APPENDIX A

NOTICE OF PREPARATION AND

RESPONSES TO THE NOTICE OF PREPARATION

Notice of Preparation
Martinez General Plan
Draft Program Environmental Impact Report

Date: May 26th, 2015

To: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Organizations and Interested Persons

Lead Agency: City of Martinez Community Development Department
Dina Tasini, Planning Manager
525 Henrietta Street
Martinez, CA 94533
Phone: 925-372-3563
Email: dtasini@cityofmartinez.org

Summary

The City of Martinez (City) will serve as Lead Agency in the preparation of a programmatic Environmental Impact Report (Program EIR) addressing the comprehensive update to the City's General Plan. This programmatic EIR will address the environmental impacts associated with the adoption and implementation of the Martinez General Plan General Plan. Information regarding the project description, project location, public outreach process, and topics to be addressed in the Draft EIR is provided below.

Submitting Comments

Public agencies and interested parties are invited to submit comments in writing as to the scope and content of the EIR. Public agencies submitting comments are encouraged to identify a contact person and any key agency concerns regarding the proposed project. The City needs to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection to the proposed project. Public and agency comments will be received over a 30-day period, **ending on June 26th, 2015**. All comments must be received prior to 5:00 p.m. on June 26th, 2015. In the event that no response or request for additional time is received by any Responsible or Trustee Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency has no response to make [CEQA Guidelines Section 15082(b)(2)].

Please send your responses to Dina Tasini, Planning Manager, at the address shown above.

Scoping Meeting

The City will conduct a scoping meeting to receive public input on the scope of the Martinez General Plan EIR. At this meeting, individuals, agencies, and organizations are encouraged to provide the City with their input on the topics and analysis for the EIR.

The scoping meeting will be held on June 10th at 7:00 at the Martinez Council Chambers, located at 525 Henrietta Street in Martinez.

Project Characteristics and Background

Project Location and Setting

Martinez is a relatively small city in central Contra Costa County that has a total area of 13.1 square miles, of which 12.1 square miles is land and 1.0 square mile is water.

The City of Martinez is the County seat, located on the south side of the Carquinez Strait. The City is bordered by Carquinez Strait/Solano County to the north, the Cities of Pleasant Hill and Concord to the southeast, and unincorporated Contra Costa County to the west and northeast. See Figure 1.

The City of Martinez is located mostly west of the Interstate 680 (I-680), which runs north-south, and is bisected by State Route 4 (SR 4), which runs east-west. Traffic to and from the I-680 corridor is served by SR 4, Pacheco Boulevard, and Marina Vista Avenue. Traffic to and from the SR 4 corridor is served by Pacheco Boulevard, Morello Avenue, Center Avenue-Pine Street, and Alhambra Avenue.

Access to and from the North Bay, including the Counties of Solano and Sonoma, is provided via I-680 (via the Benicia-Martinez Bridge) or State Route 4 via I-80. Access to and from Contra Costa County both east and west is provided by SR 4. Additionally, access to and from the south is provided by I-680 which serves both Contra Costa County and Alameda County.

The City's residential and commercial areas represent a wide variety of land uses, from the intermingling of residential and commercial uses Downtown, to the rich design quality and character of older neighborhoods adjacent to the Downtown, and then the more prevalent twentieth-century suburban-type land use patterns separating the City's commercial centers. The City provides many advantages of urban living, while at the same time maintaining a connected feeling in its residential neighborhoods along with a distinctive Downtown. Careful planning and community involvement regarding development in the City and the surrounding area has preserved important physical features, such as ridgelines, hillsides, and natural areas, while providing for necessary services, employment, and a diversity of housing opportunities.

Study Area

In addition to the City proper, state law requires that a municipality adopt a General Plan that addresses "any land outside its boundaries which in the planning agency's judgment bears relation to its planning (California Government Code §65300)." This includes the City's Sphere of Influence (SOI), which encompasses both incorporated and unincorporated areas that are related to the City's current and desired land use planning and growth. The SOI includes all lands within the City's jurisdiction as well as small areas within Alhambra Valley and a much larger area east of the City and north of Highway 4 that predominantly includes industrial, open space, and some residential uses, as shown on Figure 2.

Project Description

The General Plan Update contains a set of public goals and policies to guide the future development and maintenance of the physical environment in Martinez. In a broad sense, the General Plan Update addresses issues related to sustaining Martinez's quality of life. These issues include enhancing the Downtown as the central focus of the community, protecting residential neighborhoods and environmental resources; balancing future development with the provision of adequate services, facilities and infrastructure; collaborating on regional planning efforts; and providing for economic development to maintain a high level of City services. Upon adoption, the General Plan Update will replace the City's existing General Plan, which was adopted in 1973 with subsequent updates to various elements.

The City is updating the Housing Element, which will address the City's 2014-2022 Regional Housing Needs Allocation and the 2015-2023 planning period, in a process separate from the General Plan Update.

General Plan Elements

The General Plan Update will include a comprehensive set of goals, objectives, policies and implementation measures, as well as a revised Land Use Map (Figure 2). The State requires that the General Plan contain seven mandatory elements: Land Use, Circulation, Housing, Open Space, Noise, Safety and Conservation. As previously identified, the Housing Element is being updated through a separate process. The General Plan Update will include all of the State-mandated elements, as well as optional elements, including the Historic, Cultural, and Arts Element, Parks Community Facilities, and Utilities Element, and Growth Management Element.

- The **Land Use Element** designates the general distribution and intensity of residential, commercial, office, industrial, mixed use, governmental, recreation, open space, agricultural, and other categories of public and private land uses. The Land Use Element includes the Land Use Map, which identifies land use designations for each parcel in the city limits and SOI (Figure 2).

- The **Circulation Element** correlates closely with the Land Use Element, and identifies the general locations and extent of existing and proposed major roadways, transportation routes, and alternative transportation facilities necessary to support a multi-modal transportation system. This element is intended to facilitate mobility of people and goods throughout Martinez by a variety of transportation modes, including bicycle, pedestrian, and rail.

- The **Open Space and Conservation Element** addresses the preservation of open space for the conservation of natural resources, and public health and safety related to open space and recreational opportunities and the conservation, development, and use of natural resources, riparian environments, native plant and animal species, soils, mineral deposits, cultural/historical resources, air quality, and alternative energy. It also details plans and measures for preserving open space for natural resources and the managed production of resources.

- The **Noise Element** establishes standards and policies to protect the community from the harmful and annoying effects of exposure to excessive noise levels. This element includes strategies to reduce land use conflicts that may result in exposure to unacceptable noise levels.

- The **Safety Element** establishes policies and programs to protect the community from risk associated with geologic, flood, and fire hazards, as well as setting standards for emergency preparedness.

- The **Historic, Cultural, and Arts Element** (optional element) is designed to foster protection, preservation, and rehabilitation of Martinez's historic and cultural heritage and to strengthen community appreciation and cohesiveness by enhancing cultural and art resources.

- The **Growth Management Element** (optional element) sets forth standards to manage and mitigate the impacts of future growth within Martinez and also has been prepared to meet the growth control requirements of Measure J (Contra Costa County, 2004).

Goals, Objectives, Policies and Actions

Each element of the General Plan Update contains a series of goals, objectives, policies and action items. The goals, objectives, policies and action items provide guidance to the City on how to direct change, manage growth, and manage resources over the 20-year life of the General Plan. The following provides a description of each and explains the relationship of each:

- A **goal** is a description of the general desired result related to a particular topic or issue that the City seeks to create through the implementation of the General Plan.

- A **policy** is a specific statement that guides decision-making as the City works to achieve its goals and objectives. Once adopted, policies represent statements of City regulations. The General Plan's policies set out the standards that will be used by City staff, the Planning Commission, and the City Council in its review of land development projects, resource protection activities, infrastructure improvements, and other City actions. Policies are on-going and require no specific action on behalf of the City.

- An **action** is an implementation measure, procedure, technique or specific program to be undertaken by the City to help achieve a specified goal or implement an adopted policy. The City must take additional steps to implement each action item in the General Plan. An action item is something that can and will be completed.

General Plan Land Use Map

The General Plan Land Use Map identifies land use designations for each parcel within the City of Martinez and the City's SOI. The General Plan Update Land Use Map is attached as Figure 2.

General Plan Land Use Designations

The Land Use Element of the General Plan Update defines various land use designations by their allowable uses, maximum development densities, and maximum floor area ratios. The following describes the proposed land use designations for the General Plan. Table 1 shows the total number of parcels and total acreages for each land use designation shown on the proposed Land Use Map.

Downtown Core (D/C) - This designation is intended for the mixed use areas at the center of downtown, nearest the traditional retail core at the junction of Main and Ferry Streets. While existing uses are primarily commercial retail and office, new residential and mixed use development is envisioned, with ground floor retail and office storefronts (especially on Main and Ferry Streets), with residential above. New development on outlying blocks may be mixed use or single–purpose residential.

Residential Development Density: From 29 to 43 dwelling units per acre

Non-Residential and Mixed Use Floor Area Ratio: Up to 2.0 and up to 4.0 in the six-block area of maximum opportunity closest to the Intermodal Transit Station - located between the railroad and Escobar Streets, and between the Alhambra Creek/Intermodal Transit Station and Ferry Street.

Downtown Government (D/G) - This designation is intended for the area of existing Federal, State, County facilities centered at Court and Pine Streets at Main Street, as well as the Intermodal Transit Station at Marina Vista. The core of this Designation is the County and State Court Campus, and a continuation of these uses, as well as the addition of supporting businesses. Also within this Designation is a former cannery site, with two warehouses, located on the north side of the railroad directly north of the Intermodal Transit Station. The City envisioned retaining the warehouses for public use, such as indoor sports facilities. The warehouses have been leased and renovated for indoor sport courts use, with the remainder of the property to be improved for new parking to primarily serve Station users, but also for the recreation facilities. Should Station use continue to expand, the City and Contra Costa Transportation Authority may consider the addition of a parking garage. In addition, expanded Station use may allow for limited commercial development to service transit users, such as eating and drinking establishments in close proximity to the Station and north of the railroad tracks.

Floor Area Ratio: Up to 3.0 (non-residential)

Downtown Shoreline (D/S)

This designation is intended to guide the transformation of a primarily industrial and service commercial area in the northwesterly portion of Downtown into a predominantly residential neighborhood, with the potential for waterfront oriented commercial uses (such as restaurants and hotels) and limited neighborhood serving commercial uses. Existing industrial uses may remain, but not expand.

Residential Development Density: From 18 to 30 dwelling units per acre

Non-Residential and Mixed Use Floor Area Ratio: Up to 2.0

Downtown Transition (D/T) - This designation is intended maintain the character of this traditionally mixed use area immediately south of the areas designated *Downtown Core* and *Downtown Government,* and north of the residential neighborhoods beyond. This area will continue to contain small scale and locally serving service commercial uses, as well as office and residential uses. New development is envisioned to be primary multi-family residential.

Residential Development Density: From 19 to 29 dwelling units per acre

Non-Residential Floor Area Ratio: Up to 1.5

Central Residential Low- A (0-7 units) (CRL-A) - The established character of *the Central Residential* area's pre-WWII hillside residential areas, where streets are generally steep and winding, and home placement was largely dictated by the steep topography, will remain largely unchanged. New development is generally limited to new single family dwellings on the few remaining vacant lots.

Residential Development Density: Up to 7 dwelling units per acre.

Central Residential Low-B(0-9) (CRL-B) - The *Central Residential/Group B* designation is intended maintain the established single family character of *the Central Residential* area's outlying neighborhoods, where most all homes were built prior to WWII on 5,000 square foot lots from the original 1800'S survey for "The Town of Martinez", or subsequent pre-WWII subdivisions. There are few vacant lots within this Designation, most new construction will be lots with existing single-family homes.

Residential Development Density: Up to 9 dwelling units per acre.

Central Residential Low-C (0-17) CRL-C - This designation is the largest in area of the three *Central Residential Mixed Single- and Multi- Family* designations, and most typifies the traditional pattern of development in the area, with single family homes on the 5,000 square foot interior lots and either duplexes or individual "split lots" (2,500 sq. ft. each) at the 5,000 square foot corner lots. This designation encourages the continuation of adding new contextually appropriate singe family and duplex in-fill housing.

Residential Development Density: Up to17 dwelling units per acre.

Central Residential Medium (CRM- 0-29) - This designation denotes the residential areas closer to City Hall and the Downtown Core, and is the most eclectic of the *Central Residential Mixed Single- and Multi- Family* designations, in that single-family homes, duplexes and apartments buildings are interspersed throughout the area. But as with all three *Central Residential Mixed Single- and Multi- Family* designations, it is at the corner and relatively larger lots where higher density building can most effectively integrated into what was historically a single family context. As many of the existing houses and apartment building in the area are in a poor state of repair, rehabilitation and/or new construction is desirable. While the retention and addition of new single-family homes is permitted, this designation encourages the construction of new duplexes and multi-family building on suitable sites.

Residential Development Density: Up to 29 dwelling units per acre.

Central Residential High- (0-35 units per acre) (CRH) - The *Central Residential/Group E* designation includes the residential areas closest to the Downtown Core and is envisioned to have the highest density housing within the three *Central Residential Mixed Single- and Multi- Family* designations.

Residential Development Density: Up to 35 dwelling units per acre.

Hillside Rural Residential (RR) (0-.49 units per acre) - This designation identifies hillside private lands with very limited residential development potential, as these sites provide the community with a scenic resource of visually open hilltops, ridges and slopes that are undeveloped, and will continue to be preserved for their open space value. The designation includes properties currently developed with one residence, and vacant undeveloped parcels. Typically, these vacant sites also have steep slopes, constraining density and access. Limited single-family development is possible on undeveloped sites, but grading and home placement must retain visually prominent natural hillsides and respect privacy concerns of existing residents. The preservation of existing trees and

consideration of custom homes, with varied foundation elevations and roof lines, should all be used as means of minimizing visual impacts from off-site views onto such properties. While a maximum residential density of .49 dwelling units per acre may be possible, many sites within this designation are only suitable for a much lower density, based on the geotechnical, topographical and visual constraints of the particular site, as such identified in the development proposal's environmental documentation.

Those portions of largely undeveloped Franklin Hills, extending from the Carquinez Straits to Highway 4, that are not already publicly owned are within the subject *Rural Residential Lands* designation. The Franklin Hills form the visual open space backdrop to the Downtown and older central neighborhoods of Martinez. In addition to the objectives of the *Rural Residential Lands* designation above, development density within the Franklin Hills shall not exceed: a) one unit per half-acre of land under 30% slope and under 350 feet elevation, and b) one unit per ten acres over 350 feet elevation.

Residential Development Density: From 0 to .49 dwelling unit per acre.

Residential Very Low .5-1 dwelling unit per acre (RVL) - This designation is typified by the rural residential neighborhoods that were developed under the County's jurisdiction, such as Muir Oaks and Franklin Canyon. Development within these areas is limited to single-family homes and related accessory uses that have low intensity characteristics.

Residential Development Density: From 0 to 1 dwelling unit per acre.

Residential Low (RL) 1-5 dwelling unit per acre - This designation includes both rural residential neighborhoods developed under the County's jurisdiction, as well as neighborhoods of custom and semi custom single-family homes, on relatively larger lots, that are suited to the hills of southern Martinez. Development within these areas is limited to single-family homes and related accessory uses that have low intensity characteristics.

Residential Development Density: From 1-5 dwelling units per acre.

Residential Medium Low (MDRL) 5-10 dwelling units per acre (R/4-6) - This designation is the single most predominant land use within the City's jurisdiction, and allows single family homes, on subdivision lots typically ranging from 5,000 square feet to 7,500+ square feet. Paired and multi-family housing units may be possible as part of a Planned Unit Development with common open space areas. Very limited non residential uses, such as private schools, day care facilities and religious/fraternal assembly, as well as nursing homes, are supported within this designation, subject to the applicable zoning regulations.

Residential Development Density: From 5 to 10 dwelling units per acre.

Residential Medium (MDR) 10-20 dwelling units per acre - This designation allows for "small lot/cluster" single-family within Planned Unit Developments, & townhomes and other multi-family housing. Very limited non residential uses, such as private schools, day care facilities and religious/fraternal assembly, as well as nursing homes, are supported within this designation, subject to the applicable zoning regulations.

Residential Development Density: From 10 to 20 dwelling units per acre.

Residential High (HDR) 20-30 dwelling units per acre - This designation allows for townhomes and other multi-family housing, such as apartments and condominiums units, typically as "flats" in single

or multi level buildings. Very limited non residential uses, such as private schools, day care facilities and religious/fraternal assembly, as well as nursing homes, are supported within this designation, subject to the applicable zoning regulations.

Residential Development Density: From 20-30 dwelling units per acre.

Neighborhood Commercial (C/N) - This designation is intended for retail and other services which meet the day-to-day needs of local residents. Uses include business usually found in convenience and neighborhood shopping centers, such as supermarkets, grocery and drug stores, gasoline stations, restaurants, and specialty retailers primarily serving the neighborhood residents.

Non-Residential Floor Area Ratio: Up to 0.5

Regional Commercial (C/R) - This designation, being distinct from the *Neighborhood Commercial designation*, denotes areas with buildings and parking lots of larger scale, intended to serve businesses with a regional focus, such as big box/junior anchors retail, restaurants and movie theaters. The Land Use Map Identifies the two clusters of regionally serving retail along the John Muir Parkway.

Non-Residential Floor Area Ratio: Up to 1.0

Office and Business Park Commercial (C/O+BP) - This designation is intended to maintain and enhance areas with indoor non-retail commercial activity, primarily containing office, research & development and light manufacturing uses without any significant outdoor storage. Settings range from single-purpose office developments to well landscaped business parks with a variety of indoor uses. Assembly and small restaurants to serve complex employees may also be accommodated, subject to the applicable zoning regulations.

Non-Residential Floor Area Ratio: Up to .1.0

Light Industrial and Service Commercial (C/S+LI) - The *Light Industrial and Service Commercial* designation encourages areas for service commercial and light industrial uses, which can include but are not limited to bulk retail ("warehouse") sales, auto and vehicle repair and storage, public storage facilities, general outdoor storage and light industrial uses where outdoor storage may be a part of the business' operation. This designation can also include interior office and light manufacturing uses, as well as small restaurants to serve neighborhood employees.

Non-Residential Floor Area Ratio: Up to 0.5

Medical Center Combined Use Corridor (CUC/MC) - The *Medical Center Combined Use Corridor* designation is defined as the area along Alhambra Avenue (between Bertola and F Streets), and along C Street, where office uses have historically intermingled among the original low and medium density residential units in the area. The presence of the Contra Costa County Medical Center and Alhambra High School on Alhambra Avenue promote the development of additional office uses, with the retention and addition of residential uses also being permitted. Visually, this area differs from the other *Combined Use Corridor* designation, in that the area appears residential, as most of the pre-war single-family houses remain, even if some may no longer be used for residential purposes.

Residential Development Density: Up to 9 dwelling units per acre.

Non-Residential and Mixed-Use Floor Area Ratio: Up to 1.0

Commercial & Multi-Family Residential Combined Use Corridor (CUC/C+R30) - This area includes corridors along arterials and John Muir Parkway frontage roads, suitable for a variety of higher intensity uses, such as multi-family residential, office and commercial. The City's two aging commercial strips (Alhambra Avenue, between F Street and Highway 4; and Pacheco Boulevard, between Palm Avenue and Interstate 680) and several vacant parcels adjacent to the John Muir Parkway frontage roads are within this designation. All existing and new commercial uses would remain permitted, but multi-family uses are encouraged as per the Opportunity Sites for high density housing as identified in the *Housing Element.* Given that declining demand for retail and office space may continue to weaken when compared to the economic viability of new rental housing, this designation will facilitate the possible increase of additional housing opportunities. The Commercial and & Multi-family Combined Use Corridor Designation is intended to allow both new and existing non-residential and residential uses.

Residential Development Density: From 19 to 30 dwelling unit per acre.

Non-Residential and Mixed-Use Floor Area Ratio: Up to 2.0

Industrial and Manufacturing (I+M) - The *Industrial and Manufacturing* designation is intended for uses with the potential of impacts which for reasons of health, safety, and environmental effects are best segregated from other uses. The industry of refining, storing and transporting petroleum products typify this designation in Martinez. Supporting office uses as well as other manufacturing and warehouse uses are permitted, subject to the applicable Zoning Regulations. The Industrial and Manufacturing designation is applied only to areas where heavy industrial uses are currently predominant.

While there is generally little opportunity to expand such refining and industrial areas within the City, the area located north of Marina Vista/Waterfront Road and east of 680 (which generally contains existing petroleum product storage tanks and transport facilities) may be have limited potential to enlarge. There is one visually significant hillside, east of Interstate 680 that partially screens the facility from the freeway and the McNabney Marsh/Waterbird Open Space. Any potential expansion will need to incorporate the preservation of this visual resource.

Non-Residential and Mixed-Use Floor Area Ratio: Up to 0.40

Parks and Recreation (P&R) - Designation denoting public park areas with existing and planned active recreation facilities, as well as the relatively larger private homeowners' associations' community facilities. Commercial and fraternal uses linked to waterfront recreation, such as restaurants, hotels, grocery and bait shops, and boat/RV sales, storage and service may be permitted, subject to applicable zoning regulations.

Non-Residential Floor Area Ratio: Up to 0.5

Open Space Preservation (OS/P) - Designation for public and private lands preserved as a scenic or environmental resources, either by public or common interest ownership, or through dedication of scenic easement. While alteration of such properties for active recreation is typically not envisioned, naturalistic and agricultural plantings, and trails, may be possible if consistent with the intent of preserving the intended scenic resource. Very limited structures, such as restrooms at trail heads, or small private agricultural structures may be permitted.

Non-Residential Floor Area Ratio: Up to 0.1

Open Space/Alhambra Hills Specific Plan (OS/AH) - Identifies those areas outside of the mapped *Development Area* of the *Alhambra Hills Specific Plan* which are to be visually preserved as a scenic resource. Very limited residential development as prescribed by the *Alhambra Hills Specific Plan*, including but not limited to seven "Remote Homesites" shown in the Specific Plan and illustrated on the *Land Use Map*, are permitted, where such development is consistent with both the *Alhambra Hills Specific Plan* and *Hillside Development Regulations* of the MMC.

Non-Residential Floor Area Ratio: Up to 0.1

Residential Development Density: 60 acres per dwelling unit (aggregate of all land within the Open Space/Alhambra Hills Specific Plan Designation – individual minimum required parcel sizes for new residential units as per Alhambra Hills Specific Plan and applicable zoning regulations, including *Hillside Development Regulations* of the MMC)

Agricultural Lands (AG) - The *Agricultural Lands* designation is specific to areas currently used for agricultural production (specifically the Viano Vineyards located east of Morello Avenue and south of the Burlington Northern @ Sante Fe (BNSF) railroad tracks near Marie Avenue). While similar to the *Open Space* categories in that *Agricultural Lands* have scenic value, structures for agricultural production and residential use are permitted and integral to the desirable preservation of viable agricultural uses.

Non-Residential Floor Area Ratio: Up to 0.2

Residential Development Density: 20 acres per dwelling unit.

Alhambra Valley Estate Residential – Very Low Density (AV/ER-VL) - The primary land use envisioned in this designation is detached single-family homes on lots typically one acre or larger, with the keeping of a limited number of livestock, consistent with a rural or semi-rural lifestyle.

Residential Development Density: Up to 1 dwelling unit per acre

Applicable Zoning Districts: AV/R-40 (Alhambra Valley Residential Zoning District, Minimum lot size 40,000 square feet).

Alhambra Valley Estate Residential _ Low Density (AV/ER-L) - The primary land use envisioned in this designation is detached single-family homes on lots typically one-half acre or larger.

Residential Development Density: From 1 to 2 dwelling unit per acre)

Alhambra Valley Agricultural Lands (AV/AL) - This land use designation includes privately owned rural lands, generally in hilly areas that are used for grazing livestock or dry grain farming. The primary purposes of the Agricultural Lands designation is to: a) preserve and protect lands capable of and generally used for the production of food, fiber and plant materials; and b) provide opportunities for rural residential single family homes.

Residential Development Density: Maximum density equivalent to a minimum 5 acres per dwelling unit

Alhambra Valley Open Space (AV/OS) - This designation includes publicly owned open space lands and includes, without limitation, areas of significant ecological resources or geologic hazards. The Open Space designation also includes privately owned properties for which future development rights have been deeded to a public or private agency. For example, significant open space areas within planned developments identified as being owned and maintained by a homeowners

association fall under this designation. Also included are the steep, unbuildable portions of approved subdivisions which may be deeded to agencies such as the East Bay Regional Park District but which have not been developed as park facilities.

Non-Residential Floor Area Ratio: Up to 0.1

Public and Quasi-public Facilities – These designations include: E - Elementary School, G – Public Institution, H – Hospital, HS – High School, and PS – Private School.

Visually Sensitive Lands – This designation identifies lands that are considered visually sensitive with limited development capacity.

TABLE 1: GENERAL PLAN LAND USE DESIGNATIONS

Land Use Designation	City	Sphere of Influence	Total
Agricultural Lands	0	135.8	135.8
Alhambra Valley Agricultural Lands	132.1	281.2	413.3
Alhambra Valley Estate Residential - Low	0	162.2	162.2
Alhambra Valley Estate Residential - Very Low	126.4	79.4	205.8
Alhambra Valley Open Space	61.2	93.3	154.5
Neighborhood Commercial	52.0	7.2	59.2
Office and Business Park Commercial	51.8	0	51.8
Regional Commercial	21.6	0	21.6
Central Residential High	8.2	0	8.2
Central Residential Low - A	115.4	0	115.4
Central Residential Low - B	82.3	0	82.3
Central Residential Low - C	108.5	0	108.5
Central Residential Medium	17.8	0	17.8
Light Industrial and Service Commercial	70.2	97.4	167.6
Commercial & Multi-family Residential Combined Use Corridor	56.3	35.3	91.6
Medical Center Combined Use Corridor	8.8	0	8.8
Downtown Core	19.7	0	19.7
Downtown Government	30.3	0	30.3
Downtown Shoreline	18.0	0	18
Downtown Transition	16.6	0	16.6
Elementary School	28.7	9.1	37.8
Public Institution	141.3	448.6	589.9
Hospital	72.0	0	72.0
Residential High	90.8	10.2	101.0
Hillside Rural Residential	295.7	55.2	350.9
High School	17.1	0	17.1
Industrial and Manufacturing	595.6	1,296.5	1,892.1
Junior High School	12.7	0	12.7

Residential Medium	49.2	0	49.2
Residential Medium Low	368.3	51.7	420.0
Ocean	686.0	0	686.0
Open Space/Alhambra Hills Specific Plan	456.0	34.9	490.9
Open Space Preservation	1,920.8[1]	445.2	2,365.9
Parks and Recreation	194.1	0	194.1
Private School	2.0	0	2
Residential Low	1,215.7[1]	361.5	1,577.2
Right of Way	27.5	1.3	28.8
Rural Residential	0	0	0
Residential Very Low	485.5	12.2	497.7
Grand Total	**7,656.2**	**3,618.2**	**11,274.4**

NOTE:

[1] A 99-LOT SUBDIVISION (VINE HILL SUBDIVISION) ON 25.9 ACRES WAS APPROVED BY CITY COUNCIL (FEBRUARY 2015), BUT IS CURRENTLY UNDER REFERENDUM. THE VINE HILL SUBDIVISION HAD PROPOSED TO CHANGE THE LAND USE DESIGNATION FROM OPEN SPACE PRESERVATION TO RESIDENTIAL LOW BEFORE IT WAS PLACED UNDER REFERENDUM. THE TABLE ABOVE REFLECTS THE 25.9 ACRES VINE HILL SUBDIVISION SITE UNDER THE OPEN SPACE PRESERVATION DESIGNATION. IF THE REFERENDUM WAS NOT PASSED, THE RESIDENTIAL LOW ACREAGE WITHIN THE CITY LIMITS WOULD INCREASE BY 25.9 ACRES AND THE OPEN SPACE PRESERVATION DESIGNATION WOULD DECREASE BY 25.9 ACRES.

SOURCE: CITY OF MARTINEZ, 2014; PSOMAS, 2014

Existing Land Uses

Table 2 summarizes the existing land uses in the City of Martinez based on Contra Costa County Assessor's data.

TABLE 2: ASSESSED LAND USES- CITY OF MARTINEZ

Use Description	City	SOI	Total
Commercial	182.4	79.3	261.7
Commercial - Vacant	25.6	6.6	32.3
Industrial	724.0	1,041.2	1,765.3
Industrial - Vacant	46.6	272.5	319.0
Institutional	306.8	20.5	327.4
Institutional - Government-Owned	1,974.0	730.9	2,705.0
Land	601.7	461.0	1,062.6
Miscellaneous	295.0	235.0	530.0
Multiple	161.6	20.3	181.9
Multiple - Vacant	5.1	1.8	6.9
No Use Code	113.1	98.1	211.2
Residential	2,237.2	794.6	3,031.8
Residential - Vacant	140.9	89.0	229.9
Residential - Vacant - Unbuildable	42.2	7.8	50.0
Grand Total	**6,856.2**	**3,858.6**	**4.9**

SOURCE: CITY OF MARTINEZ GIS DATA, 2013-2014; DE NOVO PLANNING GROUP, 2014

General Plan Buildout Analysis

The EIR evaluates the maximum projected development that could occur within the existing City Limits if land in the City developed at or near the higher end of densities and intensities allowed under the proposed General Plan.

Table 3 summarizes the maximum level of new development that may occur within the existing City Limits and SOI under General Plan buildout conditions. As shown in Table 3, buildout of the General Plan could yield up to 2,900 new residential units and over 1.2 million square feet of new non-residential development in the City limits and SOI.

This new growth would increase the City's population by approximately 7,105 residents.[1] The full development of the new commercial, office, and industrial uses shown in Table 3 would increase the employment opportunities by approximately 2,390 employees.[2] The jobs:housing ratio associated with new development within the City would be approximately 0.82, with full buildout of residential and employee-generating uses.

TABLE 3: PROJECTED MAXIMUM NEW DEVELOPMENT WITHIN CITY LIMITS AND SOI AT GENERAL PLAN BUILDOUT

Type	Residential (# of Units)	Non-Residential Development (sq. ft.)
Single Family Units	1,743	-
Multifamily Units	1,058	-
Commercial Development	-	993,216
Office Development	-	95,816
Industrial Development		159,378
TOTAL Development in City and SOI	**2,900**	**1,248,410**

NOTE:

[1] A 99-LOT SUBDIVISION (VINE HILL SUBDIVISION) WAS APPROVED BY CITY COUNCIL (FEBRUARY 2015), BUT IS CURRENTLY UNDER REFERENDUM. THE TABLE ABOVE REFLECTS THE PROJECTED MAXIMUM NUMBER OF UNITS IN MARTINEZ WITHOUT INCLUDING THE 99 SINGLE FAMILY UNITS. IF THE REFERENDUM IS NOT SUCCESSFUL THE 99 UNITS CAN BE DEVELOPED, WHICH WILL INCREASE THE MAXIMUM NUMBER OF UNITS THAT CAN BE DEVELOPED IN THE CITY LIMITS ABOVE WHAT IS SHOWN IN THE TABLE ABOVE.

SOURCE: DE NOVO PLANNING GROUP, OMNI-MEANS, AND CITY OF MARTINEZ, 2014

General Plan Outreach and Public Input

The process to update the Martinez General Plan began in 2010 and is scheduled to be completed with the adoption of the General Plan in early 2016. The Martinez General Plan was developed with extensive community input and reflects the community's vision for Martinez. A summary of the community outreach and public participation process is provided below.

General Plan Update Task Force

The General Plan Update Task Force (Task Force) was formed to oversee the development of the new General Plan. The Task Force was involved in the update effort, helping to formulate and participate in

---

[1] *Based on the 2013 California Department of Finance estimate of 2.45 persons per household.*

[2] *Assumes one employee generated for: every 549 square feet of commercial space, every 324 square feet of office space, and every 557 square feet of industrial space.*

outreach to the community, identifying issues of concern, formulating the vision for the General Plan, hearing from experts on various topics, providing an opportunity for key property owners to provide their ideas, and reviewing background materials and policy choices. The Task Force met 20 times from June 2010 through April 2012.

Community Outreach

As part of the update process an extensive outreach process was conducted with various interest groups in the city and the community as a whole. Activities conducted between September 2010 and January 2011 included: community workshops held in four different parts of the City, a survey of 230 eighth-graders at Martinez junior high school, use of the city's website to pose questions and obtain responses similar to the workshops, and outreach to various stakeholder groups and neighborhood coffees conducted by Task Force members. Comments received from the community outreach efforts are summarized in a Community Conversations Report.

Downtown Matters

In 2011, the City embarked upon an ambitious effort to involve people in identifying needed improvements and activities in the Downtown. The effort was called "Downtown Matters! Make it Real and Making it Happen!" Downtown Matters comprised of a series of six community outreach events, including four workshops and including tours of revitalized downtowns located in Redwood City, Lodi, and Livermore. This series was part of the General Plan update process and helped to identify the choices, trade-offs, priorities, and strategic actions required for Downtown to prosper in the 21st century.

City Council and Planning Commission

The Draft General Plan and General Plan Draft Environmental Impact Report (Draft EIR) will be reviewed at public meetings of the Planning Commission and the City Council.

Public Outreach

For all public workshops and meetings, the Martinez Community Development Department conducted extensive outreach, using a wide variety of methods and tools, to inform and encourage the community to participate in the General Plan update process. The following is a list of methods and tools used to inform the public of meetings, workshops, and the status of the General Plan update work efforts.

- City Website: The City maintains a website page (http://www.cityofmartinez.org/depts/planning/general_plan_update.asp) devoted to informing the public about, and encouraging participation in, the General Plan update process. The website includes the General Plan Update Work Program, Summary of Community Comments and "Working Vision 2035", Martinez Community Conversations Report, and the existing General Plan.

- Local Newspapers and Media: Public notices, meeting notices, press releases, and/or public service announcements were published in the local media prior to each public meeting or workshop.

Program EIR Analysis

The City, as the Lead Agency under the California Environmental Quality Act (CEQA), will prepare a Program Environmental Impact Report for the Martinez General Plan Update. The City's 2014 General

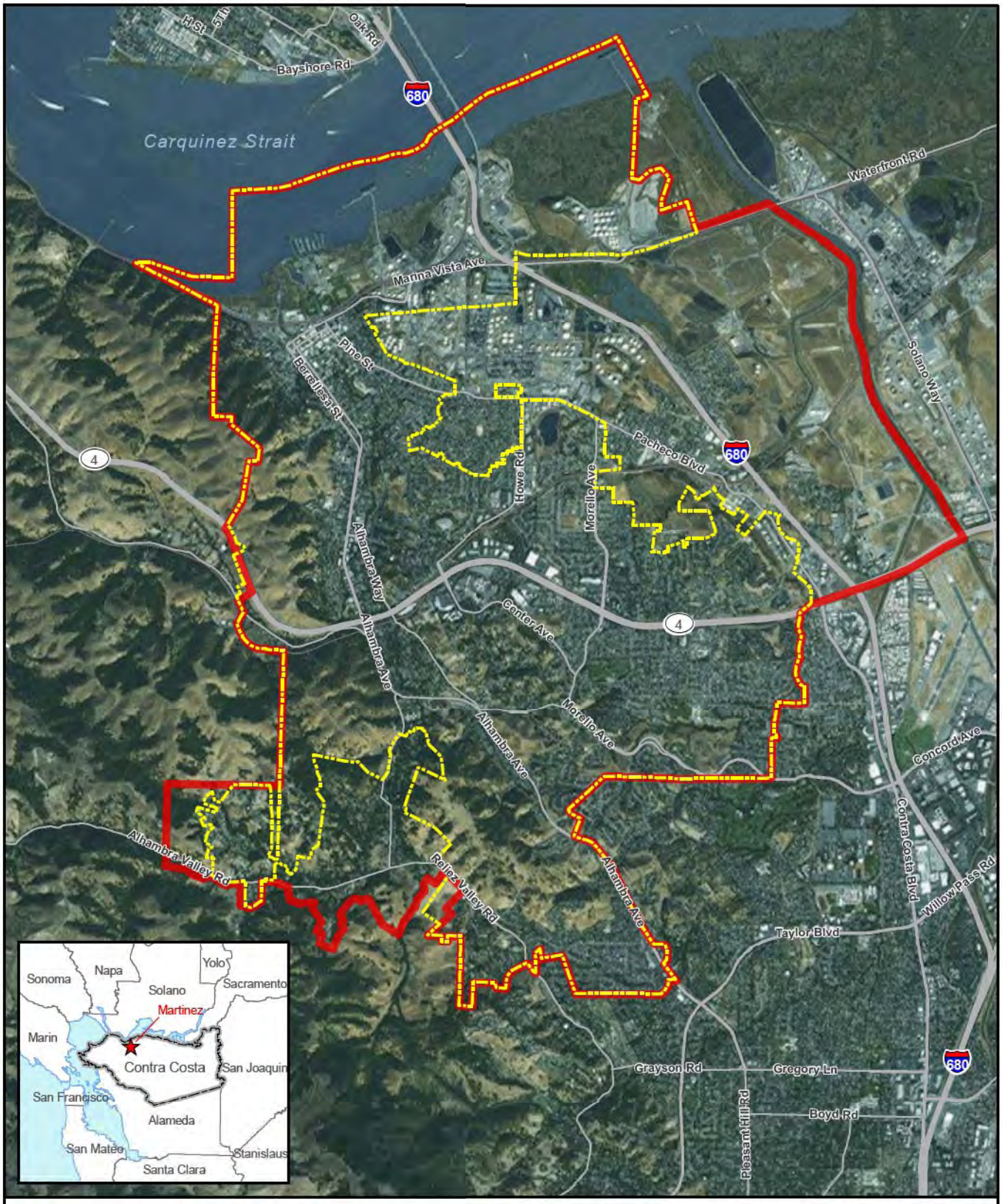
Plan will be comprehensive in scope. The EIR will be prepared in accordance with CEQA, implementing the CEQA Guidelines (Guidelines), relevant case law, and City procedures. The General Plan Update is considered a "project" under CEQA, and is therefore subject to CEQA review. As a policy document, the General Plan provides guidance and sets standards for several areas of mandatory environmental review for later "projects" that would be undertaken by local government and the private sector.

The EIR will analyze potentially significant impacts associated with adoption and implementation of the General Plan Update. In particular, the EIR will focus on areas of planned land use changes in the City. Figure 2 shows the Draft Land Use Map for the General Plan Update.

Pursuant to Section 15063(a) of the CEQA Guidelines, no Initial Study will be prepared for the proposed project. The EIR will evaluate the full range of environmental issues contemplated under CEQA and the CEQA Guidelines. At this time, the City anticipates that EIR sections will be organized in the following manner:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Mineral Resources
- Greenhouse Gases and Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Population
- Noise
- Public Services and Recreation
- Transportation and Circulation
- Utilities
- Mandatory Findings of Significance/Cumulative Impacts

This page left intentionally blank.



Legend

Martinez City Limits

Martinez Sphere of Influence

N

0 1,500 3,000

Feet

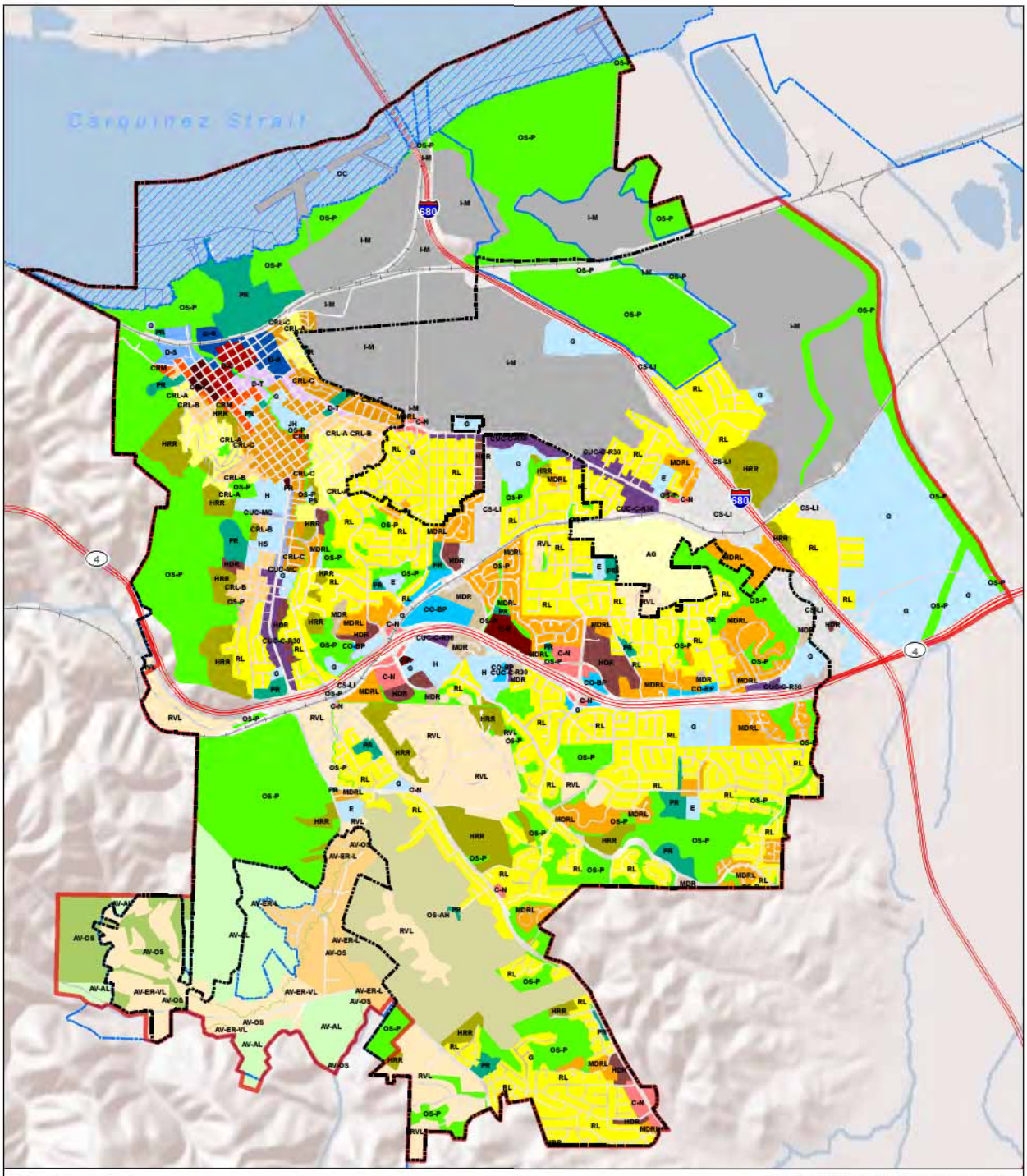
CITY OF MARTINEZ GENERAL PLAN UPDATE

Figure 1: Location Map

Data sources: City of Martinez GIS; ESRI's StreetMap North America; ArcGIS Online World Imagery Map Service
Map date: December 8, 2014. (Martinez_Fig2-1_LocationMap_141208)

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

This page left intentionally blank



General Plan Designations

- AG: Agricultural
- AV-AL: Alhambra Valley Agricultural Lands
- AV-ER-L: Alhambra Valley Estate Residential - Low
- AV-ER-VL: Alhambra Valley Estate Residential - Very Low
- AV-OS: Alhambra Valley Open
- C-N: Neighborhood Commercial
- C-R: Regional Commercial
- CO-BP: Office and Business Park Commercial
- CS-LI: Light Industrial and Service Commercial
- I-M: Industrial and Manufacturing
- CUC-C-R30: Commercial Multi-family Res Combined Use Corridor
- CUC-MC: Medical Center Combined Use Corridor
- D-C: Downtown Core
- D-G: Downtown Government
- D-S: Downtown Shoreline
- D-T: Downtown Transition
- PS: Private School
- E: Elementary School
- JH: Junior High School
- HS: High School
- G: Public Institutions
- H: Hospitals
- OS-AH: Open Space-Alhambra Hills Specific Plan
- OS-P: Open Space Preservation
- PR: Parks and Recreation
- RVL: Residential Very Low
- RL: Residential Low
- MDRL: Residential Medium Low
- MDR: Residential Medium
- HDR: Residential High
- CRL-A: Central Residential Low -
- CRL-B: Central Residential Low - B
- CRL-C: Central Residential Low - C
- CRM: Central Residential Medium
- CRH: Central Residential High
- HRR: Hillside Rural Residential
- OC: Ocean

Planning Areas

- Martinez City Limits
- Martinez Sphere of Influence
- Urban Limit Line

CITY OF MARTINEZ GENERAL PLAN UPDATE

Figure 2: Proposed General Plan Land Use Map

N

0 1,500 3,000
Feet
1:36,000

Data sources: City of Martinez GIS; PSOMAS; ESRI's StreetMap North America; ArcGIS Online World Shaded Relief Map Service. Map date: May 21, 2015. (Martinez_Fig2_Proposed.mxd)

This page left intentionally blank

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

Notice of Preparation

May 26, 2015

RECEIVED
JUN -1 2015
COMMUNITY DEV. DEPT.

To: Reviewing Agencies

Re: Martinez General Plan
SCH# 2015052064

Attached for your review and comment is the Notice of Preparation (NOP) for the Martinez General Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Dina Tasini
City of Martinez
525 Henrietta Street
Martinez, CA 94533

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	**2015052064**
Project Title	Martinez General Plan
Lead Agency	Martinez, City of

Type	**NOP** Notice of Preparation
Description	The General Plan Update contains a set of public goals and policies to guide the future development and maintenance of the physical environment in Martinez. The GPU addresses issues related to sustaining Martinez's quality of life, including enhancing the Downtown as the central focus of the community, protecting residential neighborhoods and environmental resources; balancing future development with the provision of adequate services, facilities and infrastructure; collaborating on regional planning efforts; and providing for economic development to maintain a high level of City services. The GPU will replace the City's existing General Plan, which was adopted in 1973 with subsequent updates to various elements.

Lead Agency Contact

Name	Dina Tasini		
Agency	City of Martinez		
Phone	925 372 3563	*Fax*	
email			
Address	525 Henrietta Street		
City	Martinez	*State* CA	*Zip* 94533

Project Location

County	Contra Costa			
City	Martinez			
Region				
Cross Streets				
Lat / Long				
Parcel No.				
Township		*Range*	*Section*	*Base*

Proximity to:

Highways	SR 4 and I-680
Airports	
Railways	
Waterways	Carquinez Straint
Schools	
Land Use	All General Plan Land Uses

Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Other Issues
Reviewing Agencies	Resources Agency; Department of Parks and Recreation; Department of Fish and Wildlife, Region 3; Native American Heritage Commission; Caltrans, District 4; Air Resources Board; Caltrans, Division of Aeronautics; Cal Fire; San Francisco Bay Conservation and Development Commission; Office of Emergency Services, California; Caltrans, Division of Transportation Planning; California Highway Patrol; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 2

Date Received	05/26/2015	*Start of Review*	05/26/2015	*End of Review*	06/24/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

Print Form

Notice of Completion & Environmental Document Transmittal

2015052064

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: Martinez General Plan

Lead Agency: City of Martinez Community Development Department — Contact Person: Dina Tasini

Mailing Address: 525 Henrietta Street — Phone: 925-372-3563

City: Martinez — Zip: 94533 — County: Contra Costa

Project Location: County: Contra Costa — City/Nearest Community: Martinez

Cross Streets: _____ Zip Code: _____

Lat. / Long.: ___° ___' ___" N/ ___° ___' ___" W — Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: SR 4 and Interstate 680 — Waterways: Carquinez Straint

Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA:
- [x] NOP
- [ ] Early Cons
- [ ] Neg Dec
- [ ] Mit Neg Dec
- [ ] Draft EIR
- [ ] Supplement/Subsequent EIR (Prior SCH No.) _____
- Other _____

NEPA:
- [ ] NOI
- [ ] EA
- [ ] Draft EIS
- [ ] FONSI

Other:
- [ ] Joint Document
- [ ] Final Document
- [ ] Other _____

RECEIVED
MAY 26 2015
STATE CLEARINGHOUSE

Local Action Type:

- [x] General Plan Update
- [ ] General Plan Amendment
- [ ] General Plan Element
- [ ] Community Plan
- [ ] Specific Plan
- [ ] Master Plan
- [ ] Planned Unit Development
- [ ] Site Plan
- [ ] Rezone
- [ ] Prezone
- [ ] Use Permit
- [ ] Land Division (Subdivision, etc.)
- [ ] Annexation
- [ ] Redevelopment
- [ ] Coastal Permit
- [ ] Other _____

Development Type:

- [ ] Residential: Units _____ Acres _____
- [ ] Office: Sq.ft. _____ Acres _____ Employees _____
- [ ] Commercial: Sq.ft. _____ Acres _____ Employees _____
- [ ] Industrial: Sq ft. _____ Acres _____ Employees _____
- [ ] Educational _____
- [ ] Recreational _____
- [ ] Water Facilities: Type _____ MGD _____
- [ ] Transportation: Type _____
- [ ] Mining: Mineral _____
- [ ] Power: Type _____ MW _____
- [ ] Waste Treatment: Type _____ MGD _____
- [ ] Hazardous Waste: Type _____
- [ ] Other: _____

Project Issues Discussed in Document:

- [x] Aesthetic/Visual
- [x] Agricultural Land
- [x] Air Quality
- [x] Archeological/Historical
- [x] Biological Resources
- [ ] Coastal Zone
- [x] Drainage/Absorption
- [ ] Economic/Jobs
- [ ] Fiscal
- [x] Flood Plain/Flooding
- [x] Forest Land/Fire Hazard
- [x] Geologic/Seismic
- [x] Minerals
- [x] Noise
- [x] Population/Housing Balance
- [x] Public Services/Facilities
- [x] Recreation/Parks
- [ ] Schools/Universities
- [ ] Septic Systems
- [ ] Sewer Capacity
- [x] Soil Erosion/Compaction/Grading
- [ ] Solid Waste
- [x] Toxic/Hazardous
- [x] Traffic/Circulation
- [x] Vegetation
- [x] Water Quality
- [ ] Water Supply/Groundwater
- [x] Wetland/Riparian
- [x] Wildlife
- [x] Growth Inducing
- [x] Land Use
- [x] Cumulative Effects
- [x] Other Green House Gas Emissions

Present Land Use/Zoning/General Plan Designation:

All General Plan Land Uses

Project Description: *(please use a separate page if necessary)*

The General Plan Update (GPU) contains a set of public goals and policies to guide the future development and maintenance of the physical environment in Martinez. The GPU addresses issues related to sustaining Martinez's quality of life, including enhancing the Downtown as the central focus of the community, protecting residential neighborhoods and environmental resources; balancing future development with the provision of adequate services, facilities and infrastructure; collaborating on regional planning efforts; and providing for economic development to maintain a high level of City services. The GPU will replace the City's existing General Plan, which was adopted in 1973 with subsequent updates to various elements.

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Contra Costa

2015052064

Resources Agency

- [x] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Nicole Wong
- [ ] **California Coastal Commission**
  Elizabeth A. Fuchs
- [ ] **Colorado River Board**
  Lisa Johansen
- [x] **Dept. of Conservation**
  Elizabeth Carpenter
- [ ] **California Energy Commission**
  Eric Knight
- [x] **Cal Fire**
  Dan Foster
- [ ] **Central Valley Flood Protection Board**
  James Herota
- [ ] **Office of Historic Preservation**
  Ron Parsons
- [x] **Dept of Parks & Recreation**
  Environmental Stewardship Section
- [ ] **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- [x] **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- [ ] **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou

Fish and Game

- [ ] **Depart. of Fish & Wildlife**
  Scott Flint
  Environmental Services Division
- [ ] **Fish & Wildlife Region 1**
  Donald Koch
- [ ] **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2**
  Jeff Drongesen
- [x] **Fish & Wildlife Region 3**
  Charles Armor
- [ ] **Fish & Wildlife Region 4**
  Julie Vance
- [ ] **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6 I/M**
  Heidi Sickler
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M**
  George Isaac
  Marine Region

Other Departments

- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Depart. of General Services**
  Public School Construction
- [ ] **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- [ ] **Delta Stewardship Council**
  Kevan Samsam
- [ ] **Housing & Comm. Dev.**
  CEQA Coordinator
  Housing Policy Division

Independent Commissions,Boards

- [ ] **Delta Protection Commission**
  Michael Machado
- [x] **OES (Office of Emergency Services)**
  Dennis Castrillo
- [x] **Native American Heritage Comm.**
  Debbie Treadway
- [ ] **Public Utilities Commission**
  Leo Wong
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [ ] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

- [ ] **Caltrans - Division of Aeronautics**
  Philip Crimmins
- [x] **Caltrans – Planning HQ LD-IGR**
  Terri Pencovic
- [x] **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects

Dept. of Transportation

- [ ] **Caltrans, District 1**
  Rex Jackman
- [ ] **Caltrans, District 2**
  Marcelino Gonzalez
- [ ] **Caltrans, District 3**
  Eric Federicks – South
  Susan Zanchi - North
- [x] **Caltrans, District 4**
  Erik Alm
- [ ] **Caltrans, District 5**
  Larry Newland
- [ ] **Caltrans, District 6**
  Michael Navarro
- [ ] **Caltrans, District 7**
  Dianna Watson
- [ ] **Caltrans, District 8**
  Mark Roberts
- [ ] **Caltrans, District 9**
  Gayle Rosander
- [ ] **Caltrans, District 10**
  Tom Dumas
- [ ] **Caltrans, District 11**
  Jacob Armstrong
- [ ] **Caltrans, District 12**
  Maureen El Harake

Cal EPA

Air Resources Board

- [x] All Other Projects
  Cathi Slaminski
  - [ ] Transportation Projects
    Nesamani Kalandiyur
  - [ ] Industrial/Energy Projects
    Mike Tollstrup
- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Jeffery Werth
  Division of Drinking Water
- [x] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- [ ] **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- [ ] **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- [x] **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] **RWQCB 3**
  Central Coast Region (3)
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] **RWQCB 5S**
  Central Valley Region (5)
  - [ ] **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- [ ] **RWQCB 6**
  Lahontan Region (6)
  - [ ] **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] Other _____
  _____
  _____
- [ ] _____
  Conservancy

Last Updated 10/13/2014

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Serious Drought.
Help save water!

RECEIVED
JUN - 1 2015
COMMUNITY DEV. DEPT.

May 29, 2015

CCGEN45
SCH #2015052064

Ms. Dina Tashini
Planning Manager
City of Martinez
525 Henrietta Street
Martinez, CA 94553

Dear Ms. Tashini:

Martinez General Plan (Plan)–Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The Mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The Local Development-Intergovernmental Review Program reviews land use projects and plans to ensure consistency with our mission and State planning priorities of promoting infill, conservation, and efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multi-modal transportation network. Thank you for your early coordination and phone call on 5/28/2015.

The City of Martinez (City) is located in Contra Costa County adjacent to Interstate (I-) 680, and with State Route (SR) 4 crossing through the City. It is approximately 35 miles west of Sacramento, 35 miles east of San Francisco and 63 miles northeast of San Jose. The Plan is comprised of a set of public goals and policies to guide the future development and maintenance of the physical environment of the City. At total buildout, the NOP proposes to provide up to 1,743 single family units and 1,058 multifamily units, with 1,248,410 non-residential developments.

The following comments are based on the NOP. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

Lead Agency
As the lead agency, the City is responsible for all mitigation, including any needed improvements to the State Highway System. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the Plan.

Traffic Impacts
One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts to highway facility operations or traveler safety by local development on State highways. State facilities which traverse the City jurisdiction are the shared responsibility of the State and the City; Caltrans asks that this be recognized in the Plan.

Caltrans recommends the City engage in continuous coordination with Caltrans regarding plans to mitigate traffic impacts to State facilities. Such strategies as those listed in the California Office of Planning and Research (OPR) *2003 General Plan Guidelines,* page 163, include, but are not limited to:

- Estimate costs of needed improvements, expansion and maintenance, and
- Identify viable sources of funding, correlated with the pace of improvements.

Traffic Impact Fees
I-680 and SR 4 are critical to regional and interregional traffic in the San Francisco Bay region. They are vital to commuting, freight, and recreational traffic and are among the most congested regional facilities.

Caltrans commends the City on having a Traffic Impact Fee Program. Contributions should be used to help fund regional transportation programs that improve the transportation system to lessen future traffic congestion, improve mobility, and maintain reliability on major roadways throughout the San Francisco Bay Area. Please also consider a Multimodal fee to improve transit, thereby reducing delays on State facilities; this would not only benefit the region but also reduce any queuing on local roadways caused by highway congestion.

Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system. Successful long-term implantation of this Complete Streets policy is intended to result in:

- More options for people to go from one place to another;
- Less traffic congestion and greenhouse gas emissions;
- More walkable communities (with healthier, more active people);
- Fewer barriers for older adults, children, and people with disabilities;

Economically, complete streets can help revitalize communities, and they can give people the option to lower transportation cost by using transit, walking or bicycling rather than driving to reach their destination.

Vehicle Trip Reduction
Caltrans encourages the City to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicles-miles-traveled and traffic impacts on the State highways. For example, improve headway times for transit routes to Bay Area Rapid Transit (BART) station and enhance weekend service.

The Transportation Demand Management (TDM) Plans should include appropriate documentation for monitoring TDM measures, including annual reports to demonstrate the ongoing reduction of vehicle trips while continuing to survey the travel patterns of employees and visitors to the facility. For more information, see the link below: http://www.mtc.ca.gov/planning/smart_growth/parking.

Should you have any questions regarding this letter, please call Keith Wayne at 510-286-5737 or keith_wayne@dot.ca.gov.
Sincerely,

Pat C

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

bcc: P. Maurice/ K. Wayne/ File

Mike N. Oliphant
Project Manager
Mining and Specialty
Portfolios

Chevron Environmental Management Company
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
mike.oliphant@chevron.com

June 4, 2015

Stakeholder Communication – City of Martinez

Ms. Dina Tasini
Planning Manager
City of Martinez Community Development Department
525 Henrietta Street
Martinez, California 94533

Subject: **Comments on the Notice of Preparation of the Draft Program Environmental Impact Report for the City of Martinez General Plan Update**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Tasini:

On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering LLC (Leidos; CEMC contract consultant) recently became aware of the Notice of Preparation of the Draft Program Environmental Impact Report (PEIR) for the City of Martinez General Plan Update. The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in the City of Martinez, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in these former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied: in some instances the pipelines were removed, while in others, they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the city limit and sphere of influence boundaries. The location of the pipelines shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction

activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

For more information regarding these historic pipelines, please visit http://www.hppinfo.com/. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Tan Hoang (tan.t.hoang@leidos.com) at (916) 979-3742.

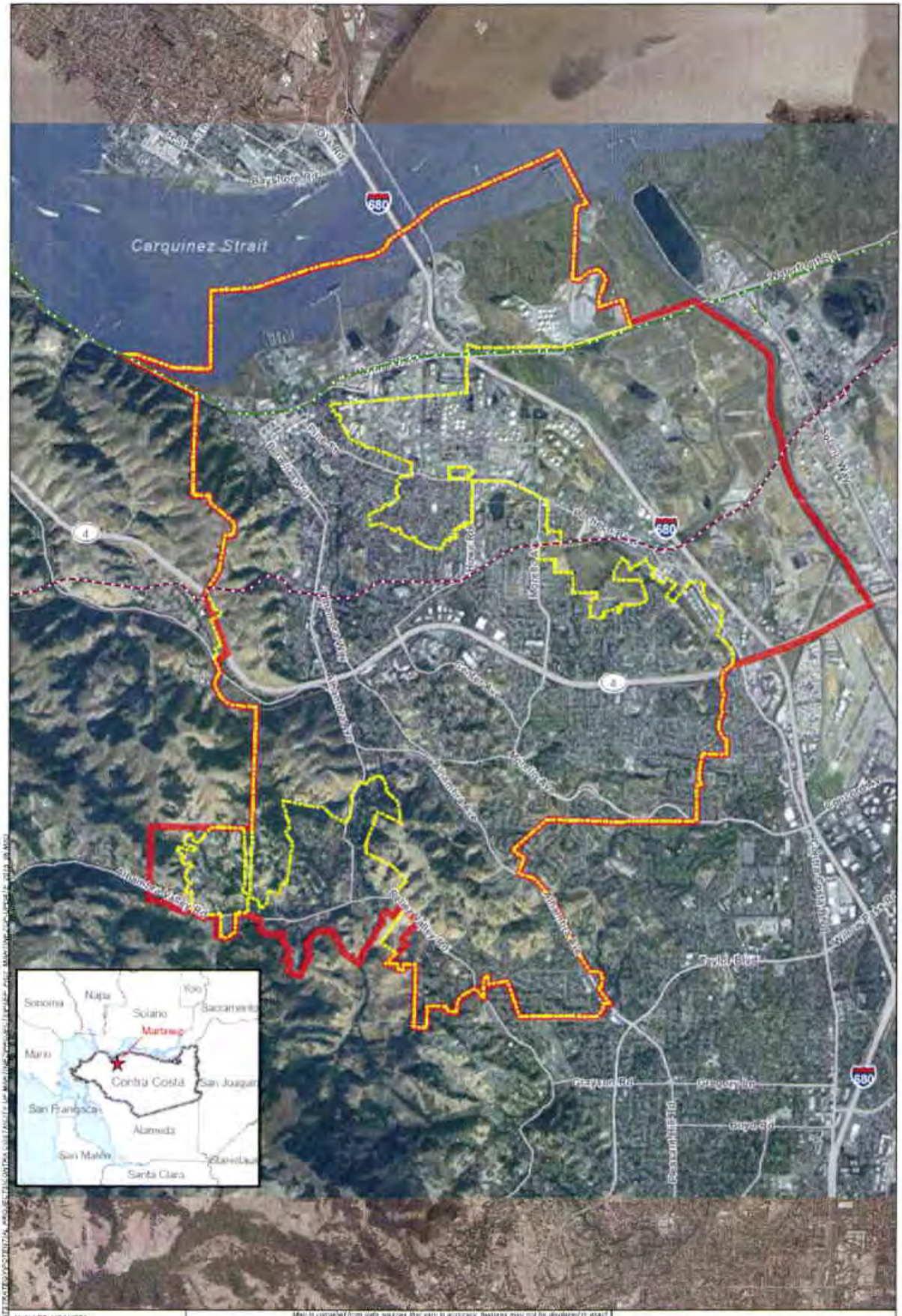
Sincerely,

Mike Oliphant

MO/klg

Enclosure:
Figure 1. Historical Pipeline Rights of Way – General Plan Update – Location Map

cc: Mr. Mike Hurd – Leidos
1000 Broadway, Suite 675, Oakland, California 94607



ANALYST: HCANSETA

DATE: 8/1/2016

leidos

Map is compiled from data sources that vary in accuracy. Features may not be displayed in exact relationship to one another. Do not rely on map for legal information or underground work.

0 1,700 3,400

Feet

Historical Old Valley Pipeline (OVP)

Historical Tidewater Associated Oil Company (TAOC) Pipeline

Martinez City Limits

Martinez Sphere of Influence

HISTORICAL PIPELINE RIGHTS OF WAY

GENERAL PLAN UPDATE
- LOCATION MAP

Martinez, California

FIGURE

1

Civic Martinez, LLC
1500 WILLOW PASS COURT · CONCORD, CA 94520 · Phone (925) 685-0110 · Fax (925) 685-0660

June 10, 2015

City of Martinez
Community Development Department
Dina Tasini, Planning Manager
525 Henrietta Street
Martinez, CA 94533

Re: Notice of Preparation – General Plan Update (Environmental Impact Report Scoping Session)

Dear Ms. Tasini:

This letter is an initial comment on the scope of the Notice of Preparation issued for the City's General Plan Update dated May 26, 2015 ("NOP").

The NOP is seeking comments on the scope and content of the Environmental Impact Report ("EIR") that will be prepared for the new General Plan. Our initial comment pertains to the scoping session being held on June 10, 2015, which we anticipate will impact the privately owned property that once included the Pine Meadow Golf Course, located at 451 Vine Hill Way, Martinez ("Golf Course").

Over the course of the last six years, the fate of the Golf Course has been a topic of extensive discussion at City meetings. As has been expressed at numerous meetings and hearings on the Pine Meadow residential development application, the Golf Course has not been a feasible or economically beneficial or viable use for the property for many years. As a matter of fact, due to the economic hardship in continuing to operate the Golf Course, it was shut down a few months ago. For the very same reasons, other open space uses are not feasible or economically beneficial or viable uses for the Golf Course property. As has already been debated and analyzed by the City, the Golf Course property is best suited for residential use.

We strongly encourage the City to update the General Plan to identify the Golf Course property as a site suitable for residential use. Figure 2 to the NOP is a proposed land use map, but we cannot ascertain the proposed land use for the Golf Course property from that Figure. As was explained throughout the development application process for the Pine Meadow

residential project, designating this property for residential use is consistent with the recommendation of the General Plan Update Task Force. We trust this recommendation will be respected in the new General Plan.

Consistent with a residential designation on the property, the EIR must recognize and analyze residential uses on the Golf Course property. As was already demonstrated in the Mitigated Negative Declaration prepared and approved by the City Council on the Pine Meadow resident project, residential uses on the Golf Course property will not result in any significant, unavoidable environmental impact.

Thank you for this opportunity to comment.

Very truly yours,

Dana C. Tsubota
Vice President and General Counsel

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
e-mail: LouAnn.Texeira@lafco.cccounty.us
(925) 335-1094 • (925) 335-1031 FAX

Lou Ann Texeira
Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member

Mary N. Piepho
County Member

Federal Glover
County Member

Rob Schroder
City Member

Michael R. McGill
Special District Member

Igor Skaredoff
Special District Member

Don Tatzin
City Member

ALTERNATE MEMBERS

Candace Andersen
County Member

Sharon Burke
Public Member

Tom Butt
City Member

George H. Schmidt
Special District Member

RECEIVED
JUN 29 2015
COMMUNITY DEV. DEPT.

June 22, 2015

Dina Tasini, Planning Manager
City of Martinez
525 Henrietta Street
Martinez, CA 94553

Subject: Notice of Preparation – Martinez General Plan
Draft Program Environmental Impact Report

Dear Dina:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) on the distribution list for the above project.

We understand that the City will prepare a programmatic Environmental Impact Report (EIR) in conjunction with a comprehensive update to the City's General Plan; and that this time, the City is seeking public comment as to the scope and content of the EIR. In response, we offer the following comments:

1. ***Study Area*** – The City indicates that it will include areas within its sphere of influence (SOI) in the General Plan Update.

   We assume that the update will discuss, at a programmatic level, areas proposed for future annexation (e.g., Mt. View, Vine Hill, Alhambra Valley, North Pacheco) in terms of the potential for future development, land use and effects on agricultural and open space lands, and effects on public services.

   Also, future boundary change applications to LAFCO would be facilitated by addressing the environmental effects relative to utilities, public services, land use and effects on agriculture and open space in the City's General Plan.

2. **Project Description** – The City describes a range of issues it will review as part of the General Plan update, including "balancing future development with the provision of adequate services, facilities and infrastructure."

   LAFCO encourages the City to discuss in its General Plan update the provision of water service to areas outside the City boundary. One of the recommendations included in the various LAFCO Municipal Services Reviews (MSRs) covering the City of Martinez (2008, 2009, 2014) is to annex those areas being served extra-territorially by the City, and that annexation of these areas should be a high priority for the City in order to clean up outstanding boundary issues.

3. The Project Description also indicates that the City is updating its Housing Element through a separate process. In December 2014, LAFCO sent an email to the County and all city Planning Directors regarding the requirements of SB 244 (Wolk, 2011) and City General Plans and Housing Elements.

   SB 244 requires cities and counties to address the infrastructure needs of unincorporated disadvantaged communities (DUCs) in their general plans. Specifically, SB 244 requires that before the due date for adoption of the next housing element after January 1, 2012, the general plan land use element must be updated to: 1) identify DUCs; 2) analyze for each identified community the water, wastewater, stormwater drainage, and structural fire protection needs; and 3) identify funding alternatives for the extension of services to identified communities.

   SB 244 also requires LAFCOs to address DUCs as part of LAFCO MSRs, SOI updates, and annexations. Specifically, SB 244 prohibits LAFCO approval of city annexations greater than 10 acres that are contiguous to a DUC unless the city applies to annex the DUC as well. This requirement is not applicable if an application to annex the DUC had been made during the prior five years, or if there is evidence that a majority of residents in that community opposes annexation. Also, after July 1, 2012, LAFCOs must consider the present and future need for public facilities and services by DUCs for any city or district updating their SOI, and which provides public sewer, municipal and industrial water, or structural fire protection facilities or services. LAFCOs must also make determinations relating to DUCs in its MSRs.

   In June 2014, LAFCO completed its 2nd round, countywide MSR covering water and wastewater services. The MSR included an analysis of DUCs at the Census Designated Place, Census Tract and Census Block levels. It appears they may be several communities within Martinez's SOI that qualify as "disadvantaged" including Mt. View, North Pacheco and Vine Hill.

   We encourage the City to identify and analyze any DUCs within the City boundary and SOI as required pursuant to SB 244.

Thank you in advance for your consideration of our comments. We look forward to receiving additional information regarding the City's efforts to update its General Plan and Housing Element.

Sincerely,

Lou Ann Texeira
LAFCO Executive Officer

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

June 25, 2015

RECEIVED
JUN 29 2015
COMMUNITY DEV. DEPT.

Dina Tasini
City of Martinez
525 Henrietta Street
Martinez, CA 94553

SUBJECT: Notice of Preparation (NOP) for the Martinez General Plan Draft Program Environmental Impact Report, SCH# 2015052064; BCDC Inquiry File No. CC.MZ.7134.2

Dear Ms. Tasini:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Martinez General Plan Draft Program Environmental Impact Report (EIR). The project as described includes seven General Plan Elements to be analyzed in the EIR (Land Use; Circulation; Open Space and Conservation; Noise; Safety; Historic, Cultural, and Arts; and Growth Management), as well as the General Plan Land Use Map (collectively "proposed project"). It is unclear whether the project will also include a Parks, Community Facilities, and Utilities Element, as it is mentioned (p. 3) but not described in the list of Elements (pp. 3-4). The Housing Element is being updated through a separate process.

The NOP is dated May 26, 2015, and was received in our office on May 27, 2015. The San Francisco Bay Conservation and Development Commission has not reviewed the NOP, however the following staff comments are based on the *McAteer-Petris Act*, the *San Francisco Bay Plan* (Bay Plan), which serves as the Commission's federally-approved management plan for the San Francisco Bay, and staff review of the NOP as it relates to the Commission's jurisdiction.

Jurisdiction. The Commission exercises permitting authority over San Francisco Bay up to the mean high tide line, including all sloughs and marshlands lying between high tide and five feet above mean sea level. The Commission also has jurisdiction within a shoreline band that extends 100 feet landward of and parallel with the Bay shoreline, as well as over managed wetlands adjacent to the Bay, salt ponds, and certain waterways. Commission permits are required for activities including dredging, fill placement, shoreline development, and substantial changes in use to any land, water or structure within the Commission's jurisdiction. For additional information on policies and permit requirements, please visit BCDC's website at www.bcdc.ca.gov.

The Commission also has land use authority over shoreline areas designated for priority uses in the Bay Plan. In Martinez, the Commission has designated certain areas of the Bay shoreline for waterfront park and beach priority use, and water-related industry priority use, as noted in Bay Plan Map No. 2. The EIR should discuss the consistency of land uses proposed for these areas with the Commission's Bay Plan land use designations, and the applicable Bay Plan policies. The recreation policies guide Commission decisions for waterfront parks, and the water-related industry policies for the water-related industry priority use area. The San Francisco Bay Plan and Maps can be accessed online at: http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan.shtml.

Climate Change. Some elements or portions of the proposed project that are located within BCDC's jurisdiction would be subject to the Climate Change policies in the Bay Plan. Climate Change Policy 2 states, in part: "When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area."

Climate Change Policy 3 states, in part: "To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects – other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas – should be designed to be resilient to a mid-century sea level rise projection." Climate Change Policy 4 further states that: "[U]ndeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species... should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes."

The EIR should include a discussion of how elements or portions of the General Plan Update could potentially be vulnerable to projected sea level rise. It should also discuss the best estimates of future sea level rise that would be used to assess risks within BCDC's jurisdiction and whether the General Plan Update would be consistent with the Bay Plan Climate Change policies. As a planning tool, the preparers of the EIR may wish to refer to the Sea Level Rise Viewer developed by the NOAA Office for Coastal Management in collaboration with a number of other agencies and organizations. The viewer is available at: http://coast.noaa.gov/digitalcoast/tools/slr/.

Additionally, the City of Martinez is participating in the Contra Costa Adapting to Rising Tides project, which is evaluating the vulnerability and consequences of shoreline and community assets to current and future flooding, including sea level rise and storm event impacts. The preparers of the EIR can obtain information about the project assessment and other outcomes at http://www.adaptingtorisingtides.org/working-groups-overview/contracosta/ or can contact Wendy Goodfriend (wendy.goodfriend@bcdc.ca.gov), BCDC's Contra Costa ART project manager.

Appearance, Design, and Scenic Views. The Bay Plan policies on appearance, design, and scenic views state, in part, "All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shoreline." The EIR should discuss the impact of the Land Use, Circulation, and Open Space and Conservation Elements and Land Use Map, in particular, to views along shoreline trails and recreational spaces, and any features that would enable or discourage views of the Bay from public access points.

Public Access. Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate." The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part that, "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline....Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed." The EIR should discuss how the proposed project is consistent with these policies.

Recreation. The Bay Plan policies on recreation state, in part, that "Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels." Additionally, Bay Plan Map No. 2 shows that the Martinez Regional Shoreline and Martinez Waterfront Park are designated as a waterfront park and beach priority use area. For this area, the Bay Plan policies state, in part: "Preserve mix of recreational uses for picnicking, wildlife viewing, wildlife habitat management and hiking in regional park and community facilities, including team sports in City park. ... Complete Bay Trail and provide non-motorized small boat landing and launching." The EIR should indicate how proposed use along the shoreline aligns with the priority use area designation and how the proposed General Plan will provide for diverse, accessible recreational opportunities consistent with these policies.

Transportation. The Bay Plan policies on transportation state, in part, "Transportation projects...should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline." It appears that current and planned Bay Trail segments are within the proposed project area. The EIR should discuss how the Circulation Element, in particular, provides for non-motorized forms of travel (e.g. bicycles, pedestrians) and how the proposed project will integrate the existing Bay Trail and other regional and community trails.

Fish, Other Aquatic Organisms and Wildlife. The Bay Plan policies on fish, other aquatic organisms and wildlife state, in part, that to benefit these resources "the Bay's tidal marshes, tidal flats and subtidal habitat should be conserved, restored and increased" to the "greatest extent feasible." Furthermore, "[s]pecific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered, species that the California Department of Fish and Game has determined are candidates for listing as endangered or threatened under the California Endangered Species Act, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes." The EIR should discuss the effect the proposed project would have on fish, other aquatic organisms and wildlife, and whether the proposed project elements would be consistent with the Bay Plan policies on these resources.

Existing BCDC Permits. The City of Martinez and other public and private landowners have existing BCDC permits that control the use of land and water within the Commission's jurisdiction. A partial list includes BCDC Permit Nos. 01-83, 08-73, 21-76, 06-67, and 06-02. The EIR should analyze whether any of the proposed land uses would conflict with these Commission permits.

We appreciate the opportunity to comment on the NOP for the Martinez General Plan Draft Program Environmental Impact Report. Please contact me at (415) 352-3649 or RCoates-Maldoon@bcdc.ca.gov if you have any questions.

Sincerely,

R. Coates-Maldoon

REBECCA COATES-MALDOON
Coastal Planner

cc: State Clearinghouse

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
Steve Kowalewski,
Deputy Chief Engineer

June 23, 2015

Dina Tasini, Planning Manager
City of Martinez
525 Henrietta Street
Martinez, CA 94533

RE: Notice of Preparation for Environmental Impact Report for General Plan Update
Our File: 060-04

Dear Ms. Tasini:

We have reviewed the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the City of Martinez (City) General Plan Update, which we received on May 28, 2015, and submit the following comments:

1. We request that the Draft EIR (DEIR) provide a map of the watersheds within the General Plan Area, especially where the land use designation changes will be located. The map should include the watershed boundaries, show all existing watercourses, tributaries, and man-made drainage facilities within the project site that could be impacted by the City's General Plan Update and also identify Contra Costa County Flood Control & Water Conservation District's (FC District's) right of way.

2. The DEIR should discuss the payment of drainage area fees for development within formed drainage areas as a mitigation measure. Mitigation drainage fees are charged for any new impervious surfaces created within Drainage Areas 40A, 47, 57, 72, 87, and 88 in accordance with Flood Control Ordinance Numbers 82-09, 2001-04, 88-86, 2002-36, 2002-38, and 2002-39, respectively. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective January 1, 2015, the current fee in drainage area 40A is $0.21 per square foot of newly created impervious surface. Drainage area 47 is $1.12; drainage area 57 is $0.35; drainage area 72 is $0.74; drainage area 87 is $0.74; and drainage area 88 is $0.74. Drainage area fees are required for any development within a formed drainage area.

3. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection.

4. The DEIR should identify and show all existing watercourses, tributaries, and man-made drainage facilities within the general plan area that could be impacted by this project. The discussion should include an analysis of the capacity and erosion potential of the existing watercourses.

5. We recommend that the DEIR stipulate that future developments should design and construct storm drain facilities to adequately collect and convey stormwater runoff, without diversion of the watershed, entering or originating within the development to the nearest natural watercourse or adequate man-made drainage facility.

6. The DEIR should address the potential for future development that could generate additional impervious surface and the subsequent issues downstream of those developments. For example, the closed golf course located north of the intersection of Center Avenue and Vine Hill Way is labeled as "open space/preservation" on the land use map. However, it is assumed that this land will be developed in the future. Since the storm drain system downstream of the golf course was designed for the runoff generated by grassy open space, the addition of impervious surface would generate additional runoff that would need to be mitigated by using on-site detention or by upgrading the downstream system.

7. We recommend that the adequacy and stability of the drainage facilities within the project area be studied to determine if local drainage design criteria are met, as well as FEMA National Floodplain Insurance requirements. If those are not met, then the DEIR should discuss the potential impacts and propose mitigation measures to address those impacts. The discussion should also include an analysis of the capacity and erosion potential of the existing watercourses.

8. According to current FEMA floodplain maps, land surrounding Alhambra Creek is in a special flood hazard area (SFHA) that includes a 100-year floodplain. The DEIR should discuss how new construction or substantial upgrades within SFHAs will conform to Contra Costa County Floodplain Management Ordinance 2000-33 or the City's equivalent ordinance.

9. The FC District's 50-year plan (attached to this letter for your use and reference) encourages local communities to plan for modifying flood control channels to incorporate natural features. There may be opportunities to implement creek restoration and environmental enhancements within the City. The City should consider requiring developers to incorporate natural features into creeks and channels, such as Alhambra Creek.

10. The DEIR should discuss any proposed changes in density, and its corresponding increases in impervious surface, and discuss its effect on the existing storm drain systems and any mitigations that are necessary.

11. The DEIR should discuss how the project will comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the City's Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook.

12. We recommend that the DEIR request the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Wildlife, and the State Regional Water Quality Control Board, to explore the permits, special conditions, and mitigation that may be necessary for this project.

13. The FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities. The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information and our HYDRO6 method, under our Fee-for-Service program.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you should have any questions, please call me at (925) 313-2018 or e-mail me at craig.standafer@pw.cccounty.us.

Sincerely,

Craig M. Standafer
Civil Engineer
Contra Costa County Flood Control
& Water Conservation District

CMS:cw
G:\fldctl\CurDev\CITIES\Martinez\General Plan Update\Letter NOP -Jun-15.doc
Enclosure: The Fifty Year Plan

c: M. Carlson, Flood Control
T. Jensen, Flood Control
T. Rie, Flood Control

The 50 Year Plan
"From Channels to Creeks"

Contra Costa County Flood Control and Water Conservation District
March 2009

On April 9, 1999, Contra Costa County held its first Watershed Symposium. At that Symposium, we outlined a vision to convert our concrete and rip-rap lined channels into natural systems that safely convey the same flood waters. Over the years, this vision has been reviewed and refined. The purpose of this paper is to identify the benefits for the Flood Control District to convert its first generation infrastructure, consisting of concrete and rip-rap lined channels, to second generation facilities, consisting of natural creek systems, and the methods to achieve this. The vehicle to achieve this is long range planning for creek enhancement.

As with most Flood Control Districts, the Contra Costa County Flood Control and Water Conservation District was formed to provide flood protection infrastructure and improvements for a rapidly developing County. Our mandate at that time was defined as simply providing flood protection in the most economical manner. The County paid all right-of-way costs, which often resulted in relatively narrow concrete and rip-rap-lined channels. Today, however, communities desire a broader range of services. The citizens of our county still want flood protection, but they also want a healthy and natural looking eco-system in their drainage channels and creeks (while minimizing the amount on their tax bill for maintenance and new infrastructure costs). They want good water quality and a sustainable and rich plant and animal habitat in their creeks and watersheds. At the same time, our infrastructure is aging and will need to be replaced over the next several decades. Compounding our problem is a severe lack of funding. After passage of Proposition 13 in 1978, our tax revenue was reduced by 58%. We have been scrambling to perform our mission and maintain our existing infrastructure ever since. Planning for the capital replacement of an estimated $500 million in infrastructure is daunting to say the least. To do this we need to take a long view and we need public support to plan and fund our infrastructure replacement.

Our existing major infrastructure has a remaining service life of 30 to 50 years. We need to embark now upon a planning process for long-range replacement of this essential infrastructure. The question for our communities is this; what type of infrastructure should it be replaced with? Should we simply rebuild our concrete or rip-rap channels, or should they be replaced with more natural systems of vegetation and riparian habitat in a manner that allows natural processes to maintain essential flood protection and water quality improvement functions, recreational and aesthetic values, as well as allowing flexibility to respond to climate change? Our experience indicates there will be much more support for replacing the existing infrastructure with natural systems. If we pose this question openly, then the answer becomes a community

design issue, resulting in community involvement, and ultimately community buy-in and support. This long-range process to develop a creek enhancement plan was termed the "50 year plan" simply to illustrate the long-range aspect of the process.

Historical Background

The Contra Costa County Flood Control and Water Conservation District (Flood Control District) was established in July of 1951. This was during the Age of Infrastructure. Americans had just returned from overseas where they had won World War II, in great part due to America's resources, technology, and "Yankee know-how". Americans were filled with optimism, a "can do" attitude, and the sense that any problem could be solved with technology and infrastructure. Contra Costa County, along with the rest of California, was growing and expanding. As the county developed, public policy required the construction of extensive infrastructure. The population in the Walnut Creek watershed increased from 53,000 to 250,000 between 1950 and 1966. The floods of 1955 and 1958 galvanized public support for flood control infrastructure throughout the county. The Flood Control District, in partnership with the the U.S. Army Corps of Engineers and the Department of Agriculture Soil Conservation Service, constructed improvements in the Walnut Creek, Marsh Creek, Pinole Creek, Rodeo Creek and other watersheds. Due to subsidies provided by the federal and state governments, the Flood Control District was able to construct these major regional flood control facilities at a local cost of approximately ten percent of the total project cost. The cities and the county supported the construction of infrastructure to meet the needs of the citizenry. At the time, however, we did not understand the environmental consequences of our infrastructure construction.

In the 1970's we began to understand the effects of unbridled construction activities. We began to understand that many things are interrelated, and saw the need to analyze things from a system-wide perspective and not on an individual basis. Public sentiment began to shift towards being more sensitive to the environment. The National Environmental Policy Act, Clean Water Act, and the Endangered Species Act were all passed in the late 1960's and 1970's. Since then, these and other environmental policies and laws have been strengthened, and regulations established to enforce and monitor infrastructure construction and maintenance activities. Citizen action groups were formed in communities throughout the county to oppose the traditional approach to solving our infrastructure problems. These groups and evolving statutory requirements forced government agencies in the county to analyze the impact of construction activities on the environment. Over the last twenty-five years, these actions have defined the current public policy of providing infrastructure with environmental protection and preservation.

The New Mission and Our Challenge

The original mission of the Flood Control District was to provide flood control infrastructure. This mission was aligned with the public policy at the time, and the District was very successful in providing flood protection improvements for the residents of the county. To be aligned with today's public policy, however, the District's mission must be expanded to include habitat preservation and water quality in the course of providing flood protection.

Other critical issues will also have to be addressed including the significant reduction in financial assistance offered by the state and federal government for flood protection projects, and the means to accumulate and protect reserve funds to implement an infrastructure replacement plan. Flood risk is defined by topography and is not evenly distributed. Hurricane Katrina focused a national debate on the equity of subsidizing disaster recovery costs for property located in hazard prone areas. In California's current "pay as you go" public policy environment, it will be very challenging to enlist the financial support of property owners outside flood hazard areas to implement an overhaul of existing flood channels that seemingly benefit a minority of property owners.

Our customers, the cities, the county, the public, and other agencies, are operating within the same public policy framework that the District is. All public infrastructure has a limited service life, a period of time the infrastructure will perform its designed service with routine maintenance before it needs to be replaced. The question is how do we plan for the replacement of this critical infrastructure within today's public policy framework?

The Approach to Flood Control Issues

The Flood Control District's mission defines its approach to resolving flood control issues. The District's mission is consistent with current public policy and the mandate from the regulatory agencies to provide flood protection while preserving riparian habitat and maintaining water quality. The "flood control" issues of today are different from the flood control issues of the past. The issues of today are, for lack of a better term, "creek issues". Creek issues combine the concerns for flood protection, ecosystem preservation, and water quality. To resolve the issues we face today, we must approach them from a **multi-objective** perspective. We must identify the stakeholders involved in the issue, determine their interests and needs, and then provide alternatives that meet those needs and interests. The alternatives must be based on sound science to ensure that the creek system will provide all the functions necessary for the watershed.

Planning for creek issues requires **community-based planning**. This type of community planning will often transcend jurisdictional boundaries. Resolution of today's issues must go beyond the traditional focus of the "plumbing" of the watershed (i.e., the creeks), and extend to the watershed as a whole. The solutions of tomorrow must be **watershed-based and multi-objective**, or more accurately, the solutions of tomorrow must evolve from **community-based watershed planning**.

Creek Enhancement Planning

The Flood Control District has many miles of engineered, or historically termed "improved", channels that no longer have the natural features of the original creek. Funding will likely become available to restore some natural features to these channels. Some channels were designed for specific land uses that have changed over time and, if this trend continues, may become inadequate in the future. If some of these facilities become inadequate, should they be replaced with the same type of facility or replaced with a facility having the features of a natural creek? Should concrete lined channels be replaced with engineered creeks? Can flood control earthen channels be converted to "flood control creeks"? As our community's age and land uses change, we will have the opportunity through redevelopment to implement more natural flood protection facilities integrated in the new urban landscape.

The Flood Control District can develop Creek Enhancement Plans to, for example, plant trees in an earthen channel and still maintain flood protection, IF the drainage system is looked at from a watershed perspective, to offset the loss in capacity due to the trees planted in the channel. If the goal is to convert a flood control channel to a natural creek, then some Creek Enhancement Plans will need extremely long planning horizons of 50 years or more to achieve all of their objectives. Some plans may be as simple as providing a bypass pipe or an upstream detention basin or increased upstream infiltration to allow a creek section to be natural, while other plans may call for purchasing a row of houses in order to replace a concrete channel with a natural looking creek. These kinds of objectives are achievable and can be implemented without unreasonable disruption to a community if a long-range "50-year" creek enhancement plan is adopted. The Flood Control District will develop these plans if the citizens of our cities and the county are interested in a more natural environment in our flood protection facilities.

Flood Control District Benefits

There are several benefits for the Flood Control District to develop long-range plans to convert its drainage facilities into a natural system.

- Broad public support - Initially it may seem easier to simply replace the existing infrastructure. However, regulatory agencies and public sentiment support conveying flood waters in natural systems rather than artificial concrete systems. Planning future facilities that meet modern expectations will guarantee a broad level of support.

- Grant Funds - There will be opportunities for grant funds to construct elements of a more natural system and probably fewer (or maybe zero) opportunities for grant funds to replace concrete structures.

- Increase Awareness - Going through a long-term planning process provides an opportunity to discuss issues related to flood protection, floodplain management, natural creek system function and form, etc. Increased public awareness of stormwater issues leads to increased understanding and support for funding.

- Community Design - Including the public and community leaders in a long-range plan allows the project to become part of the community design element of a neighborhood or town. These can then be part of the general plan or specific plan for a community and can lead to partial funding through development fees or redevelopment revenue. These kinds of projects can also contribute to making communities more sustainable, including meeting new targets for carbon emission reduction, enhancing greater reliance on local water supplies, and responding to the anticipated effects of climate change.

- Life Cycle Costs - These vary by facility and channel reach. Concrete channels tend to have high initial construction costs, very low ongoing maintenance costs and high replacement costs. Natural channels require increased right-of-way width and generally higher ongoing maintenance but low or zero replacement costs. Taking the long view, the costs for natural channels will be much less compared to the costs of multiple life cycles for concrete channels.

- Water Quality and Conservation – Water flowing in natural creeks flows over and through biological media and is filtered through creek banks and beds, cleansing the water and retaining it longer in the watershed helping to meet stormwater (NPDES) permit requirements and enhancing aquatic habitat features.

- Aesthetics – Natural channels are much more appealing than concrete channels for recreational uses or simply as a visual amenity for a community.

- Recruitment and Retention – Staff working for the Flood Control District will be more likely to be motivated, have a high morale and make a career at the District if the District is progressive, visionary, and places importance on environmental protection.

Opportunities

There are many opportunities for long-range planning for replacement of vital flood protection infrastructure within existing community planning and implementation activities that include the following:

- Redevelopment Plan – area-wide master plan that can include watershed infrastructure.

- Redevelopment Plan Projects – projects outlined in a community's Redevelopment Plan.

- Development Projects – requiring (or negotiating) implementation of short pieces of channel/creek enhancement with land use entitlements.

- General Plan Updates – watershed and system-wide infrastructure planning.

- General Plan Amendments – identify improvements to segments of a regional or watershed infrastructure plan.

- Specific Plans – neighborhood level improvements of watershed infrastructure.

- Watershed Management Plan – regional, watershed level assessment of infrastructure needs.

- Mitigation – opportunity to develop and possibly implement portions of a plan as alternative mitigation.

- Regulation Offsets/Alternative Compliance – opportunities to develop watershed or creek enhancement plans and/or implement portions of improvements as an offset or in-lieu of stormwater (NPDES) or regulatory permit requirements.

- FEMA Mapping – opportunity to review watershed or creek infrastructure needs within floodplains.

- Integrated Regional Water Management Planning – collaboration with water supply agencies that could provide funding or cost-share contributions to alternative stormwater management approaches that retain and "harvest" rainfall, thereby enhancing local water supplies for landscape irrigation and reduction of flood peaks.

- Community Based Organizations – collaborative or independent projects by non-profit organizations with private funding sources.

- Climate Change and Sea Level Rise – may be a trigger for long-range creek planning, especially with expansion of the floodplain incorporating more properties.

- Bay Area Stream Goals – opportunity for watershed and regional infrastructure planning.

- Emergency Planning – predisaster mitigation planning with grants from FEMA and other organizations.

Benefits for the Community

The community gains many tangible benefits in addition to continuing flood risk reduction. These benefits are similar to those of the Flood Control District, but are from a different perspective.

- Quality of Life – having a natural creek system drain through a neighborhood rather than a concrete channel looks and feels better to the surrounding residents resulting in increased property values.

- Community Amenity – the community can plan and design its public spaces and retail/commercial areas to take advantage of the attraction of a natural system. The community can have a recreational and aesthetic focus along the creek as a natural system, rather than a concrete lined flood control utility.

- Habitat – a natural creek will provide the plant and animal habitat necessary for a rich eco-system within the creek and its riparian corridor and can provide wildlife linkages between urban ecosystems and open-space areas.

- Water Quality – a natural system will provide opportunities for cleansing and filtering storm run-off, particularly during low flow events, to reduce pollutants in the stormwater.

- Connection with Nature/Community Health – Nature Deficit Disorder (a term introduced by Richard Louv in his book "Last Child in the Woods") embodies a theory that children who lose the connection with nature exhibit a variety of behavioral problems more so than children who get out into nature. As our landscape becomes more urbanized and we have more technological diversions, our children have less opportunity and spend less time interacting in a natural environment. Reestablishing natural creeks in an urban setting will increase opportunities for children to interact with nature in an otherwise paved or manicured/structured environment.

- Community Involvement – The community has an opportunity for citizens to get involved in creek related activities, such as clean-ups, water quality monitoring and fish surveys, or for youth groups to help actively manage portions of the creek by, for example, removing invasive species, or by developing watershed plans. These activities increase citizen involvement and increase their sense of community.

- Development of "Green Jobs" – The community can develop and retain a skilled workforce restoring and maintaining public and private natural creeks. This could include re-vegetation and soil bioengineering project work, water quality monitoring, and coordination of erosion prevention/stabilization on private property and stream stewardship training for private property owners. These would be new jobs for the community that can't be outsourced overseas, which helps the community's economic sustainability.

Outreach

Successful long-range planning and implementation will require active support from and partnerships with many agencies, groups and individuals. The Flood Control District will need to outreach to many different groups to increase awareness, enlist support and develop partners to initiate and sustain a long-range plan. For Contra Costa County this would include the following groups:

- Public Managers Association
- City/County Engineering Advisory Committee
- City Councils
- Watershed Forum
- Non-profit organizations
- Regulatory agencies

Developing a brochure ("The 50 year plan-A future for our Children") or short, concise informational piece would be very helpful to communicate the concept and opportunity of this approach to infrastructure replacement.

Roles and Responsibilities

If we are to embrace this approach to infrastructure replacement, what should the role of the Flood Control District be? And what of our partners, the cities, the non-profit groups (NGO's), the regulatory agencies, what role should they play?

- Flood Control District – The Flood Control District must be a cheerleader for the 50-year plan. We need to provide outreach information on the benefits and

value added by this approach. By long practice and political prudence we do not conduct activities within a jurisdiction without that jurisdiction's approval. We must work hard to enlist the support of the public and the communities within which these projects and activities would occur. The root issue for the Flood Control District is funding. How can we obtain community support for funding capital replacement of flood protection infrastructure and then fund its ongoing maintenance? The average household spends maybe $700 per year on potable water and over $300 per year on wastewater treatment. In contrast, the average Contra Costa household spends about $30 per year on water quality (NPDES) and less than $70 per year on flood protection maintenance and improvements, depending on the specific watershed (see footnote 1). As a society, do we spend enough resources on stormwater management, does the general public understand the benefits and value of stormwater management and the flood protection system? Everyone uses the water supply system every day; everyone uses the waste water system every day. If a flood protection system is viewed as providing solely flood protection, then it is used only during heavy storm events. Even though a flood protection system saves a community from disastrous economic losses from rare storm events, it is never foremost in people's minds. If a flood protection system embodies a natural creek that has habitat value, recreational elements and opportunities for children to interact with nature, then it will be used on a more frequent basis and be viewed with more importance in relation to other necessary societal expenditures.

- Cities – Cities must take a leadership role in establishing the vision for their community for flood protection infrastructure. Cities must define the goals for a Creek Enhancement Plan. Cities must support the objectives of a 50-year plan if it is to be successful, and these objectives must be incorporated into the city's General Plan to ensure long-term commitment and provide the opportunities for eventual implementation through future land use decisions.

- Community Based Organizations/Non-Governmental Organizations/Non-Profit Groups – These community groups can play a key role in adding benefit and value to a community's Creek Enhancement Plan. For example, community organizations may harness the energy of volunteer citizens to monitor the health of the natural creek after it's converted from a concrete channel. Another group may partner with the Flood Control District to help maintain some of the features of a natural channel using youth labor, which benefits the community by providing work for a segment of the community and provides activities for them after school. Community groups will be natural and necessary partners to communicate and outreach to the public about the overall benefits of a Creek Enhancement Plan and watershed based community planning processes. The Resources Conservation District has a long history in assisting community groups in these efforts.

- Regulatory Agencies – Regulatory agencies must invest time up front in the planning process to make sure the Creek Enhancement Plan includes the proper balance of habitat for the natural creek system. The regulatory agencies must also be flexible when the only way to implement a more natural system is by "shoehorning" it into an urban environment and compromises on everyone's part are required to meet the sometimes daunting constraints involved. Balancing community use of the creek as a public open space with habitat needs for species will be especially tricky.

Challenges

There are challenges to every endeavor in life, and addressing creek issues is no different.

- Jurisdictional Boundaries – It will be a challenge to develop watershed management plans in watersheds that span several jurisdictions.

- Form and Function – Unfortunately a concrete channel is much more efficient at moving flood waters than a natural creek. As a result, a natural creek needs to have more room (perhaps several times the width!) than a flood control channel. There are solutions to this, but coming to a consensus or collective agreement will be difficult.

- Conflicting Interests – Finding solutions that meet the concerns of the environmental and regulatory community for habitat preservation, the concerns of the neighborhood for aesthetics, the concerns of property owners on the floodplain for flood protection and the concerns of those property owners who front on the creek will be difficult.

- Political Leadership – It will also be difficult to develop 50 year plans for creek enhancement in a political environment that cycles on a four year period.

- Unified Vision – It will be a challenge for some communities to establish a collective vision for their creek, and to determine how to make their creek a resource and amenity for the community.

- Funding – A list of challenges would not be complete without funding. Funding, of course, seems to be an issue wherever we turn, and creek issues are no different. Along with any long-range plan for creek enhancements must be a plan to fund the improvements and the ongoing maintenance.

- Climate Change – This will result in increased storm runoff and flooding, and increased water surface elevation at a creek's mouth, which will result in more

property in the floodplain. However, this may be a trigger for comprehensive watershed based planning around creeks.

The Flood Control District will continue to provide the best service to the cities, the county, and their residents, for the needs of today and of the future. To be successful, we feel this will require a long-term, multi-objective approach on a watershed basis with community-based planning. Some effort to better define the potential costs and constraints to implementing more natural flood protection needs to be done. Creek issues can be resolved and challenges can be overcome, if there is a desire on everyone's part to focus on common goals and work together.

Footnote 1

Revenue for constructing flood protection projects and maintaining existing flood protection facilities comes from a portion of the 1% ad-valorem property tax on parcels within a flood control zone. A flood control zone is a major watershed area within the county; for example, flood control zone 1 is the Marsh Creek watershed and flood control zone 9 is the Pinole Creek watershed. Prior to Proposition 13 in 1978, each year flood control zones established their budget needs for the upcoming year and recommended a tax rate to fund the budget. The budget and recommended tax rate was developed through a community-based advisory committee within the watershed. After Proposition 13 was passed in 1978, the tax rate was locked in and the total property tax collected was reduced to 1% of assessed value. In 1978 some flood control zones had a reasonable tax rate based upon projects that were underway. Other flood control zones had reduced tax rates because the zone had a surplus or there were no pending projects. As a result, today the revenue within flood control zones throughout the county vary significantly, with as low as a zero tax rate in Zone 9 (Pinole Creek watershed). This results in a zero annual investment per residential parcel in the Pinole Creek watershed for flood protection, $35 annual investment per residential parcel in the Walnut Creek watershed and a $70 annual investment per residential parcel in the Marsh Creek watershed.

RMA:kp:jw:lz (3-20-09)
G:\FldCtl\Regional Governance\50 Year Plan\50 year plan.docx

Civic Martinez, LLC
1500 WILLOW PASS COURT · CONCORD, CA 94520 · Phone (925) 685-0110 · Fax (925) 685-0660

June 26, 2015

RECEIVED
JUN 26 2015
COMMUNITY DEV. DEPT.

Dina Tasini, Planning Manager
City of Martinez
Community Development Department
525 Henrietta Street
Martinez, CA 94533

Re: Comments re Environmental Impact Report Scope and Content Pursuant to Notice of Preparation of City of Martinez General Plan Update

Dear Ms. Tasini:

This letter is submitted in response to the Notice of Preparation issued for the City's General Plan Update and dated May 26, 2015 ("**NOP**").

The NOP is seeking comments on the scope and content of the Environmental Impact Report ("**EIR**") that will be prepared for the updated General Plan. While we have previously submitted initial comments in advance of the scoping session that was held on June 10, 2015, this letter will set forth more fully our legal position regarding the General Plan Update and its impact on the privately owned property that once included the Pine Meadow Golf Course, located at 451 Vine Hill Way, Martinez ("**Property**") *if* the City of Martinez ("**City**") fails to designate the Property for residential use.

Relevant Factual Background

In or about 1970, the Coward property (which included the Property discussed herein) and the Valerga property were annexed into the City from Contra Costa County as agricultural lands. The Valegra property had one house on it, and the northeast portion of the Coward property included the approximately 26 acre golf course.

The City placed both parcels into the "H" – Holding Zoning District, which at that time allowed the City to annex land without committing to any changes in permitted land uses.

In or about 1972, an application was filed to entitle the southwesterly 21 acres of the Coward property as the "Granite Oaks" subdivision, rezoning the site from "H" (Holding) to "R-1-7500" (equivalent to today's "R-7.5" single-family zoning district). The Planning Commission recommended denial of the application, and the City Council concurred when it upheld the denial and found that the project was in conflict with the *Hidden Lake Specific Area* (General Plan) *Study* that was underway at the time. Members of the Planning Commission and City Council believed that all or part of the Coward property should be acquired by the City to be preserved as public open space.

Thereafter, the City explored public acquisition of the Coward property, but the City did not have the fiscal support needed for public purchase.

In 1973, the Hidden Lake Specific Area Plan ("**Hidden Lakes area plan**") was adopted and became part of the General Plan. This portion of the General Plan includes specific policies and goals for the Hidden Lakes area; these policies and goals implement the broader policies and goals in the General Plan (see, e.g., Preface of General Plan). This portion of the General Plan includes the following:

- Residential development on the southeasterly 20+/- acres of the Coward property (at a lower density than that which had been proposed in the Granite Oaks application); and,

- A base density for the plan area (which includes the Property) at one dwelling unit per 7,500 square feet as allowed by the R-1 zoning classification.

The General Plan land use map, however, identified the golf course and remainder of the Coward property as "OS&R," and the zoning map designated the property as "M-OS/RF" (Mixed Use – Open Space/Recreation Facility). In the Land Use section of the General Plan, it states that lands with an open space designation should remain for "open uses" (see Section 21.21). The General Plan does not include a definition of "open uses" and does not include a description of uses that are allowed in areas designated "open space."

It was at this point in time that the City erred because it did not adopt a General Plan that was internally consistent with all its elements. While the land use map identified the property with the OS&R designation, policies in

another section of the General Plan permitted the Property to develop at 1du/7,500 sq. ft. [1]

In or about 1975, another application was submitted for development of the Coward property. The application proposed residential development on that portion of the Coward property previously proposed for the Granite Oaks subdivision. This new application, submitted as the Pine Meadows subdivision, went through several revisions before it finally received City Council approval in 1976. The entitlements for the Pine Meadows subdivision also included zoning and general plan amendments. The subdivision was ultimately constructed on 21 acres of property; the remaining Coward property (the current Property, including the 26+/- acres at 451 Vine Hill Way) became a separate parcel.

Since 1973, the golf course Property has incorrectly been designated as open space. Then, roughly 30 years ago, the term "permanent" was added to the land use designation. This, too, was in error since the term "permanent" is used when public agencies acquire property with the intent to secure a lasting land use designation for public benefit. (Such a land use designation is not used with private property to avoid takings claims.)

Although the City's General Plan currently designates the site as OS&R, it was never the City's intent to designate the Property as permanent open space. The Property is located within the Hidden Lakes area plan, which consists of 565 acres of undeveloped pasture lands surrounded by residential subdivisions. The City's admitted intent in planning for this area was to preserve the string of small lakes at the center of the area, as well as the natural knolls and ridges at its border and adjacent to the City of Pleasant Hill. The Property, at the northern portion of the planning area, has been a private golf course since the 1960s. The Property is not considered park land or preserve. The Property does not have a natural knoll or ridge upon it, having been excavated and graded for development of a golf course more than 50 years ago.

The use of the Property has consistently been commercial in nature, with manicured greenways, buildings, parking lots, golf course paths, a pump

---

[1] Arguably the City in adopting the more specific policies in the Hidden Lakes area plan determined that the base density of 1 du/7500 sq. ft. is allowed under the open space designation on the Property; this interpretation would make the two sections of the General Plan consistent. We raised this position with the City during the processing of the last development application (for the proposed subdivision). We were told an amendment to the General Plan was required to change the designation on the Property so that the residential development as proposed could occur. Is this yet another error on the part of the City?

station and water catch basin, a bar and restaurant, and a pro shop operating consistently for more than five decades.

Over the course of the last six years, the fate of the golf course has been a topic of extensive discussion at City meetings. At the same time that the City's General Plan Update Task Force ("**Task Force**") was meeting to discuss land use designations City-wide, another application for development of the Property was submitted to the City for conversion of the existing commercial use (i.e., the golf course) to a residential development ("**Application**").

As has been expressed at numerous meetings and hearings on the Application, the golf course has not been a feasible or economically beneficial or viable use for the property for many years. As a matter of fact, due to the economic hardship in continuing to operate the golf course, it was shut down a couple of months ago.

For the very same reasons, other open space uses are not feasible or economically beneficial or viable uses for the Property.

As has already been debated and analyzed by the City and its Task Force, the Property is best suited for residential use.

The Application was amended with the Task Force recommendations in mind. It included a General Plan Amendment (at the City's request, even though the City should have simply corrected its own error), an application for Rezone/Planned Unit Development, and a Vesting Tentative Map that would permit development of 99 single family residential units on approximately 25.9 acres on the Property.

During the two Planning Commission hearings on the Application, some members of the public and Commission expressed concern regarding the loss of "open space" due to the proposed conversion of the golf course to a residential use. The City analyzed the Property history, the existing open space areas in the Hidden Lakes area plan, and adjoining uses.

City Staff found that the majority of the single family residential developments in the area were developed at a density and scale similar to the project proposed in the Application, and generally those developments had no open space within the project areas. The surrounding developments relied upon the knolls, hills, pathways and public parks within the Hidden Lakes area plan.

The Hidden Lakes area plan is comprised of 565 acres, of which 190 acres are designated open space. Residential development is permitted in the area plan at 7,500 square feet per unit. The General Plan assumed an overall permitted density of 3,277 units; there are currently approximately 1,229 units within the area plan. The General Plan was designed to allow development at a density that is slightly higher than otherwise may have been permitted in certain plan areas, in exchange for the preservation of large swaths of open space for the public benefit. This development concept is memorialized in the General Plan and specifically, in the goals and policies created for the Hidden Lakes area plan. Currently, this area plan includes significantly more park and open space than is enforceable under the Quimby Act (California Government Code section 66477(a)(2)).

Staff further found that the City maintains approximately 226.52 acres of parks throughout the City. Since the 1980s, the City has established a ration of number of acres of parks per population to be 5 acres of park space per 1,000 residents. Pursuant to the Quimby Act, 5 acres per 1,000 residents is at the highest end of the range for which a City can impose park dedication requirements or in lieu fees.

Martinez residents currently enjoy 6.22 acres of park space per every 1,000 residents. In addition, Martinez residents also have access to over 410 additional acres of publicly accessible open space areas, such as the property within the Specific Plan area. These natural areas are maintained by the City, the East Bay Regional Parks District, and/or the Muir Heritage Land Trust.

Equipped with City Staff's full report on park and open space within the Hidden Lakes area plan and City-wide, having conducted two hearings on the Application, having reviewed the Application, and with full knowledge of the Task Force's more than 20 public meetings that resulted in a recommendation for designating the Property for residential development, the Planning Commission recommended approval of the Mitigated Negative Declaration, the General Plan Amendment and the Rezoning/Planned Development application.

The City Council thereafter approved the Application, finding that residential uses was both anticipated and recommended for the Property.

Legal Analysis

A. The City is Obligated to Fix its Land Use Designation Error

The City erred when it failed to amend the General Plan Map to include a designation on the Property that was consistent with the density mandated in General Plan Policy 32.4231. This Policy clearly states that the base density for the Property shall permit one dwelling unit per 7,500 square feet as allocated under an R-1 Zoning classification. The City has consistently failed to correct this decades-old error. The error was intensified when, more than 30 years ago and without landowner approval, the City added the word "permanent" to the land use designation on the General Plan Map, thereby "taking" the Property without just compensation.

The City has contemplated development on this Property for some time and it is imperative that the City finally follow through with its intentions. The City's desire to see this area developed with residential uses is evidenced by the following:

1. The City Council's adoption of the Hidden Lakes Specific Plan Area portion of the General Plan, which specifically allows 1 du/7500 sq. ft. on the Property.

2. The City Council's approval of the 99 unit Pine Meadow Project.

3. The Task Force recommendation to identify this Property with a designation to permit residential development.

In addition, the Property has been assessed as a residential property for many years, and all assessments have been paid consistent with the residential uses in the area. Specifically, the property owner has been assessed by the Mt. Diablo School District based on 104 units (started in 1989) and all sewer assessments have been based upon residential rates since 1973.

A general plan must be integrated and internally consistent, both among elements and within each element. (*See* California Government Code Section 65300.5; *see also Concerned Citizens of Calaveras County*, 166 Cal. App. 3d at 97-98.) It is long past time for the City to correct its error. The Hidden Lakes area plan allows 1 du/7500 sq. ft. on the Property, and the City must take this opportunity to adopt a General Plan that is internally consistent and reflects the residential development vision it has contemplated for this Property for so many years. This is the same vision the property owner has come to rely upon through the acts of the City. Correcting the General Plan

error at this time is absolutely necessary since open space uses are no longer feasible or economically beneficial or viable for the Property.

B. The City Can, and Should, Amend Its General Plan to Identify the Property as a Site Suitable for Residential Development

As outlined above, designating the Property as open space on the General Plan Map created an internal inconsistency in the General Plan. The City, when it adopts its General Plan update, is legally **obligated** to bring the General Plan into conformance and correct this internal inconsistency. Proponents of the pending referendum may argue that their referendum of the project that was recently approved by the City on the Property prevents the City from correcting the internal inconsistency at this time. Even assuming the referendum is ultimately successful -- which remains to be seen -- this proposition is fundamentally incorrect.

When a project is successfully referred, the California Elections Code prohibits a city council from re-adopting the *exact same project* for a period of 12 months from the date of the project's repeal. (California Elections Code section 9241.) However, filing a referendum against a specific project approval does not prevent the City from taking any immediate action with respect to the affected property. To the contrary, the City may take any action and grant any approval, so long as the project the City subsequently approves is "essentially different" than the project that was referred. (*See, e.g.*, *Rubalcava v. Martinez* (2007) 158 Cal.App.4th 563.)

Simply approving a residential land use designation in the General Plan, which is legally necessary to make the plan internally consistent, does not approve a specific project and does not prevent the City from ultimately approving a residential development project that is "essentially different" from the project that is the subject of the pending referendum. For example, after correcting the inconsistency in the General Plan, the City could adopt a zoning designation that is different than the one that was referred, and approve a new project with different features than the project that was previously approved. The mere fact that both projects may contain a residential component certainly does not prevent the projects from being "essentially different." (See *id.* at 577 ["the new features in the Zone Ordinance, on their face, render it 'essentially different'"].)

In short, the referendum -- even if successful -- cannot legally preclude the City from simply adopting a residential land use designation for the

Property. This is particularly true given the circumstances here, where the designation is legally required to maintain General Plan consistency.[2]

Requested Course of Action

We strongly encourage the City to update the General Plan to identify the Property as a site suitable for residential use. The City has long acknowledged that this Property was improperly designated with an open space designation since the 1970s; the Property has been a commercial golf course for more than 5 decades. The City has further acknowledged that the improper designation should have been fixed years ago. Designating this Property for residential use is consistent with the recommendation of the Task Force and the actions taken by the City and relied upon by the property owner. We trust this recommendation will be respected in the new General Plan.

Consistent with a residential designation on the property, the EIR must recognize and analyze residential uses on the Golf Course property. As was already demonstrated in the Mitigated Negative Declaration prepared and approved by the City Council on the proposed resident project on the Property, residential uses on the Property will not result in any significant, unavoidable environmental impact.

Thank you for this opportunity to comment.

Very truly yours,

Dana C. Tsubota
Vice President and General Counsel

[2] We also note that if a land use designation is successfully referred, the property in question simply reverts back to its prior, *effective* designation. As discussed at length above, the designation of the Property as OS&R on the General Plan Map is, and always has been, erroneous, internally inconsistent, and legally ineffective. Therefore, even if the referendum is ultimately successful, the General Plan land use designation on the property must revert back to a residential designation that is consistent with the rest of the General Plan (and the Hidden Lakes area plan within the General Plan), and the City will be able to adopt any zoning designation and specific project approvals that are "essentially different" from the referred project.