

Mercy Cabral

From: Lara DeLaney [laradelaney@hotmail.com]
Sent: Monday, November 23, 2015 12:13 PM
To: Mercy Cabral
Subject: FW: Proposed Land Use Designations for General Plan Update

FYI

From: rbraulik@cityofmartinez.org
To: rschroder@cityofmartinez.org; markrcr@sbcglobal.net; amafarias@cityofmartinez.org; laradelaney@hotmail.com; dmckillop@cityofmartinez.org
CC: jwalter@walterpistole.com
Subject: Fwd: Proposed Land Use Designations for General Plan Update
Date: Sat, 26 Sep 2015 19:30:18 +0000

Dear Mayor Schroder and Councilmembers: Please find here a response as an FYI, answers to questions posed by one of your colleagues with regard to the Pine Meadow and Morello site matters. If you have questions please contact me directly. Thank you.

Begin forwarded message:

From: Rob Braulik <rbraulik@cityofmartinez.org>
Subject: Re: **Proposed Land Use Designations for General Plan Update**
Date: September 25, 2015 at 4:24:25 PM PDT
To: Anamarie Avila Farias <amafarias@cityofmartinez.org>
Cc: Jeff Walters <jwalter@walterpistole.com>

Anamarie please see responses below. We think it would be advisable for the entire council to get a copy of this information and our plan is to forward it to them. Thank you.

Rob:

I feel as though you're not understanding what I'm asking, and so maybe I wasn't as clear as I needed to be last night. On August 3, you emailed the City Council with proposed land use designations for both the Pine Meadow and Morello sites.

The land use designation for the Pine Meadow site in particular is now listed as Open Space in the Draft EIR. These are the questions that I need answered:

(1) What advice did our legal counsel provide to you when you received the proposed land use designation for Pine Meadow?

On August 3, 2015, the applicant submitted its first proposed changes to the GP to accommodate a new development scheme. The proposal included the Pine Meadows property and property owned by De Nova on Morello. I forwarded those proposals FYI only to the Council. The advice from legal counsel was they, along with planning staff, would have to review it in terms of the changes proposed # of units, amount of development etc. Also advised if these changes to the GP were included in the GP update, there would be impacts on the current GP process. And they advised consideration be given for how the Council/City may want to determine whether to include these GP changes as it related to the GP update underway.

(2) Was that advice shared with any of the Councilmembers?

When the proposal came in August 3rd you may recall I referenced as an FYI in one of our one on one's and in my discussions with other council members staff anticipated the applicant would reach out to individual council members to talk about the new potential land use concept. (The applicant was advised at a meeting July 17th to talk with the Council about whatever new proposal they had for the Pine Meadow property).

(3) Did you receive direction from anyone on the Council to release the Draft EIR without a revised land use designation on the Pine Meadow property? No

(4) Why didn't you follow-up on your August 3rd email to the Council with more information about the designation for Pine Meadow to give the Council an opportunity to decide how to proceed?

On August 3rd, the information was sent out to all the Council as an FYI only. Staff evaluated the initial concept proposal and found the proposal they provided included several million square feet of nonresidential development potential on the Pine Meadow property. We thought they might have done this in error. This information was conveyed to the applicant and it turned out they had erred. It took the applicant several weeks to remedy their original proposal. On August 26th, the applicant sent the City a revised proposal (to amend the GP) for Pine Meadow and Morello. Only just this week, September 21st, were we able to speak to the applicant via a conference call

Even after your email, I'm confused about the Morello land use designation. If I'm reading your email correctly, we worked with legal counsel to develop a new land use designation for the Morello parcel, and that land use designation is consistent with an application that is currently pending in the City, but we're not incorporating that new land use designation into the Draft EIR. If that's accurate, then I need you to explain:

(5) Why did we spend the time and money to draft a new land use designation for Morello if we weren't planning to use that in the Draft EIR?

According to staff we have not created a new land use designation for the Morello property. As mentioned above, the applicant submitted two proposals to change the GP as part of the City's on-going GP update process, one which addressed a new GP land use designation for the Morello site. On September 14th the City separately received a formal land use application from the applicant for up to 50 units on a portion of the Morello property (church land). The application includes a request for a GPA. The current general plan allows up to 0 to 6 units/acre, they have proposed at this time, 10 units/acre. This application is currently being reviewed by staff.

(6) Why would we take the time to update the general plan but then force an applicant to apply for a general plan amendment when we already have the application and that application is consistent with recommendations for future development of the property?

As you are aware the Council approved a GPA (Pine Meadow) in January of this year. Legal counsel has previously communicated to the Council and to the applicant the referendum requires the property to go back to its original designation as Recreation Open Space until such time as the voters act on the referendum in 2016. Also legal counsel checked with additional outside counsel to validate this land use legal matter.

With respect to the Pine Meadow GPA the applicant proposed on August 26th. After the new 2nd proposal came in staff reviewed to ensure there were no errors in the what was sought for the property (Pine Meadow) and as referenced earlier the applicant then sought out a time to discuss this new proposal with the City and as referenced this discussion only occurred Monday, September 21. The applicant may make an application directly to the Planning Commission (note the applicant has not made a formal application submittal) with the new updated changes they have proposed.

Meanwhile, the GP process continues. Staff does not know what action favorable/unfavorable may be taken on the Morello property. Until an action is taken by the PC and Council the GP update continue as is. If the Morello application is approved by the PC and Council as submitted by the applicant then staff would need to pause the current GP process and incorporate the approval into the GP. The same would apply to any application made on the Pine Meadow property. Assuming the applicant files a new Pine Meadow application, then contingent on PC and then CC action on that application (yes or no on what is proposed) the City would either continue to finish the GP as is (if the application was not favorably acted on) and or would pause the GP to incorporate the new changes (favorable action) and revise the GP accordingly at the time.

I know we spent a lot of time working with legal counsel to develop new land use designation language and I can't understand why we would have done that if we had no intention of using that language in the Draft EIR. I've already confirmed that the City had the proposed land use designation language in plenty of time to integrate it into the

document. Given the complexity, sensitivity, mismanagement and endless delays of the general plan update over the past few years, I expected that the full Council would have been debriefed on the outcome of internal staff and legal discussions prior to release of the document.

Please provide answers to my specific questions so that I can understand how this process has gone awry again and we can work to fix the issue.

Thanks,
Anamarie
