

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmember Kennedy who arrived shortly after roll call and Councilmember Ross who was excused.

PUBLIC COMMENT

No comments made.

CLOSED SESSION (Adjourn to City Manager's Office)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the California Government Code (One potential case).

CITY MANAGER/CITY COUNCIL

2. Comments.

No comments made.

ADJOURNMENT

Adjourned at 7:00 p.m. to an Emergency Meeting.

RECONVENED – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 9:00 p.m. with all members present as noted. Mayor Schroder reported that a closed session was held and direction was given to counsel. Nothing else was reported.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

*Reserved only for those requesting to speak on items not listed on the Agenda.*

Marietta Falk discussed and compared two articles about Martinez, one in the San Francisco Chronicle and one in the Martinez Gazette. She asked that the issue of potential flooding be addressed in the Downtown Specific Plan. She specifically asked the City to take the lead in coordinating an organized effort to control vegetation overgrowth and creek maintenance.

Paul Wilson commented on the lack of knowledge among downtown property owners that the Housing Element was attached to the EIR, and that there is a mandate on housing for the very low income people of the City. He expressed concern about the divisive effect the Specific Plan has had on the citizens of Martinez. Councilmember Kennedy noted that the Housing Element has a larger percentage of housing for moderate income households than for low income ones.

Councilmember Wainwright asked for clarification on Mr. Wilson's statement that the Housing Element is tied to the EIR. Community Development Director Richard Pearson said he could not explain, since they are not tied.

Mr. Wilson said there was reference in the addendum.

Mike Alford agreed with Mr. Wilson. Mr. Pearson explained that the Housing Element is referenced in the Specific Plan and vice versa, so that the two will be consistent.

Councilmember Kennedy clarified that the Housing Element is part of the General Plan so when the General Plan is mentioned in the Specific Plan, it could make reference to the Housing Element.

Mr. Alford expressed concern that the atmosphere of the City will be changed if walls are built around housing to buffer noise, etc. He asked for confirmation on whether low-cost housing is proposed along the hills.

Maury Huguet, on behalf of the property owners of opportunity site #2, reiterated their intention to have owner-occupied housing on the site.

Roger Goodwin said Section 8 housing would not be appropriate for the downtown, and any new housing would have to be built above the flood plain. He expressed hope that the common goal of an improved downtown could be achieved for the betterment of all concerned.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

Motion waiving.

There was no public comment on the Consent Calendar.

On motion of J. Kennedy, seconded by L. DeLaney, the Council voted unanimously to approve the Consent Calendar, by the following vote: M. Ross, absent; Rest, Ayes.

1. Motion rejecting claim(s) against the City by Susan Dismuke, Claim #05-50.  
[J.Catalano]

2. Motion approving Check Reconciliation Registers dated 12/15/05, and 12/21/05.  
[C.Heater/2.1.0]

#### CITY MANAGER

3. Comment(s)/Update(s)/Report(s).

City Manager June Catalano asked Economic Development Director Susan McCue to give an update on First Night Plans.

Ms. McCue explained that First Night was cancelled because of the weather, but has been rescheduled for January 28, to coincide with the Chinese New Year celebration.

Ms. McCue noted that the First Night activities will be an opportunity to promote the Bike Tour, including distribution of magnets giving the dates of the related activities. She also noted that the City's website will have more information.

Vice Mayor DeLaney noted that First Night was advertised as a "rain or shine" event. She questioned the need to reschedule it, suggesting instead that the resources be used to promote other activities, such as the Tour of California. Ms. McCue stated that the sponsors and Main Street decided to go ahead with First Night plans, for the benefit of the downtown businesses.

Vice Mayor DeLaney said she would like to see how much of City resources are devoted toward First Night. Ms. Catalano said she would provide the information.

Councilmember Kennedy said she was glad First Night will be on the 28<sup>th</sup>, separated from the busy-ness of the holiday season. She indicated the coordination with the Chinese New Year will help promote diversity as well.

Mayor Schroder agreed with Councilmember Kennedy.

#### CITY COUNCIL

4. Continued council discussion, questions, comments, and direction to staff on the proposed Downtown Specific Plan, as recommended by the Planning Commission on October 11, 2005.  
[R.Pearson/9.3.11]

Mayor Schroder reviewed past hearings on the Specific Plan, including opportunities for public input. He also summarized past Council discussions and areas of consensus. He asked if there was any input from staff on his suggestion to bifurcate the area north of the tracks from consideration to allow action on the rest of the Plan without the threat of legal action.

Assistant City Attorney Veronica Nebb discussed the possibility of inserting language in the Plan that indicates the City is not adopting that area at this time, but it is reserved for future action and/or change.

Councilmember Kennedy confirmed it would not preclude a development proposal from being considered on its own merits. Ms. Nebb said yes, proposals for the area could come forward and be considered through the normal process.

Mayor Schroder said he thought that would be a good compromise, but he also suggested that projects for that area be referred to the Joint Planning Agency.

Vice Mayor DeLaney asked if projects would have to meet the performance criteria set forth in the Specific Plan. Ms. Nebb said it would depend on the type of project proposed – if it meets current zoning and General Plan restrictions for the area, it could go ahead without meeting the performance criteria. If it requires a change in zoning or General Plan designation, however, the performance criteria would have to be met.

Councilmember Wainwright agreed it was a good solution.

Vice Mayor DeLaney asked if restrictions could be placed on the area north of the tracks to not allow low-income housing. Councilmember Kennedy suggested that it was not a good idea to eliminate a housing type altogether.

Community Development Director Richard Pearson apologized to Mr. Wilson, noting that there was an addendum to the EIR in response to a letter from the Citizens for a Better Martinez, which claimed that the EIR did not adequately analyze the Housing Element requirements.

Secondarily, Mr. Pearson noted that the City Attorney has indicated that it is not possible to ban residential multiple units from the downtown, but the City can require that they be built to satisfy condominium standards. He explained specific requirements of the condominium standards that might address concerns of the community and Council.

Councilmember Wainwright asked about Table 10-2, noting it does not give condominium standards. Mr. Pearson said condominium is a form of ownership, not a form of land use. He acknowledged that the standards are not currently in the Plan, but the Council can direct the Planning Commission to put them in. Mayor Schroder clarified that they are actually design standards to ensure a certain quality of construction.

Mr. Pearson reviewed differences between apartment standards and condominium standards. Councilmember Wainwright asked if the standards could be inserted in Table 10-2. Mr. Pearson said they could be referenced in the Plan, but not necessarily in that table.

Vice Mayor DeLaney asked if the language could be changed to refer to condominium standards wherever it states multi-family residential structures, to be very explicit what the City wants for the area. Councilmember Wainwright agreed.

Councilmember Kennedy strongly disagreed, since the proposed language would apply to the entire Specific Plan area. She noted that if the Plan is too specific regarding certain areas for certain types of housing, it could open the City to fair housing complaints. She was concerned that the focus will be so narrow it will limit development opportunities.

Mr. Pearson said the City Attorney had raised the issue as to where restrictions would apply and had recommended they not apply to the Downtown Core District, but only to the Shoreline District. In that case, there should not be a fair housing issue. Ms. Nebb agreed, as long as the Plan is only controlling land use and a land use type for a particular area. She cautioned against eliminating rental housing through the entire Plan area.

Ms. Nebb also noted that a variety of housing types is needed to meet the requirements of the Housing Element. She indicated that the Planning Commission can propose language, but the City Council will have the final say on the matter.

Councilmember Wainwright said that the Specific Plan is only dealing with a small area of the City, so no civil rights violation could be claimed even if the Council eliminates rental units from the entire Specific Plan area. Vice Mayor DeLaney said she was only suggesting the restrictions for the Shoreline District, to alleviate community fears that high density residential is planned north of the tracks.

Mayor Schroder confirmed it was Council consensus to recommend that the Planning Commission to require multi-family housing in the Shoreline District meet condominium standards, with Councilmember Kennedy opposing the recommendation.

Councilmember Wainwright asked for clarification on the remaining process for the Specific Plan. Mr. Pearson said staff will work with the consultant to prepare a revised version, as well as zoning changes, design guidelines, etc., which will go to the Planning Commission and then back to the Council.

In response to a further question from Councilmember Wainwright, Ms. Catalano said staff will prepare a summary of the direction given by the Council. Mr. Pearson reiterated that the Council will be the final adopter of the Plan and can change whatever is not satisfactory to them.

Councilmember Wainwright proposed that the performance criteria in section 9.1.1 apply to the southern area of the Shoreline district as well as to the north, with the possible exception of the emergency response time. He also suggested, relating to flooding, requiring “a site-specific study by the Army Corps of Engineers or other qualified resource, demonstrating that all access routes, sidewalks, and residences (including basements) will be sited at least one foot above the 100-year flood level.”

Ms. Nebb noted that the EIR actually identifies flooding as a potential significant impact and proposes typical, specific mitigation measures. Mr. Pearson clarified that the Planning Commission intended the performance criteria for the north Shoreline District to apply to the south area as well. He added that the Planning Commission had requested some studies be given to the Planning Commission earlier in the process.

Councilmember Wainwright asked at what step the criteria would be applied. Mr. Pearson said normally at the construction plan stage, after Planning Commission review but before building is started.

Ms. Nebb clarified further that if the developer is not able to meet the standards, the project will not go forward. The developer must show that they can meet the standards or permits to build will not be issued.

Councilmember Wainwright asked if the mitigation measures will be part of the Specific Plan. Ms. Nebb said yes, CEQA requires adoption of a mitigation monitoring plan that applies the measures to the Plan.

Councilmember Wainwright expressed concern that the EIR was imperfect. Mr. Pearson said yes, there are some errors, but they have been corrected in the addendum to the EIR. He noted that future presentations to the Council will highlight corrections and changes made in response to input from the public and the Council.

Councilmember Wainwright referred to pages 541 and 569 of the EIR, noting there was no correction to page 176 that refers to the City of Pleasanton, not Martinez. He was concerned that the document was sloppily done, with little emphasis to the problem of flooding. He asked about staff's response to Ms. Falk's concerns.

Mayor Schroder said Ms. Falk was asking for action on flooding issues throughout the City, not just in the Specific Plan area. Ms. Nebb agreed, saying it would be more appropriately addressed through the General Plan update.

Vice Mayor DeLaney said she thought the issues had been addressed in the EIR, and additional measures could be addressed for the whole City separately.

Councilmember Kennedy commented on the need to develop an overall plan for flood control and creek enhancement/repairs throughout the City.

Councilmember Wainwright commented on the effects of flooding in the downtown on the rest of the City, which is not addressed in the Specific Plan.

Mayor Schroder noted that the EIR requires that new projects be built above the flood plain, as well as drainage issues addressed. He agreed that upstream issues should be addressed as a whole, and he noted that the Specific Plan is only the beginning of the process for a General Plan update.

It was the consensus of the Council to study the flooding issue separately.

Councilmember Wainwright asked the attorney whether the performance criteria for the north Shoreline District are applicable to the south Shoreline District also. Mr. Pearson said yes. Ms. Nebb said the mitigation measures are applicable to the entire Plan area unless they are limited by their own language.

Vice Mayor DeLaney suggested an additional goal on page 2-2 to promote investment in buildings of unreinforced masonry to bring them into compliance with current standards of construction.

Regarding housing goals, Vice Mayor DeLaney asked if page 2-3 could specifically state that the City wants to promote the development of secondary units as appropriate.

On page 2-4, Economic Development Goals, she asked that it include a plan to encourage new businesses, particularly the specifics of financing.

Vice Mayor DeLaney also asked that a discussion of smart growth principles be included under urban design goals in Section 2.25. Councilmember Wainwright said it should specify what smart growth principles are.

Regarding historic structures, Vice Mayor DeLaney asked that the Plan explicitly direct that an inventory be done of historic buildings in the City. When Councilmember Wainwright indicated there was one completed in 1982, Mr. Pearson suggested that the Specific Plan direct that an update of the inventory be completed. Mayor Schroder added that it is important to take a look at the local inventory as well.

Vice Mayor DeLaney also asked that the section dealing with Parking Goals and Policies, include “develop parking strategies or facilities to accommodate Intermodal Station visitors/users.” Councilmember Wainwright asked if the Council had agreed to working with the County on the general parking issue. The Council and staff said yes.

Vice Mayor DeLaney asked if bail bonds and adult entertainment uses could be prohibited in the Downtown Core. Ms. Nebb indicated that staff has been working on an ordinance related to adult entertainment, and she recommended waiting to deal with that issue until a draft ordinance comes forward. The Council agreed.

The Council discussed bail bonds and recommended allowing them in the Downtown Core, as a second story use with a conditional use permit, but not on Main and Ferry.

Regarding building heights in the Downtown Core, the Council decided up to 40' would be allowed, with additional height possible through the conditional use process.

Vice Mayor DeLaney suggested and the Council agreed that a statement should be added on page 5-5 (architecture in the Civic District) to indicate that other governmental agencies are encouraged to respect the historic character of downtown Martinez in the development of their new buildings.

Vice Mayor DeLaney also confirmed that the development standards for the Downtown Neighborhood District were not contradictory to the City's secondary unit ordinance. Ms. Nebb reviewed recent changes to State law, and she agreed that the design guidelines for the district would apply equally to second units but it could be explicitly stated.

Vice Mayor DeLaney asked whether a garage parking space could be required for multi-family units. Mr. Pearson said it would be a part of the condominium standards previously discussed. He indicated that the table on page 10-10 should probably be deleted, and the parking standards specified under each district.

Councilmember Wainwright asked if two spaces of off-street parking could be required for townhouse/rowhouse units. After further discussion about the usual requirements for multi-family development, Mr. Pearson suggested having the Planning Commission review the issue and make a recommendation.

Councilmember Wainwright suggested an additional goal for the Plan focusing on preserving the quality of life in Martinez. After some discussion, the Council agreed by consensus.

He also suggested additional language to ensure consistency between the Downtown Specific Plan and the Martinez General Plan. Ms. Nebb clarified that the General Plan always has authority over the Specific Plan, so no goals or policies would be changed in the General Plan unless the Council directs them to be changed.

Councilmember Wainwright recommended adding “preserve and respect the existing small town character and sense of community in the older parts of Martinez” as one of the issues identified during the initial phase of the planning process for the Specific Plan. The Council discussed the matter at length and recommended adding it but saying “in the Specific Plan area” rather than in the older parts of Martinez.

Councilmember Wainwright asked to change the last sentence of page 2 to read “Where the standards and regulations of the General Plan do not directly address an issue, the goals, policies and principles established herein and those of the General Plan shall be used to determine the appropriateness of action.”

Councilmember Wainwright also suggested, and the Council debated, whether the introduction to downtown land use districts on page 3 should include “preservation of the small town character” as a community goal. There was concern about how that would be defined and implemented, as well as whether the issue was adequately addressed under neighborhood and historic preservation. After discussion and debate, the Council decided not to change the language in that section.

Councilmember Wainwright asked whether theaters were a permitted use in the Downtown Core District or the Shoreline District. Mr. Pearson indicated it was included as a “commercial amusement facility” allowed in the Downtown Core District with a use permit. After further discussion, the Council agreed it should be added as a conditionally permitted use for the Shoreline District.

Councilmember Wainwright asked whether a minimum size should be specified for housing units, to further encourage more families and owner-occupied housing. The Council discussed the suggestion and decided it would not be appropriate.

Mr. Pearson said he was not aware of any jurisdictions that do have a minimum size. Ms. Nebb cautioned against any development standards or processes that will result in non-affordable housing. She also noted that the State Building Code has set 400-500 s.f. as a minimum unit size.

Regarding the list of possible parking structure locations on page 12-2, Councilmember Wainwright asked if the parking lot at Las Juntas and Ward could be added. Mr. Pearson pointed out that the lot by itself was not big enough for a structure of that size, but it could be listed without mentioning a specific parcel. The Council was agreeable to the addition.

Councilmember Wainwright also asked about minimum front yard setbacks, specifically whether a 10' setback was adequate for a building that could be 40' tall. Ms. Nebb said there would typically not be a setback at all for the Downtown Core District. Mr. Pearson clarified that the table to which Councilmember Wainwright was referring (Table 10-2) makes no distinction between districts.

Councilmember Wainwright clarified he was talking about multi-family, mixed use projects. Ms. Nebb noted that setbacks are usually set by district, not by land use.

In response to a question from Councilmember Wainwright about minimum storage requirements for multi-family developments, Mr. Pearson indicated it would be included in the condominium standards. Ms. Nebb added that most CC&Rs include a requirement to use garages for parking, not storage. The Council decided that specifying minimum storage was not necessary.

Regarding page 10-10, Councilmember Wainwright confirmed that buildings converted to mixed use would not be required to meet new setback and lot coverage requirements if the building footprint remains the same. He suggested alternate wording to clarify the issue.

Councilmember Wainwright also asked whether rezoning commercial areas to housing would reduce the market for commercial activity and create problems for new businesses.

There was discussion about the apparent confusion between uses proposed at the community workshops and the Plan alternatives. Mr. Pearson confirmed that either mixed use or commercial only would be allowed in the Downtown Core. Ms. Nebb clarified that no residential use was allowed on the ground floor on Main Street.

Councilmember Wainwright asked if Estudillo, north of Main and Las Juntas, north of Ward, could be added as pedestrian priority areas under Circulation on page 13-3. The Council agreed by consensus.

He also asked for verification of the statement on page 15-4 that says the stormwater drainage system has been brought up to the 100-year flood requirements. Mr. Pearson agreed it should be confirmed for accuracy and clarified if necessary.

Councilmember Wainwright questioned the statement on page 15-5 that said there will be no significant amount of additional stormwater impacts from implementation of the Plan. Mr. Pearson said it was generally agreed to be true, but more explanation could be added.

Ms. Nebb explained further that statements of significance are measured against the backdrop of existing uses, and a determination made whether significant impacts will result from the additional intensification of uses.

Regarding the Shoreline Opportunity Site #3, Councilmember Wainwright suggested requiring a mix of housing types, including single-family detached homes. Vice Mayor DeLaney responded that there is no place in the Plan where that could be listed, and she cautioned against spot-zoning.

Mr. Pearson said a mix of housing types could be recommended for developments that want to go above the minimum density. Ms. Nebb indicated that it would also be possible to require a mix of densities in the planning stage.

Councilmember Wainwright suggested that the list of mitigations available to achieve higher density specify one or more, rather than implying that all are required.

5. City Council Comments.

Councilmember Wainwright stated that he was contacted by Cindy Heidtzman, Executive Director of the California Preservation Foundation, indicating that they would like to hold a Historic Preservation Workshop in Martinez sometime in March.

Councilmember Kennedy announced a free E-Waste Recycling Event sponsored by the Rotary Club on January 6, 7, and 8, from 9:00 a.m. to 3:00 p.m. at Alhambra High School.

ADJOURNMENT

Adjourned at 12:01 p.m. to a Regular City Council Meeting on January 18, 2006, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 2/1/06