2% annually and some at much higher rates. This analysis is static and does not reflect these increases in assessed value over time; thus, the estimates used here are conservative.

Total project tax revenue from the project would equal about \$1.45 million per year. Property tax revenue that would accrue to the City from the project is estimated at \$225,900 per year and will increase annually over time. This represents the majority of revenues from the project or about 65% of the total General Fund revenues. These estimates are based on the data and analysis in each of the following tables:

Table A-2: Current market prices of competitive projects

Table A-3: Resale prices of recent existing home sales in the Alhambra Hills area

Table A-4: Tax rate areas and current assessed values by parcel for the site

Table A-5: Tax allocation factors by tax rate area, and weighted average for project

Table A-6: Project property tax estimates by public agency or district, and supplemental tax revenues

Sales Tax

Table A-7 in **Appendix A** estimates project sales tax revenues. The City receives 1% of the total Contra Costa County's 8.25% sales tax rate, or 1% of total taxable sales effective July 1, 2011 according to the State Board of Equalization. For this analysis, the amount of sales tax revenue generated by new residents is estimated to be a modest amount, given the site's location, and proximity to other cities' retail shopping opportunities.

In order to determine sales tax, an estimate of annual occupied households is made assuming a 5% vacancy rate at any given time. The average annual household income of \$154,200 is applied to occupied households to estimate total household income for the project each year. Based on average household expenditure data from the Bureau of Labor Statistics' "Consumer Spending Patterns," 76% of this annual income is assumed to be "expenditures." The remainder is assumed to represent taxes and savings. Of total expenditures, 36% is assumed to be retail expenditures that are taxable. This includes retail expenditures of all types of goods, including convenience items and large purchases such as cars and appliances. The analysis further reduces the estimate of total household retail expenditures by 75% to account for household expenditures made outside the City of Martinez or in other surrounding communities, or purchases made while away from home. Twenty-five percent of total household retail expenditures are assumed to be captured in the City; thus, the sales tax associated with these expenditures would accrue to the City's General Fund.

The project is estimated to generate about \$11,000 per year in new sales tax revenues for the City's General Fund. For comparison purposes, these assumptions result in an annual estimate of sales tax revenue to the City on a per occupied household basis of \$105. The city currently receives about \$190 per year from current households.

Motor Vehicle In-Lieu Fees (VLF) as Property Tax Swap

Currently, the State of California has a complicated formula for allocating motor vehicle in-lieu tax revenues to cities through a property tax swap. In the past this revenue was distributed based on a per capita basis. Currently, the City will receive an increase in VLF to the extent there is an increase in the City's overall assessment value. For this project, the City's assessed value is estimate to increase by 3.4% due to the high market values associated with the project. Thus, the City's VLF revenue is expected to increase by \$88,000 with the proposed project.

Transient Occupancy Tax

Transient Occupancy Tax (TOT) is generated by hotel services. For this analysis, TOT is analyzed on a per daytime population basis, as a revenue generated by visitors (relatives and friends) who come into town and make use of hotel services. For this source the rate is \$7.65 per daytime population, and would generate about \$2,000 per year for the City.

Franchise Fees

Franchise fees are paid by the providers of utility, garbage collection, and cable television services from charges levied on customers (residential and businesses). For this analysis, the franchise fees resulting from the Alhambra Highlands project are estimated at \$32.92 per daytime population.

Documentary (Real Property) Transfer Tax

Real property transfer tax, which is sometimes called the documentary stamp tax, is applied to all property that is sold either for the first time or resold over time. The City receives \$0.55 per \$1,000 of assessed value of all sold property. This analysis assumes that 10% of residential units are resold each year, which is typical for higher end residential project. This amount of turnover is subject to this tax. All property, as it is initially developed and sold, is also subject to this tax.

The first-time sale of the new development would generate a one-time amount for the City of approximately \$79,300 during the initial construction and sale period. Thus, the real property transfer tax revenues are potentially much higher in the early years of the development than in the later years, once all new development has occurred. However, for the purposes of this fiscal analysis, no first-time sales are assumed in the fiscal balance. Only the turnover assumptions are applied to estimate the General Fund revenues associated with the project, which is estimated to equal about \$7,500 per year. The initial documentary transfer tax is considered “one-time” revenue for this analysis and is considered a benefit of the project.

Fines and Forfeitures

This category includes fines for traffic and parking violations, vehicle code fines, and library fines. For this analysis, revenues are estimated at \$8.79 per daytime population and generate about \$2,350 per year for the City’s General Fund.

All Other General Fund Revenues

All other General Fund revenue items shown in **Table 5** are not assumed to be impacted by the project and are thus, not estimated.

GENERAL FUND EXPENDITURES

The City's General Fund total expenditures, offsetting revenues and net city costs by department are shown in **Table 6**. Some of the revenues the City of Martinez receives through the charges for services and fines as discussed above are used to cover the operating costs generated by City departments. Some City departments receive a targeted amount of revenues in order for it to operate and perform its functions. The General Fund must fund the "net departmental costs" shown in **Table 6** from the discretionary revenues estimated and described above.

Other revenues that offset costs include charges for services to the public, permit fees, building inspection fees, and charges for planning services such as environmental reports. These revenues are also subtracted from each departmental cost to estimate a net city departmental cost. This analysis assumes that the City will continue to charge for services at the current rates and that new development will generate intergovernmental revenue and charges for services at the same rates as existing development. For this analysis, net city costs are forecast at the following rates by department.

As shown in **Table 6**, some departments, like Community Development, have significant dedicated revenue while others such as Police have very high net city costs. Community development itself generates more revenue than costs. Some City functions are not impacted by growth. For this reason, not all general governmental costs associated with administration are forecast. A portion of each department's net costs are assumed to be fixed and not impacted by growth. This varies by department from 5 to 25%, as shown in **Table 6**. A net variable cost by department is derived and used to create budget multipliers for this analysis, as shown in the second-to-last column in **Table 6**.

The total average cost per daytime population is estimated to be about \$151 per resident, and excludes police services, which are estimated on a marginal cost basis, and represent 60% of the project's annual service costs.

Police Service Costs

The City's current police department costs comprise about 50% of the City's operating budget and is a significant service cost. The department receives about \$430,000 in dedicated revenues, and we assume a very small portion of the departments' costs are fixed (5%). The City currently has about 39 sworn officers, which results in a service standard of .95 sworn officers per 1,000 daytime population. This is a typical service standard for Bay Area cities. The City currently spends about \$236,000 per sworn officer, which includes their direct salary and benefits but also includes the average cost of all required support and non-sworn staff and equipment and maintenance costs. **Table A-9** summarizes the estimates of police service costs associated with the project. The City's General Fund revenues from the project would fund these costs.

The project with 265 new residents will require about 1/4 of one new sworn officer at a cost of about \$60,000 per year.

One-Time Revenues and Impact Fees

Table 8 summarizes all the impact fees and other one-time charges associated with the project. The project will be required to pay impact fees as set forth in the original conditions of approval and as updated recently. It is estimated that the project will pay on average about \$7,718 per dwelling unit for child care, transportation, park in lieu and police fees. This is slightly more than the city's current average cost per unit for impact fees, which have been temporarily reduced because of the recession. This average fee rate would generate about \$288,500 in fee revenue for citywide public facility needs associated with the project. For purposes of this analysis, it is assumed that the project would not pay park and recreation fees and cultural facilities fees based on the April 12, 2011 Planning Commission conditions of approval.

The project will generate building and plan check fees to the City which are estimated to total about \$1.17 million. Some fees cannot be estimated at this time and are excluded. Thus, it is expected that these fees will be higher.

There are a number of other agencies that will levy impact fees on the project, including the County of Contra Costa, the local school, and sewer and water districts. The County's traffic fee would apply to the project and is about \$5,000 per unit. This would generate fees of \$545,000 from the project to address regional traffic needs. The County's storm drainage fee would total about \$192,000. Water connection fees are estimated at \$2.4 million, and sewer connection fees are estimated at about \$780,000. Total impact fees from the project are estimated at \$6.55 million, or on average, almost \$64,700 per dwelling unit. This includes school impact fees discussed below.

CONTRA COSTA COUNTY FIRE DISTRICT REVENUES AND COSTS

The CCC Fire District provides fire services to a large portion of Contra Costa County's unincorporated area and 8 cities including Martinez (see **Table A-10 of Appendix A**). The total estimated population is estimated at slightly over 500,000 or half a million residents. This equates to a service standard of 1.6 sworn firefighters per 1,000 residents. The average cost per firefighter including all overhead, salaries and benefits, support staff, and equipment equals about \$300,000 per firefighter. At this service level and cost per firefighter, the project generates the need for .42 new firefighters at a cost of about \$126,500.

The CCC Fire District receives its own dedicated share of property tax revenue from development, estimated at 12.11% of the total 1% for this analysis, based on existing tax rate areas and tax allocation factors for the site's parcels. This amount of property tax revenue is estimated to more than cover the project's fire service costs. Total estimated project revenues are estimated at about \$174,700 per year, with a new fiscal benefit to the

CCC Fire District of about \$48,000 per year. This means that projected revenues are estimated to exceed average service costs by about one-fourth or 28%.

LOCAL SCHOOL IMPACT FEES AND OTHER ANNUAL REVENUE

The Martinez Unified School District (USD) will levy school impact fees on the project, which are estimated to total about \$1.17 million or at the current rate of \$2.97 per residential sqft of building space. These fees increase each year and the actual fees paid will depend on when the project units are developed. **Table 9** summarizes the impact fees to the school district.

Martinez USD and other school districts will receive a total of about \$710,000 annually in property tax revenues from the project based on estimated tax allocation factors for the project (see **Table A-6 of Appendix A** and **Table 9**). About 86% of this revenue will flow to the Martinez USD while the remainder will flow to the local community college district.

GEOLOGICAL HAZARD ASSESSMENT DISTRICT (GHAD)

The project engineers, ENGEO, preliminarily estimated the annual maintenance costs associated with the project's Geological Hazard Assessment District or GHAD. GHADs protect homeowners from unexpected capital and maintenance costs associated with geologic hazards abatement of the project. The GHAD charges an annual assessment to cover expected costs, including estimates of periodic slides, and other capital costs.

All of the on-site open space area associated with the project is considered open space and habitat area, with the exception of the park acreage (which includes the tot lot) and any landscaping along roadways. This open space habitat does not include the open space portion of the individual private lots. Home construction would occur on approximately 76 acres of developed area. Additional area would be occupied by roads. Any additional open space area would be open space and habitat.

The 240-acre project open space area will be included within the GHAD boundary and is proposed to be transferred to the GHAD. If approved by the City Council, the GHAD will be responsible for landslide repair and related abatement and management activities. Those obligations will be reflected in the GHAD budget prepared by ENGEO prior to GHAD formation. A third party conservation organization will be the holder of the conservation easement and will manage the open space habitat in perpetuity. The costs of the environmental mitigation for the project would be funded directly by the developer through an endowment, estimated to be about \$1 million, which will cover the average annual costs of about \$35,000 per year.²

² Per Malcom Sproul, LSA Associates, June 8, 2011.

Table 10 summarizes the project's estimated annual GHAD costs, which total \$214,500 per year. This includes a 10% contingency and \$33,000 per year in reserve costs. These costs will be spread over each dwelling unit based on the amount of lot area by lot type, which totals 1.656 million sqft of area. For instance, as shown in **Table 10**, the 10,000 sqft lots represent 61% of the residential lot area associated with the project and they would be allocated 61% of the GHAD annual costs. This results in an annual cost of \$1,718 per unit. The assessments per unit will range from \$1,200 per unit for the 7,500 sqft lots to \$5,761 for the 40,000 sqft lots. The average assessment would be \$1,950 per unit.

HOMEOWNER'S ASSOCIATION (HOA)

Table 11 summarizes the project's HOA costs. The cost of this annual maintenance has been annualized and is estimated to be about \$102,000 per year in total, including administrative costs, reserves, and a contingency. Administrative costs are estimated at 15% of total annual maintenance costs. The reserve is estimated at 10% of all maintenance and administrative costs. The contingency cost is assumed to be 5% of all the maintenance, administrative, and reserve costs. Actual costs will be based on the final contracts for these services.

The maintenance costs included in the proposed HOA include:

- Onsite Roadway³
- Emergency Access Roadway
- Landscaped Areas along Roads
- Street Lights
- Park and Tot Lot
- Trails

This cost is allocated to each dwelling based on the total distribution of residential building space or size of unit. The annual HOA dues will range from \$700 for the 7,500 sqft lots to about \$1,700 per unit for the largest, 40,000 sqft lots. The average annual cost per unit is about \$925 per unit. The actual cost per unit type will be based on the final size of the units after construction and may vary slightly.

³ For this analysis, the project's streets and emergency roads are assumed to be private, and maintained by the Homeowner's Association, which is common for projects such as this one. If the roadways are public they would be publicly maintained and there would be a modest annual cost for this work, which typically includes periodic street cleaning and resurfacing every 5 to 15 years.

Table 5
General Fund Revenues
Alhambra Highlands Fiscal Impact Analysis -2011

Revenue Item	City of Martinez 2010-2011 Adopted Budget	Forecasting Method or Reference	Current Per Capita or Cost Factor	Alhambra Highlands	Percent Distribution
Total General Fund Revenues (1)					
Property & Supp. Tax & ERAF	\$6,531,074	See Table A-6		\$225,894	65%
Sales Tax Shift	\$0	Not forecast or impacted by growth			
Sales and Use Tax	\$2,823,388	See Table A-7	(2)	\$11,024	3%
Sales Tax In-Lieu	\$1,043,641	Not Forecast; included in Sales Tax above	(2)		
VLF as Property Tax (swap)	\$2,593,784	Based on % increase in AV; See Table 4		\$87,714	25%
Transient Occupancy Tax	\$331,500	Per Daytime Population	\$7.65	\$2,027	1%
Business License	\$636,540	Not Impacted by Project			
Franchise Fees	\$1,427,000	Per Daytime Population	\$32.92	\$8,727	3%
Document Transfer Tax	\$90,000	See Table A-8		\$7,551	2%
Water System In-Lieu Tax	\$407,308	Not impacted by growth			
Licenses, Permits & Fees	\$584,995	Offsets Costs-See Table 6			
Fines & Forfeitures	\$381,158	Per Daytime Population	(4)	\$2,331	1%
Intergovernmental (non police)	\$553,190	Not forecast or impacted by growth			
Public Safety Sales Tax Prop 172	\$405,756	Offsets Police Costs			
Charges for Services	\$711,172	Offsets Costs-See Table 6			
Use of Money & Property	\$410,635	Offsets Costs/Not Impacted by Growth			
Other Revenue	\$119,548	Not forecast or impacted by growth			
Total Forecasted GF Revenues	\$19,050,689			\$345,268	100%

(1) From "Biennial Budget, 2009-10 and 2010-11" page 57.

(2) This revenue is estimated in Table A-7 with the 1% of taxable sales; the City gets 3/4s of the 1% directly as sales tax, and the remaining 1/4 through property tax reimbursement.

(3) Includes total population and total employment in the City; see Table 2.

(4) See Table 2; daytime population equals total population and 33% of employment.

Sources: City of Martinez; Brion & Associates.

Table 6
General Fund Expenditures
Alhambra Highlands Fiscal Impact Analysis -2011

General Fund Dept.	City of Martinez 2010-2011		Net Variable Costs	Forecasting Method (3)	Current Cost Factors	Alhambra Highlands	Percent Distribution
	Biennial Budget (1)	Offsetting Revenues					
General Government	\$1,097,034	\$5,305	\$1,091,729	25%	\$818,797	\$5,008	5.0%
Non-Dept Services	\$1,147,391		\$1,147,391	25%	\$860,543	\$5,263	5.3%
Admin. Services	\$783,043		\$783,043	25%	\$587,282	\$3,592	3.6%
Public Works							
Inspection	\$742,948	\$159,135	\$583,813	10%	\$525,432	\$3,213	3.2%
Code Enforcement	\$135,221		\$135,221	10%	\$121,699	\$744	0.7%
Traffic Control Maint.	\$229,166		\$229,166	10%	\$206,249	\$1,261	1.3%
Street Lighting	\$356,475		\$356,475	10%	\$320,828	\$1,962	2.0%
Parks/Grounds Maint.	\$1,285,203	\$45,914	\$1,239,289	10%	\$1,115,360	\$6,821	6.8%
Cemetery Maint.	\$54,166		\$54,166	10%	\$48,749	\$298	0.3%
Open Space Maint.	\$98,812		\$98,812	10%	\$88,931	\$544	0.5%
Public Facilities Maint.	\$171,621		\$171,621	10%	\$154,459	\$945	0.9%
City Hall Bldg. Maint.	\$0		\$0	10%	\$0	\$0	0.0%
Maint. Services	\$718,305		\$718,305	10%	\$646,475	\$3,954	4.0%
Police Dept	\$10,131,496	\$430,756	\$9,700,740	5%	\$9,215,703	\$59,591	59.8%
Community Development							
Community Dev.	\$303,869	\$424,360	-\$120,491	10%	(\$108,442)	(\$663)	-0.7%
Economic Dev.	\$16,790		\$16,790	10%	\$15,111	\$92	0.1%
Planning	\$447,658	\$134,203	\$313,455	10%	\$282,110	\$6,51	1.7%
Engineering	\$360,791	\$159,135	\$201,656	10%	\$181,490	\$4,19	1.1%
Community Services Adm.	\$365,781	\$31,520	\$334,261	10%	\$300,835	\$6,94	1.8%
Cultural & Arts	\$52,570		\$52,570	10%	\$47,313	\$289	0.3%
General Recreation	\$62,906	\$53,273	\$9,633	10%	\$8,670	\$53	0.1%
Muni. Swimming Pool	\$1,323		\$1,323	10%	\$1,191	\$7	0.0%
Amphitheatre	\$11,564		\$11,564	10%	\$10,408	\$64	0.1%
Day Care	\$64,149	\$87,000	-\$22,851	10%	(\$20,566)	(\$126)	-0.1%
Sports Programs	\$80,410	\$26,523	\$53,887	10%	\$48,498	\$297	0.3%
Senior Center Programs	\$321,666	\$8,000	\$313,666	10%	\$282,299	\$6,51	1.7%
Alzheimer Respite	\$8,780		\$8,780	10%	\$7,902	\$48	0.0%
Total Expenditures	\$19,049,138	\$1,565,124	\$17,484,014		\$13,492,801	\$99,659	100%

(1) Taken from pages 41-42 of "City of Martinez 2009-2010, and 2010-2011 Biennial Budget" (June 24, 2009).

(2) Represents an estimate of what percentage of a department's cost are fixed and not directly impacted by growth.

Sources: City of Martinez; Brion & Associates.

Table 7
Summary of Fiscal Impact Analysis & Other Benefits
Alhambra Highlands Fiscal Impact Analysis -2011

General Fund Category or Item	Alhambra Highlands	
	Amount	Percent Distribution
<u>ON-GOING ANNUAL GENERAL FUND IMPACT</u>		
General Fund Revenues (1)		
Property & Supp. Tax & ERAF	\$225,894	65.4%
Sales Tax Shift	\$0	0.0%
Sales and Use Tax	\$11,024	3.2%
Sales Tax In-Lieu	\$0	0.0%
VLF as Property Tax (swap)	\$87,714	25.4%
Transient Occupancy Tax	\$2,027	0.6%
Franchise Fees	\$8,727	2.5%
Document Transfer Tax	\$7,551	2.2%
Fines & Forfeitures	\$2,331	0.7%
Total General Fund Revenues	\$345,268	100%
General Fund Expenditures		
General Government	\$5,008	5.0%
Non-Dept Services	\$5,263	5.3%
Admin. Services	\$3,592	3.6%
Public Works	\$19,743	19.8%
Police Dept	\$59,591	59.8%
Community Development	\$6,463	6.5%
Total General Fund Expenditures	\$99,659	100%
<u>General Fund Net Fiscal Balance</u>	\$245,609	
Surplus/(Shortfall) as % of Revenues		71%
<u>Contra Costa Co. Fire Protection District</u>		
Estimated Property Tax Revenues	(2) \$174,707	
Estimated District Costs	(3) \$126,424	
Fire District Balance	\$48,283	
Surplus/(Shortfall) as % of Revenues		28%

(1) Only revenues impacted by growth and development are estimated; see Table 5

(2) See Table A-6 for property tax revenues..

(3) See Table A-10 for Fire District cost estimates.

Source: Brion & Associates.

**Table 8
Estimated One-Time Project Impact Fees
Alhambra Highlands Fiscal Impact Analysis -2011**

Item	Fee Rates	Alhambra Highlands
One Time Impact Fees (1)		
Child Care Fee	\$432 per unit	\$47,520
Transportation Impact Fee	\$1,780 per unit	\$195,800
Park in Lieu	\$5,095 per unit	\$560,450
Police Facility Fee	\$411 per unit	\$45,210
Cultural Facility Fee	na	
Total City Impact Fees Due		\$848,980
Average Fee per Unit		\$7,718
Building Permit & Plan Check Fees (2)		
Building Permit Fees		\$787,554
Plan Check		\$299,271
Plan Check Energy Calculations		\$74,818
CA Building Std. Commission Fee		<u>\$4,561</u>
Total Building and Plan Check		\$1,166,204
Other Non City Impact Fees		
County Traffic Fee	(3) \$4,955	\$545,050
Storm Drainage Fees (Area 5)	(4) \$0.25 /sf of impervious surface	
Impervious Surface	769,585 sqft, homes/roads	\$192,396
School Impact Fees	(5)	\$1,173,637
CC Water District Fees	(6)	\$2,406,250
CCC Sanitary District Fees	(6)	<u>\$780,120</u>
Total Other Impact Fees		\$5,097,453
TOTAL ONE TIME IMPACT FEES		\$7,112,637
Per unit fees		\$64,660

(1) See Page 21 of Conditions of Approval, PUD 08-01, UP08-17 and Sub 9257.

Planning Commission Resolution PC 11-06, approved April 12, 2011.

(2) See Schedule of Fees for City Services, City of Martinez

Resolution 015-09, Effective July 1, 2009

Mechanical, Plumbing, Electrical and Engineering Review fees would also apply but have not been estimated as more detailed project plans are required for these estimates.

(3) See CCC Public Works Dept. Traffic Fee Schedule, as of March 1, 2011.

<http://ca-contracostacounty.civicplus.com/DocumentView.aspx?DID=5543>

(4) Estimated impervious surface:

See page 22 of Conditions of Approval and City Schedule of Fees, page 11.

(5) See Table 9 for estimates of school impact fees for Martinez USD.

(6) See Table A-11 of Appendix A for details.

Sources: City of Martinez; Contra Costa County; Brion & Associates.

**Table 9
Summary of Annual School Revenues and One Time Impact Fees
Alhambra Highlands Fiscal Impact Analysis -2011**

Item	Rates	Alhambra Highlands	Percent
Annual Property Tax Revenues (1)			
Martinez USD		\$365,533	51%
K-12 Schools ERAF		\$244,385	34%
CCC Community College		\$63,832	9%
Com College ERAF		<u>\$36,388</u>	<u>5%</u>
Total School Related Property Tax		\$710,138	100%
School Impact Fees (2)			
Residential	\$2.97 per sqft	<u>\$1,173,637</u>	
Total Impact Fees		\$1,173,637	

(1) See Table A-6 for detailed estimate of property tax revenues.

(2) Per Regina Webber, Martinez USD, May 23, 2011.

The developer fees go into one fund and are used for elementary, middle and high school capacity need associated with new development.

Sources: Martinez Unified School District; Brion & Associates

**Table 10
Geological Hazard Assessment District (GHAD) Budget and Assessment per Unit
Alhambra Highlands Fiscal Impact Analysis -2011**

Item	Amount	Percent
Annual Geological Hazard Assessment District (GHAD) (1)		
Professional Services	\$16,000	7.5%
Open Space Maintenance & Operations	\$50,000	23.3%
Slope Stabilization	\$20,000	9.3%
Erosion Protection	\$15,000	7.0%
Large Scale Repair (Annualized)	\$40,000	18.6%
Administration	\$24,000	11.2%
Misc./Contingency at 10%	\$16,500	7.7%
Reserve	<u>\$33,000</u>	<u>15.4%</u>
Total Annual GHAD Expenses	\$214,500	100.0%
Residential Lot Area by Unit Type		
7,500 Sqft Lots	138,930	8.4%
10,000 Sqft Lots	1,007,793	60.9%
20,000 Sqft Lots	321,670	19.4%
30,000 Sqft Lots	98,355	5.9%
40,000 Sqft Lots	<u>88,944</u>	<u>5.4%</u>
Total Residential Sqft	1,655,692	100.0%
GHAD Cost per Sqft of Residential Area	\$0.13	
Annual Cost per Unit by Type of Unit		
7,500 Sqft Lots	\$17,999	8.4%
10,000 Sqft Lots	\$130,563	60.9%
20,000 Sqft Lots	\$41,673	19.4%
30,000 Sqft Lots	\$12,742	5.9%
40,000 Sqft Lots	<u>\$11,523</u>	<u>5.4%</u>
Total	\$214,500	100.0%
Per Unit Annual Assessments		
7,500 Sqft Lots	\$1,200	
10,000 Sqft Lots	\$1,718	
20,000 Sqft Lots	\$2,977	
30,000 Sqft Lots	\$4,247	
40,000 Sqft Lots	\$5,761	
Average Cost per Dwelling Unit	\$1,950	

(1) GHAD estimates provided by Eric Harrel, Associate, CEG, ENGEO Inc. May 2011

Sources: ENGEO, Inc.; Brion & Associates.

**Table 11
Homeowner's Association (HOA) Budget and Assessment per Unit
Alhambra Highlands Fiscal Impact Analysis -2011**

Item	Assumptions	Amount	Unit
Amount of Areas to be Maintained			
Onsite Roadway	(1)	1.79	miles
Emergency Access Roadway		0.60	miles
Landscaped Areas along Roads		2.2	acres
Street Lights		65	lights
Park and Tot Lot		0.6	acres
Trails		1.33	miles
Average Annual Per Unit Maintenance Costs			
Onsite Roadway (average annual cost)		\$2,000	per mile
Emergency Access Roadway		\$8,000	per mile
Landscaped Areas along Roads		\$15,000	per acre
Street Lights		\$250	per light
Park and Tot Lot		\$25,000	per acre
Trails		\$3,000	per mile
Annual HOA Maintenance Costs			
Onsite Roadway		\$3,578	
Emergency Access Roadway		\$4,783	
Landscaped Areas along Roads		\$33,000	
Street Lights		\$16,250	
Park and Tot Lot		\$15,000	
Trails		\$3,977	
Administration at 15%		\$11,488	
Reserve at 10%		\$8,808	
Contingency at 5%		<u>\$4,844</u>	
Total HOA Annual Costs		\$101,729	
Assessment per Dwelling Unit - Cost Allocation (% of Residential Sqft)			
7,500 Sqft Lots	10.5%	\$10,640	
10,000 Sqft Lots	64.1%	\$65,206	
20,000 Sqft Lots	17.7%	\$18,008	
30,000 Sqft Lots	4.4%	\$4,440	
40,000 Sqft Lots	<u>3.4%</u>	<u>\$3,435</u>	
Total Annual Assessment Costs	100.0%	\$101,729	
Per Unit HOA Annual Assessment per Unit Type			
7,500 Sqft Lots		\$709	
10,000 Sqft Lots		\$858	
20,000 Sqft Lots		\$1,286	
30,000 Sqft Lots		\$1,480	
40,000 Sqft Lots		\$1,717	
Average Cost per Unit		\$925	

(1) For this analysis, the project's streets and emergency roads are assumed to be private, and maintained by the Homeowner's Association, which is common for projects such as this one. If the roadways are public they would be publicly maintained and there would be a modest annual cost for this work, which typically includes periodic street cleaning and resurfacing every 5 to 15 years.

Sources: DK Associates; LSA Associates; Brion & Associates.

4. Fiscal Results and Conclusions

This chapter presents the results of the fiscal analysis and conclusions for the Alhambra Highlands project and the City of Martinez. As discussed in the **Introduction**, this analysis analyzes the impacts of the project on the City's General Fund revenues and expenditures based on the *City of Martinez Adopted Biennial Budget FY 2010-2011*. It provides a snapshot of how the project will perform fiscally assuming today's budgetary conditions and project completion. All figures are in current 2011 constant dollars. This type of analysis is not considered a detailed budget forecast. However, it provides useful information into the cost and benefit of a project and can serve as a practical planning tool. As discussed above, the project also generates a substantial amount of one-time revenues and impact fees, which can also be considered a benefit.

FISCAL RESULTS

Table 7 (above) summarizes the fiscal benefits and costs of the proposed Alhambra Highlands residential project at buildout or project completion. As shown, project revenues exceed service costs overall by about \$246,000. That is, net project revenues are estimated at 71% of total project revenues. Revenues to the City of Martinez's General Fund are estimated to equal approximately \$345,000, while General Fund costs are approximately \$100,000 per year. As shown, about 65% of revenues come from property taxes, 25% from Vehicle In-Lieu Fees, and 3% from sales tax. The project would also generate an additional \$79,000 in one-time documentary transfer tax as the units are developed and sold for the first time, which is not included in the General Fund annual revenue totals of this analysis.

The majority of project-related costs are associated with the Police (60%) and Public Works (20%) departments. General government is projected to equal about 5% of total costs, followed by Community Development at 6.5%. All other costs are a very small percentage of project costs.

Total General Fund costs will be more than covered by expected project revenues, and generate a substantial annual benefit to the City, equal to about ¼ of a million per year in net new revenues. The project would generate a 2% increase overall in General Fund revenues for the City of Martinez, which is a significant benefit to the entire community.

CONCLUSIONS

The fiscal impact analysis of the Alhambra Highlands project shows that overall, the project is fiscally positive at buildout. The analysis shows that the project can more than fund its public service costs after development is complete.

The current market price for a project residence is expected to be \$1.25 million. Thus, while city revenues have been decreasing due to the recent recession and the State budget crisis, a project with high average market values will help the City remain fiscally sound over the long term. The Alhambra Highlands will generate a net positive fiscal benefit to the City.

The project will generate a significant amount of one-time fee revenue for a variety of public agencies, including the City, estimated to total about \$7.2 million. This revenue will be used to benefit the broader community and pay for project related public facilities, such as new sewer and water service. This is in addition to the project's estimated \$35 million in project infrastructure, public facilities, and site work. The on site work will generate about 1,800 new construction job years of employment. The project impact fees will also generate new employment opportunities in the city and surrounding areas as this fee revenue is spent on new facilities and improvements.

The project would generate 1,817 new job years of construction employment which represents a significant benefit to the local construction industry.

Study Qualification and Disclaimer

This analysis uses standard methods of estimated city costs and revenues used in the urban economics field. This study analyzes how the proposed Alhambra Highlands project would perform fiscally based on the City of Martinez's current existing adopted budget, and the budget parameters and factors contained in that document. It is also based on current estimates of home prices, and active sales prices of similar projects and homes in the higher end residential housing market. The analysis generally describes the project's anticipated fiscal performance based on a current understanding of real estate market conditions and the City of Martinez's fiscal conditions, i.e., how projected revenues will relate to expected City and Fire District costs. This analysis does not represent a precise estimate of any one particular revenue stream, future housing prices, or cost items in the future. The analysis uses an average cost approach for revenues and cost items, which means that future residents of the Alhambra Highlands Project are expected to generate similar revenues and costs on a per capita basis when compared to existing residents. In the case of police and fire services current service levels are applied to the project. To the extent that the City's budget changes significantly and/or housing prices change significantly, then the results may differ. However, the project is likely to generate a significant fiscal surplus because 1) of the very high home prices expected, and 2) the use of the HOA for many maintenance costs.

**Appendix A:
Detailed Fiscal Model Printout**

Appendix A
Detailed Revenue and Expenditures Projections
Alhambra Highlands Fiscal Impact Analysis -2011

Table # Table Name

Table A-1	Average New Household Income Estimates
Table A-2	New Housing Developments Surveyed in Select Areas of Alameda and Contra Costa Counties
Table A-3	Large Lot Homes in Martinez Hillside Locations, Resales, and Custom Lots
Table A-4	Parcel Numbres, Acreage and Current Assessed Value - FY 2010-2011
Table A-5	Tax Allocation Factors by Tax Rate Area, and Weighted Average TAFs for Site
Table A-6	Property Tax Revenues by Agency
Table A-7	Sales Tax Revenues
Table A-8	Real Property Transfer Tax
Table A-9	Police Services
Table A-10	Fire Services
Table A-11	Water and Sewer Connection Fees

Source: Brion & Associates.

Table A-1
Average New Household Income Estimates
Alhambra Highlands Fiscal Impact Analysis -2011

<u>Alhambra Highlands</u>	Unit Count	Average Market Value Price	Annual Housing Cost (1)	Annual Income Per Unit (2)	Project Total Income	Monthly Mortgage Payment
7,500 Sqft Lots	15	\$812,856	\$36,142	\$108,425	\$1,626,379	\$3,012
10,000 Sqft Lots	76	\$1,083,151	\$48,160	\$144,479	\$10,980,426	\$4,013
20,000 Sqft Lots	14	\$1,623,898	\$72,203	\$216,609	\$3,032,520	\$6,017
30,000 Sqft Lots	3	\$1,868,490	\$83,078	\$249,234	\$747,702	\$6,923
40,000 Sqft Lots	2	\$2,168,010	\$96,396	\$289,187	\$578,373	\$8,033
Total	110				\$16,965,401	
Average		\$1,248,076	\$55,493	\$154,231		\$4,624

(1) Total per year of monthly mortgage payments including principal and interest assuming:

Loan/Value	60% assumes trading up.
Interest Rate	6.0%
Term (years)	30
Loan Costs	3%

(2) Annual income is assumed to be three times Average Housing Cost; this is a conservative estimate.

Sources: Richfield Investment Corp. dba Richfield Development; SS Slate & Associates; Brion & Associates.

Table A-2
New Housing Developments Surveyed in Select Areas of Alameda and Contra Costa Counties
As Of February 2011
Alhambra Highlands Fiscal Impact Analysis -2011

NO.	DEVELOPMENT	BUILDER	CITY	COMMUNITY	SALES INFORMATION					PRICING INFORMATION				FLOOR PLAN CHARACTERISTICS	
					TOTAL UNITS	UNITS OFF'D	UNITS AVAIL.	MONTHLY SALES		LIST BASE	ADVERTISED CONCESS.	PRICE/ SQ.FT.	TYPICAL PREMIUMS	SIZE (SQ.FT.)	
								QUARTER	OVERALL						
1	Hummingbird Place	Robson Homes	Fremont	Irvington District	66	0	0	0.4/mo.	3.3/mo.	\$635,818	\$2,500	\$344	\$159,500	1,865	
2	Mission Estates	Robson Homes	Fremont	Mission District	32	25	5	0.6/mo.	1.3/mo.	\$1,593,075	\$0	\$446	\$0	3,587	
3	Cedarbrook	Regis Homes	Fremont	Nile's District	27	27	1	0.6/mo.	1.4/mo.	\$807,122	\$0	\$389	\$0	2,113	
4	Arroyo Crossing Classics	O'Brien Homes	Livermore	Arroyo Crossing	122	112	5	0.9/mo.	2.4/mo.	\$707,250	\$20,000	\$287	\$10,000	2,507	
5	Maranello	Braddock and Logan Ho	Dublin	Dublin Ranch - Posit:	93	93	2	0.6/mo.	5.4/mo.	\$726,805	\$10,000	\$275	\$20,000	2,714	
6	Cortona	DR Horton	Dublin	Positano	68	12	4	8.0/mo.	8.0/mo.	\$787,974	\$10,000	\$268	\$12,527	2,957	
7	Livorno	K. Hovnanian	Dublin	Positano	69	20	7	5.2/mo.	5.2/mo.	\$751,690	\$15,000	\$264	\$32,163	2,875	
8	Mesa Point	Discovery Homes	Dublin	Schaefer Ranch	75	56	5	1.2/mo.	1.7/mo.	\$760,107	\$25,000	\$247	\$0	3,092	
9	Shadow Canyon	Discovery Homes	Dublin	Schaefer Ranch	110	50	8	1.2/mo.	1.4/mo.	\$923,053	\$30,000	\$280	\$0	3,349	
10	Carrick Village	Toll Brothers	Hayward	Stonebrae	102	85	12	0.0/mo.	1.3/mo.	\$998,917	\$20,000	\$245	\$0	4,103	
11	Stirling Village	Standard Pacific Homes	Hayward	Stonebrae	61	61	2	0.4/mo.	1.2/mo.	\$825,443	\$10,000	\$238	\$0	3,481	
12	Veranda Heights	Pulte Homes	Hayward	Stonebrae	55	23	6	0.8/mo.	1.4/mo.	\$766,257	\$22,946	\$248	\$0	3,108	
13	Alamo Crest	Davidon Homes	Alamo	Alamo	39	31	6	2.0/mo.	0.6/mo.	\$1,681,635	\$50,000	\$371	\$158,375	4,548	
14	Cimmaron	Shapell Homes	Danville	Alamo Creek	207	19	8	1.6/mo.	1.4/mo.	\$929,511	\$2,500	\$339	\$2,500	2,764	
15	Cypress	Shapell Homes	Danville	Alamo Creek	48	4	2	-0.3/mo.	0.4/mo.	\$1,166,629	\$2,500	\$305	\$2,500	3,839	
16	Ponderosa Colony	Ponderosa Homes	Danville	Alamo Creek	50	50	1	0.3/mo.	0.9/mo.	\$1,103,930	\$30,000	\$289	\$80,000	3,831	
17	Sagewood	Shapell Homes	Danville	Alamo Creek	130	15	1	1.0/mo.	1.8/mo.	\$811,513	\$2,500	\$344	\$120,000	2,413	
18	Oakbridge	Braddock and Logan	Danville	Tassajara Lane	26	26	4	3.4/mo.	2.4/mo.	\$1,299,572	\$0	\$335	\$0	3,891	
19	Solaire	Shapell Homes	San Ramon	Gale Ranch	108	45	4	0.3/mo.	6.6/mo.	\$799,576	\$2,500	\$338	\$5,155	2,420	
20	Athena	Shapell Homes	San Ramon	Gale Ranch - Mosaic	161	80	4	2.1/mo.	1.9/mo.	\$875,966	\$0	\$329	\$0	2,704	
21	Belmaison	Shapell Homes	San Ramon	Gale Ranch - Mosaic	64	64	2	1.4/mo.	1.6/mo.	\$820,621	\$2,500	\$312	\$41,019	2,675	
22	Florentine	Shapell Homes	San Ramon	Gale Ranch - Mosaic	120	41	4	0.7/mo.	0.9/mo.	\$1,076,456	\$50,000	\$299	\$0	3,657	
23	Norris Canyon Estates	Toll Brothers	San Ramon	San Ramon	307	284	14	0.6/mo.	2.1/mo.	\$1,678,067	\$75,000	\$342	\$0	4,959	
24	Santorini	Brookfield Homes	San Ramon	Windemere	101	101	0	5.5/mo.	2.4/mo.	\$1,105,446	\$30,000	\$251	\$0	4,402	
Total					2,241	1,390	107			\$984,685	\$17,206	\$308	\$61,222	3,244	
Average															

Note: community sales reflects total monthly sales for all individual new home developments within the community.

Note: Monthly Costs assume 80.00% LTV and 5.000% fixed 30yr. mortgage.

Dens, bonus rooms, lofts, etc. are counted as bedrooms

Source: Real Estate Economics

and SS Slate & Associates

www.realestateconomics.com

Table A-3
Large Lot Homes in Martinez Hillside Locations, Resales, and Custom Lots
Alhambra Highlands Fiscal Impact Analysis -2011

PDF	Unit Size	Lot Size	Acres	List Price	Sales Price	List Price per Sqft	Price Sold per Sqft	Price/Lot Sqft	Year Built	Address
1	4,198	63,547	1.5	\$1,599,900		\$381	\$0		1992	5343 Stonehurst, Martinez
2	3,027	217,800	5.0	\$1,199,000		\$396	\$0		2006	95 Hampton Rd., Martinez
3	4,681	64,468	1.5	\$1,895,000		\$405	\$0		2011 Planned	1 Casa de Campo, Martinez
4	5,500	50,529	1.2	\$1,995,000		\$363	\$0		2011 Planned	2 Creekside Oaks, Martinez
5		58,080	1.3	\$2,295,000		na	na	\$40	2011 Planned	6 Creekside Oaks, Martinez
6	5,700	1,916,640	44.0	\$2,500,000		\$439	\$0		2002	5696 Alhambra Valley Rd, Martinez
7	4,975	85,377	2.0	\$1,400,000		\$281	\$275		1997	5383 Stonehurst, Martinez
8	4,274	425,126	9.8	\$1,099,000	\$1,050,000	\$257	\$246		1992	20 Paso de Avila, Martinez
9	3,200	696,960	16.0	\$1,199,000	\$1,199,000	\$375	\$375		1986	1091 Periera Rd., Martinez
10	3,343	260,053	6.0	\$1,295,000	\$1,150,000	\$387	\$344		1980	1290 Bearcreek Rd., Martinez
11	3,929	55,321	1.3	\$1,795,000	\$1,650,000	\$457	\$420		2003	5319 Stonehurst Drive, Martinez
12	4,411	424,710	9.8	\$1,785,000	\$1,550,000	\$405	\$351		2006	275 Rancho Maria, Martinez
13	6,943	80,586	1.9	\$3,195,000	\$2,750,000	\$460	\$396		2008	50 Cross Creek Drive, Martinez
Total Average	4,515	338,400	7.8	\$1,788,608	\$1,558,167	\$384	\$355			
Average, 2000 or newer	4,884	401,436	9.2	\$2,052,000	\$1,983,333	\$418	\$389			
Average, Prior to 2000	3,998	306,213	7.0	\$1,318,580	\$1,133,000	\$336	\$321			

Recent and Current Sales of large lot, hillside homes in Martinez from SS Slate & Associates, as of April 2011.

Note that these lots are much larger than those proposed in the project.

Sources: SS Slate & Associates; Brion & Associates.

**Table A-4
Parcel Numbres, Acreage and Current Assessed Value - FY 2010-2011
Alhambra Highlands Fiscal Impact Analysis -2011**

Parcel No.	Tax Rate Area	Lot Size in Acres (1)	Land Assessed Value	Total Assessed Value
164-010-019	05004	13.50	\$367,336	\$367,336
164-010-025	05006	22.30	\$624,306	\$624,306
164-010-026	05004	42.80	\$877,753	\$877,753
164-150-016	05000	79.50	\$2,321,333	\$2,321,333
164-150-022	05013	31.50	\$1,285,958	\$1,285,958
164-150-030	05006	28.90	\$1,021,607	\$1,021,607
366-010-007	05000	33.00	\$858,038	\$858,038
366-060-007	05000	46.00	\$1,261,174	\$1,261,174
		297.50	\$8,617,505	\$8,617,505
Total Average Value per Acre			\$28,966	

Note: Acreage is from DK Associates, the project engineers, and varies slightly from the County Assessor's Data.

Sources: Contra Costa County Assessor's website (April 25, 2011); DK Associates; Brion & Associates.

Table A-5**Tax Allocation Factors by Tax Rate Area, and Weighted Average TAFs for Site
Alhambra Highlands Fiscal Impact Analysis -2011**

Agency	TRA and TAFs				Weighted Average TAFs
	05000	05004	05006	05013	
ACREAGE	159	56	51	32	
County General	13.78%	13.34%	13.03%	14.00%	13.6%
County Library	1.47%	1.37%	1.38%	1.44%	1.4%
Contra Costa Fire	12.42%	11.60%	11.69%	12.17%	12.1%
CC Flood Control	0.17%	0.16%	0.16%	0.17%	0.2%
Flood Control Z-3B			0.65%	0.68%	0.2%
Co. Water Agency	0.04%	0.03%	0.03%	0.03%	0.0%
CC Res Conservation	0.02%	0.01%	0.01%	0.02%	0.0%
CCC Mosquito Abatement	0.15%	0.14%	0.14%	0.15%	0.1%
Central Sanitary	1.86%	1.78%	1.78%	1.85%	1.8%
CCC Water District	0.47%	0.44%	0.44%	0.46%	0.5%
BART	0.62%	0.58%	0.58%	0.61%	0.6%
Bay Area Air MGMT	0.18%	0.17%	0.17%	0.18%	0.2%
East Bay Regional Park	2.97%	2.76%	2.78%	2.90%	2.9%
City of Martinez	15.95%	15.28%	14.93%	16.04%	15.7%
Co. Supt Schools	1.79%	0.88%	0.88%	1.75%	1.5%
K-12 Schools ERAF	17.21%	16.50%	16.31%	17.40%	16.9%
Martinez USD	23.77%	28.27%	28.35%	23.14%	25.3%
CCC Community College	4.56%	4.22%	4.24%	4.44%	4.4%
Com College ERAF	2.56%	2.46%	2.43%	2.59%	2.5%
TOTAL	100%	100%	100%	100%	100%

Sources: Contra Costa County; Brion & Associates.

Table A-6
Property Tax Revenues by Agency
Alhambra Highlands Fiscal Impact Analysis -2011

Item and Taxing Agency	Alhambra Highlands Assessed Value and Taxes	
Assessed Value	(1)	\$144,240,293
1% Property Tax Revenue	1%	\$1,442,403
Distribution of 1% Property Tax (2)		
County General	13.59%	\$196,063
County Library	1.43%	\$20,694
Contra Costa Fire	12.11%	\$174,707
CC Flood Control	0.17%	\$2,428
Flood Control Z-3B	0.18%	\$2,663
Co. Water Agency	0.03%	\$494
CC Res Conservation	0.02%	\$225
CCC Mosquito Abatement	0.15%	\$2,161
Central Sanitary	1.83%	\$26,389
CCC Water District	0.46%	\$6,569
BART	0.61%	\$8,757
Bay Area Air MGMT	0.18%	\$2,553
East Bay Regional Park	2.89%	\$41,634
City of Martinez	15.66%	\$225,894
Co. Supt Schools	1.46%	\$21,035
K-12 Schools ERAF	16.94%	\$244,385
Martinez USD	25.34%	\$365,533
CCC Community College	4.43%	\$63,832
Com College ERAF	2.52%	\$36,388
Total Property Tax Revenue	100%	\$1,442,403
Supplemental Taxes/Bonds, Etc		
BART	0.0031%	\$45
East Bay Regional Park	0.0084%	\$121
Martinez USD Bond 88	0.0476%	\$687
Martinez USD Bond 95	0.0153%	\$221
Com College Bond 2002	0.0049%	\$71
Com College Bond 2006	<u>0.0084%</u>	<u>\$121</u>
Total Supplemental Taxes	0.0877%	\$1,265
Total Property Taxes	1.0877%	\$1,443,668

(1) Base assessed value is based on FY 2005-06 assessment, see Tables A-4 and A-5 for details.
For new assessed values, see Table 4.

Sources: Contra Costa County; Brion & Associates.

Table A-7
Sales Tax Revenues
Alhambra Highlands Fiscal Impact Analysis -2011

Item	Assumption	Alhambra Highlands
Sales Tax from Residents		
Total Units		110
Occupied Households	95% (1)	105
Average Household Income		\$154,231
Total Occupied Household Income		\$16,117,131
Household Expenditures (% of income)	76% (2)	\$12,249,019
Retail Expenditures (% of household exp.)	36% (3)	\$4,409,647
Amount of Retail Exp. Captured in City	25% (4)	\$1,102,412
Sales Tax Rate for Martinez	1.0%	
Annual Sales Tax Revenues From Residents		\$11,024
Sales Tax per Year per Occupied Household		\$105

- (1) Assumes at any one time 5% of units would be vacant or on the market.
- (2) Based on consumer spending patterns from Bureau of Labor Statistics for households with incomes between \$120,000 to \$150,000.
- (3) Represents % of total expenditures that are spend on retail goods and services.
- (4) Represents the amount of retail expenditure residents will make in Martinez; other 75% of expenditures occur at or near work outside City, on vacations, and in other locations in the East Bay.

Sources: Bureau of Labor Statistics; Brion & Associates.

Table A-8
Real Property Transfer Tax
Alhambra Highlands Fiscal Impact Analysis -2011

Land Use	Turnover & Tax Rate Assumptions	Alhambra Highlands
<u>Ongoing Annual Transfer Tax Revenue</u>		
Assessed Value of Residential Development	(1,2)	\$137,288,356
Annual Turn Over per Year	10% of AV	\$13,728,836
Annual Real Transfer Tax Revenues from Residential	(1) \$0.55 per \$1,000 AV	\$7,551
<u>One Time, First Time Transfer Tax</u>		
AV of All New Development		\$144,240,293
One Time Real Transfer Tax Revenue	\$0.55 per \$1,000 AV	\$79,332

(1) The tax is \$1.10 per \$1,000 AV, but half goes to Contra Costa County and half to the City of Martinez

(2) Office, R&D and Retail development is not assumed to turn over in this analysis.

Source: Brion & Associates.

Table A-9
Police Services
Alhambra Highlands Fiscal Impact Analysis -2011

Item	Amount
Current Sworn Officers	39
Officers per 1,000 Residents	0.95
Current Police Budget (Net of Revenues)	\$9,215,703
Cost per Sworn Officer	\$236,300
New Population w/ Project	265
Required New Sworn Officers	0.25
New Annual Police Services Costs	\$59,591

Sources: City of Martinez; Brion & Associates.

Table A-10
Fire Services
Alhambra Highlands Fiscal Impact Analysis -2011

Items	Assumptions	Alhambra Highlands
Population of Cities Served as of 2010 (1)		
Antioch	107,700	
Concord	129,700	
Lafayette	24,400	
Martinez	36,900	
Pittsburg	67,200	
Pleasant Hill	35,200	
San Pablo	32,200	
Walnut Creek	<u>68,300</u>	
Total Cities Served	501,600	
Sworn Firefighters per 1,000 Residents	1.6	
Fire Services Expenditures		
Sworn Firefighters	(1) 316	
Current Net Fire Dept. Budget	(1) \$94,936,846	
Total Cost per Sworn Firefighter	\$300,433	
with Administrative Costs/Overhead/Benefits		
New Staffing Required for Project		
New Population with Project		265.1
New Firefighters	(2)	0.42
New Fire Services Costs		\$126,424
Estimated Fire District Revenues		\$174,707
Net Fiscal Balance for CCC Fire District		\$48,283
Percent Surplus		<u>28%</u>

(1) From CCC Fire Protection District Budget, Fiscal Year 2010-11, page 6.

<http://www.cccfpd.org/upfile/Administration/FY10-11.pdf>

Excludes administrative staff, information systems staff, clerks, etc.

Sources: Contra Costa County Fire Protection District; Brion & Associates.

Table A-11
Water and Sewer Connection Fees
Alhambra Highlands Fiscal Impact Analysis -2011

Item	Rates/Assumptions		
	(1)		
Water Connection Fees			
Residential	\$21,875	per Unit	(1) <u>\$2,406,250</u>
Total Water Connection Fees			\$2,406,250
Sewer Connection and Related Fees (2)			
Gravity Capacity Fee	\$5,451	per Unit	\$599,610
Pumping Capacity Fee	\$1,641	per Unit	<u>\$180,510</u>
Total Sewer Connection Fees			\$780,120
Total Water and Sewer Connection Fees			\$3,186,370

(1) Water service is provided by Contra Costa Water District.

Assumes 5/8" water line and meter applies rates as of April 1, 2011. See <http://www.ccwater.com/files/NewServiceFees.pdf>

(2) Sewer service is provided by Central Contra Costa Sanitary District.

Includes connection fees only; other charges will apply to the project for the main line sewer extension, pump zone fees per parcel, annexation fees, and new parcel fees. See

http://www.centrosan.org/documents/Ord_258.pdf

Sources: Contra Costa Water District; Central Contra Costa Sanitary District; Brion & Associates.

April 22, 2011

Mr. Gary Hernandez, City Clerk
City of Martinez – City Hall
525 Henrietta Street
Martinez, CA 94553



Pursuant to sections 22.06 and 22.40.100 of the City of Martinez Municipal Code, this letter shall serve as notice of appeal of the Planning Commissions April 12, 2011 decision to approve the development of Alhambra Highlands Project (2008) PUD #08-1/Sub #9257/UP #08-17 (the "Project") by approving the following:

- 1) Certification of the Final Subsequent Environmental Impact Report (SEIR);
- 2) Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
- 3) Vesting Tentative Map (Subdivision 9257);
- 4) Use Permit (UP) 08-17 (construction of a water reservoir tank); and
- 5) Alhambra Highlands Development Guidelines and Design Criteria. (Continued from the March 22, 2011, meeting) Applicant: Richfield Investment Corporation (TB)

We have been advised by the City that no appeal form exists, and this letter therefore shall satisfy the requirement set forth in section 22.40.100A that an appeal be made on the City's prescribed form.

This appeal incorporates by reference all previous testimony, both written and oral, submitted to the City in connection with the Project. Further we the undersigned expressly reserve the right to supplement this notice of appeal with such additional information as is necessary.

The project is not in compliance with the Alhambra Hills Specific Plan with respect to lots 21 through 29 and lot 2A1 which is a new lot as described in the Alhambra Highlands Vesting Tentative Map Alternative #1.

Please refer to Planning Commission Resolutions PC 11-04 & PC 11-06, Exhibit A – FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN:

"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."

The Facts in Support are NOT true. Ten lots (21 through 29 and Lot 2A1 of Alternative 1) are not built on the plateau at all. They are to be built on engineered fill that steepens the hillside to a straight 2:1 slope that is 775 feet long and 102 feet tall at its tallest point. This is shown on the grading plan and the slope density plan. Additionally we have attached **APPEAL EXHIBIT A** which illustrates slopes greater than 30% on all ten lots for clarity and for your convenience.

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

- **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"***

The plans include removing oak woodlands for the purpose of grading lots. This does not meet the above requirement for preservation.

*"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 protect 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."

The Alhambra Hills Specific Plan amplifies Section 22.51 by its amendment of Section 24.222 to read as follows:

"24.222 All slopes which are over 30% in grade shall be precluded from development except as stated in Section 22.51."

Clarity as to intent regarding development of slopes over 30% is further enhanced within the Alhambra Hills Specific Plan Section 31.313 B, which states:

"Small areas (10,000 sq. ft. or less) of 30% and over slope entirely surrounded by areas of under 30% slope may be developed. Small infringements on areas of 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 further Alhambra Hills Specific Plan Section 31.314, which states:

"31.314 Development outside of the Development Areas (homesites and access roads) shall comply with the following criteria:

- 1. Soils stability shall be demonstrated prior to development approvals;**
- 2. Minimal visual impact shall result from development;**
- 3. Minimal grading or vegetation removal shall be required;**
- 4. Compliance with Site Development Policies (Section 31.34).**

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 integrated purpose of making development of the plateau possible within the parameters of the Alhambra Hills Specific Plan.

The Facts in Support are NOT true. Ten lots (21 through 29 and Lot 2A1 of Alternative 1) are not built on the plateau at all. They are to be built on engineered fill that steepens the hillside to a straight 2:1 slope that is 775 feet long and 102 feet tall at its tallest point. This is shown on the grading plan and the slope density plan. Additionally we have attached **APPEAL EXHIBIT A** which illustrates slopes greater than 30% (Shown in blue) on all ten lots for clarity and for your convenience.

Lots 21 through 29 and Lot 2A1 are not exempted by Exception A, which pertains to roads only. Exception B is covered in the Alhambra Hills Specific Plan under section 31.314 and allows only for exemption for **remote** home sites specifically allowed **outside** the development areas.

Lots 21 through 29 and Lot 2A1 are contiguous lots comprising over 206,000 sq ft, well in excess of the "small areas" requirement. **These lots are certainly not "entirely**

surrounded” by areas of under 30% slope as required to be exempt. The entire North East side of these lots is at a slope greater than 30%. That slope area is 775 feet long!

Please refer to Planning Commission Resolutions PC 11-04 & PC 11-06, Exhibit B – FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN:

Page 11 Facts in Support:

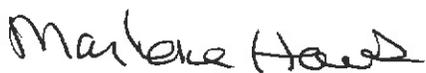
“Facts in Support: All proposed development is limited to single family homes. The portion of the property proposed for single family-home development is both generally consistent with graphic representation of the Development Area provided in Fig 31.30 and policy of limiting development to areas of 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.”

Contrary to the findings by Staff, the AHSP Section 31.314 does **not** allow grading and development outside the illustrated Development Area as called for in the approved resolutions.

Therefore, Lots 21 through 29 and Lot 2A1 should be removed from the Project.

Please immediately advise the undersigned as to the date the appeal will be heard by the City Council.

Very truly yours,

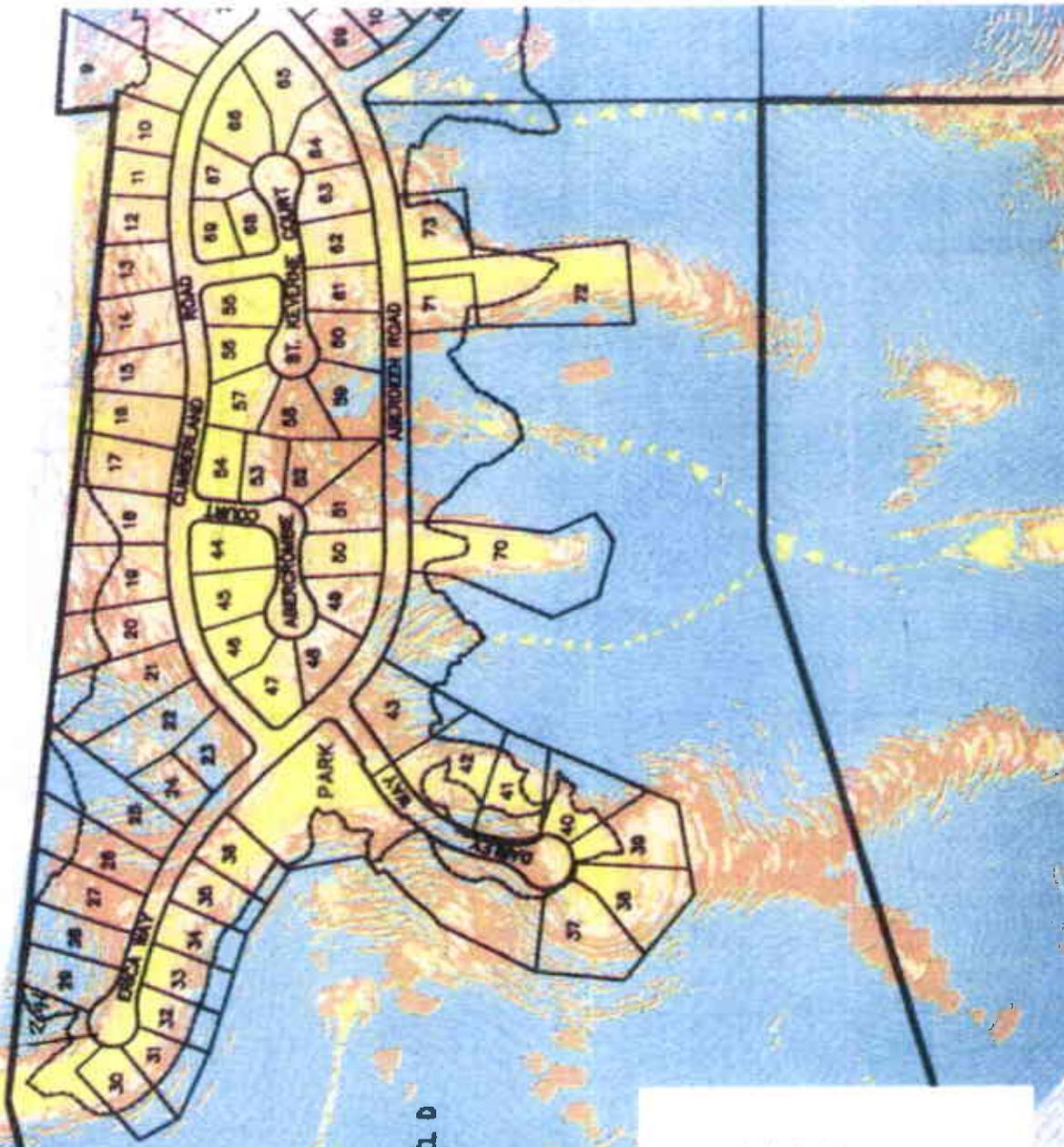


Marlene Haws
305 Allen St.
Martinez, CA 94553



Richard Pile – Contact Person
236 Valley Glen Ln.
Martinez, CA 94553
(925) 228-9212

Dickpile@aol.com



PARCEL D

LEGEND

DESCRIPTION	PROPOSED
SUBDIVISION BOUNDARY	—————
PARCEL/LOT LINE	—————
RIGHT OF WAY LINE	—————
DAYLIGHT LINE	-----
LOT NUMBER	36
<10% SLOPE	Blue
10% TO 15% SLOPE	Light Blue
15% TO 20% SLOPE	Yellow
20% TO 30% SLOPE	Orange
>30% SLOPE	Red

APPEAL EXHIBIT A

Bill Schilz
225 Valley Glen Lane
Martinez, CA 94553
(925) 229-8945
Email: billschilz@comcast.net



April 22, 2011

Mr. Gary Hernandez, City Clerk
City of Martinez – City Hall
525 Henrietta Street
Martinez, CA 94553

Pursuant to sections 22.06 and 22.40.100 of the City of Martinez Municipal Code, this letter shall serve as notice of appeal of the Planning Commissions April 12, 2011 decision to approve the development of Alhambra Highlands Project (2008) PUD #08-1/Sub #9257/UP #08-17 (the "Project") by approving the following:

- 1) Certification of the Final Subsequent Environmental Impact Report (SEIR);
- 2) Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4);
- 3) Vesting Tentative Map (Subdivision 9257);
- 4) Use Permit (UP) 08-17 (construction of a water reservoir tank); and
- 5) Alhambra Highlands Development Guidelines and Design Criteria. (Continued from the March 22, 2011, meeting) Applicant: Richfield Investment Corporation (TB)

We have been advised by the City that no written appeal form, policy or procedure exists, and this letter therefore shall satisfy the requirement set forth in section 22.40.100A that an appeal be made on the City's prescribed form.

This appeal incorporates by reference all previous testimony, both written and oral, submitted to the City in connection with the Project. Further, the undersigned expressly reserves the right to supplement this notice of appeal with such additional information as is necessary.

1. **Should this project move forward, it is absolutely imperative for a Geologic Hazard Abatement District (GHAD) to be established by the City Council which will have a Board of Directors independent of the Developer or Homeowners Association.**
2. **The Developer should be required to fund the GHAD for an extensive period of time AND to guarantee the payment of GHAD fees on all unsold lots through a surety bond, until such time as the last of the lots are sold.**

Within Resolution PC-03 and throughout the Exhibit D-"Conditions of Approval" of PC 11-06, the document refers to and calls out the importance of requirements for inspection, maintenance and repair of a variety of improvements. These improvements include, but aren't limited to, stormwater drains, stormwater management plan facilities, landscaping and irrigation systems, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, detention basins and private utilities. It is absolutely clear that Staff and consulting engineers realized the importance of performing the tasks necessary to ensure that each of these improvements is maintained in a condition that they were constructed and installed for.

There is no debate that the hills and slopes in an around the Alhambra Hills/Alhambra Highlands area are prone to raveling, pop-outs and slides. From the outset of the Elderwood Glen Homeowners Association adjacent to this project, the Builder/Developer, Davidon Homes, found themselves shoring up the hillsides due to significant slides and ended up spending a good-sized sum of money looking for a fix for the situation. Ultimately, the Elderwood Glen HOA (I'm a Board member and the Treasurer) took over and assumed responsibility for the open space hills above the project and it has found itself in a situation where it has had to have Geotechnical Engineers visit the site annually and prepare reports which include mitigation measures and preventive measures that must be taken to help alleviate the possibility of major earth movement. In following the directives of the report, the HOA expends thousands of dollars annually in an effort to minimize potential slides. In addition, the consultant reported to the HOA Board of Directors that the costs of repairing a major slide on the hills above the subdivision would approach \$275,000 (in 2007 dollars) and as a result, each homeowner now contributes monthly to the association reserve fund to amass the needed monies to cover such an event.

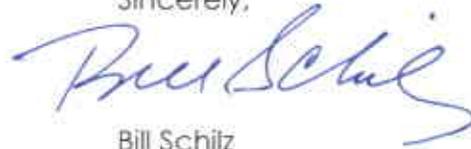
The requirement for inspection, maintenance and repair cannot be taken lightly, nor should they be put in the hands of a Board of Directors of a Homeowners Association, which will likely have a conflict of interest while trying to keep monthly assessments at an affordable level for those living in Alhambra Highlands. **The consequences of lax oversight of the Alhambra Highlands improvements cannot be overstated.** Failure of these improvements not only will affect the homeowners living within Alhambra Highlands, but may easily impact the residents of Elderwood Glen and other adjacent neighborhoods such as Forest Hills.

It seems clear that Staff, Engineers, consultants and the Planning Commission members all envisioned the formation of a Geologic Hazard Abatement District (**GHAD**), but the approved documents allow for such oversight to be done by the Homeowners Association (HOA) in each instance, in spite of the fact that in Resolution No. PC 11-06 Exhibit D, entitled XV. Other Requirements, Sec. X, the Developer has agreed to participate in and waive any and all rights to protest the formation of a Geologic Hazard Abatement District (**GHAD**). (see Exhibit "A" attached hereto)

A project of this size and magnitude implores the formation of a **GHAD** to protect not only the homeowners who live in Alhambra Highlands, but the surrounding neighborhoods as well. In many ways it also will serve to protect the City of Martinez for claims for failures caused by neglect of the improvements.

That being said, the **GHAD** once formed, should be funded by the Developer for an extended period of time and the revenues of the **GHAD** should be guaranteed by the Developer through the consummation of the sale of the last lot. In order to ensure the guaranty will be honored, the Developer should be required to place a surety bond with the City from which the **GHAD** may draw on for any non-paying lot still unsold by the Developer.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Schilt", written in a cursive style.

Bill Schilt

Exhibit "A"

RESOLUTION NO. PC 11-03

Pg xxi

(1) Effects of Mitigation

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**.

RESOLUTION NO. PC 11-06 Exhibit D – Conditions of Approval

III General Conditions, C. Homeowners' Association and Covenants , Conditions &Restrictions (CC&R's) Par. 2
Page 6

"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."

"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."

VI. Landscaping, Trees and Open Space Improvements, C. Trails and Paths, Par. 8
Page 13

"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."

V. VI. Conditions for Pre-Construction/Construction Activities and Noise/Dust Control, Par O,4
Page 17

"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."

VIII. Agreements, Fees and Bonds, Sec. K Other Fees and Costs, Par. 1
Page 22

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.

IX. Grading, Section N
Page 24

"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)."

X. Drainage, Sec. H

Page 28

"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."

X. Drainage, Sec. S Detention Basins

Page 29

"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)."

X. Drainage, Sec. S Detention Basins, Par. 14

Page 30

"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."

XI. NPDES Requirements, Sec. D

Page 34

"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."

XII. Street Improvements, Sec. T. Wildcroft Drive Extension to Horizon Drive, (EVA , PUE, and Pedestrian Public Access to Horizon Drive), Par 1

Page 41

"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**. "

XV. Other Requirements, Sec. O. Building permits for retaining walls shall be obtained as follows, Par. 3

Page 47

"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."

XV. Other Requirements, Sec. X

Page 48

"The applicant agrees to participate in and waive any and all rights to protest the formation of a Geologic Hazard Abatement District (**GHAD**)."

Jara

ROBERT W. BARKER, PHD
1419 Grandview Avenue
Martinez CA 94553

APR 21 2011

April 21, 2011

Mercy Cabral
Assistant City Clerk
City of Martinez
525 Henrietta Street
Martinez CA 94553

Dear Ms. Cabral:

Enclosed is my appeal to the decision of the Martinez Planning Commission regarding Alhambra Highlands.

I will be out of the country until May 15. Would you kindly schedule any of your correspondence so it reaches me after that date. This trip was planned several months ago and I can't change any of the dates.

Thank you for your helpful information on this process.

Respectfully submitted,



ROBERT W. BARKER, Ph.D.

ROBERT W. BARKER, PHD
1419 Grandview Avenue
Martinez CA 94553

April 21, 2011

Mercy Cabral
Assistant City Clerk
City of Martinez
525 Henrietta Street
Martinez CA 94553

I am appealing the decision of the Martinez City Planning Commission of April 12, 2011 regarding the Alhambra Highlands Property.

My appeal is based on violation of fair and just practices.

First: The commissioners failed to consider the personal property rights of any of the appellant's at this meeting. During their summaries, the Commission only considered the rights of the developer. There was 100% opposition to this project.

Second: All speakers, except the developer, were limited to three minutes of presentation. Every speaker was prevented from continuing their presentation with the constant ringing of the bell which interrupted their presentation and made it impossible to continue. The commission should have recognized that when 100% of the affected landowners cannot present their objections in three minutes, they need more time. This agenda item should have been continued.

Respectfully submitted,



ROBERT W. BARKER, Ph.D.



To whom it should concern,

Why there should not be Alhambra Highlands. Yes, all the studies have been done and everything is being met by Richfield Investment Corporation , but what about the people who live in the Tree City USA & California Main Street. Do we have a ear that hear us? Do we have to answer the ignored voice of the public at the ballot box?

These are just some of the highlights of the opposing of Alhambra Highlands. Slides by pump station for the last at least 8 years there has been a slide near the pump station on Reliez Valley Rd. The Winslow Ranch was part of this Alhambra Highlands Project and Mrs. Ruth Winslow Jamison (95years old , died August 2010) use to tell me all the time that she use to run and climb all over the hill and see the slides all the time.

Traffic from Horizon and access to Alhambra Avenue. More stop lights /signs. For every house (112) that is built there is probably going to be 2-3 cars / household. A lot more control of traffic than now. Do we want to damage our beautiful landscape of the Tree City USA & California Main Street (Martinez Logo) ?

Come to the race track on Reliez Valley Rd in the 8AM or 5PM shortcut. People who are late or just want to use the Alhambra Valley Rd / Reliez Valley Rd. as a short cut speed all the time along there. Now you want to put 2 times more traffic? My husband and I bought a home on the corner of Reliez Valley Rd/Blue Ridge/Sherree Dr. for the purpose of being in the country not a raceway. Not more trucks or cars. We had the bike path but to safe guard against the traffic and accidents. We had one accident (January 1994) out on Reliez Valley Rd. behind our house. I don't ever want to have to see young adults sitting on the side of the road crying because someone young died.

Rolling of the road coming from Horizon to Blue Ridge Dr. Please come out from Martinez and take Alhambra Valley Rd to Reliez Valley Rd and you will see the road from Briones Stables to Blue Ridge is dangerous now, what is it going to be like. Try to go the speed limit (40mph) and notice that you are being bounced around. From Horizon to Blue Ridge Rd. we have had to have many repairs because of slides. Take a look at the bike path from the behind 564 Sherree Dr to the open space for Golden Hills Park. The path has erosion problems and has been replaced with large boulders to stabilize the path and road right up from it.

Cyclist don't want more cars that do not want to share the road. A lot of cyclist like Reliez Valley Rd. Cyclist are always out on Reliez Valley Rd because of the country feeling. There are some accidents with cyclist because the roads are narrow and the cars do not want to share the road. I have seen many times the cyclist be honked at and they are not in error. The auto is the problem because of not sharing the road or speed.

What is going to happen to the tarantulas in Golden Hills Park? Every August or September there are tarantulas that come into Golden Hills Park from the hill. I have never seen any one hurt. In fact when my children where in John Swett Elementary there were children that brought some in to class.

There are approximately 500 students at John Swett Elementary and 27 staff. What is going to happen to more population in our schools that we don't have funding for, or class room space? Are we going to build another elementary school to satisfy the population? Have you come by John Swett Elementary at 2:30pm? I don't drive that way any more because the traffic is horrible and I got hit there. The traffic is grid lock. They can not manage what they have how are they going to manage more cars and children?

Barbara J. Gregory

602 Sherree Dr
Martinez CA 94553