

City of Martinez



Trust Lands Use Plan 2019

Public Draft

September 6, 2019

Introduction

The Martinez Trust Lands Use Plan

SB 1424, approved by the Governor on September 26, 2014, provided for a grant of trust lands to the City of Martinez. The bill requires the trust lands to be held by the City, as trustee:

...for the benefit of all the people of the state for purposes consistent with the public trust doctrine, including the protection of maritime or water-dependent commerce, navigation, and fisheries, the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation.

The bill also requires the City of Martinez to submit to the State Lands Commission (SLC) by December 31, 2019, a Trust Lands Use Plan (TLUP). The bill City must also file with the SLC by September 30, 2025, and every five years thereafter, a detailed report of its TLUP uses and an annual statement of trust revenues and expenditures.

Provisions for TLUP under SB 1424

The TLUP submittal requirements include:

1. A general description of the type of uses planned or proposed for the Trust Lands. The location of these land uses shall be shown on a map or aerial photograph.
2. The projected statewide benefit to be derived from the planned or proposed use of the Trust Lands, including, but not limited to, financial benefit.
3. The proposed method(s) of financing the planned or proposed uses of the Trust Lands, including estimated capital costs, annual operating costs, and anticipated annual trust revenues.
4. An estimated timetable for implementation of the TLUP and any phase of the Plan.
5. A description of how the trustee (City of Martinez) proposes to protect and preserve natural and manmade resources and facilities located on the Trust Lands and operated in connection with the use of the Trust Lands, including but not limited to, addressing impacts from sea level rise.

This TLUP report fulfills the City's requirement under SB 1424 and serves as a foundational guiding document for the larger Waterfront-Marina Master Plan, to be undertaken in 2020.

Location and Historical Context

Bordered by the Carquinez Strait to the north, Martinez is located 22 miles northeast of San Francisco in northern Contra Costa County. Martinez originated when the government of Mexico granted 18,000 acres of land along the Carquinez Strait to Don Ygnacio Martinez in 1824. Ferry service between Martinez and Benicia was established in 1847, which played a major role in the development of Martinez. By 1849, Martinez was a gold rush boomtown and served as a ferryboat transit point across the Carquinez Strait to the gold fields. It became the county seat in 1850, a position it still holds today, and incorporated in 1876.

Some of the disheartened gold seekers settled on the fertile lands in the area upon their return from the prospecting and began farming. Wheat was a major crop, and orchards produced fruit and nuts. As the agricultural industry developed, Martinez became an important shipping center.

Initially, most shipping was done via sailing vessels. However, in 1877, a subsidiary of the Central Pacific (later Southern Pacific) Railroad reached Martinez. When three other railways arrived in Martinez in 1899, produce was the main export shipped to markets over the rail routes.

Beginning in the 1870s, Portuguese and Italian fishermen began their immigration to Martinez, settling near Martinez's shoreline to fish and work in canneries. Fishing was so productive that two of twelve fishing canneries operating on the Pacific Coast in 1882 were located in Martinez. Fishing continued to provide a viable living for many families until Bay waters were closed to commercial fishing in 1957.

In the early 1900s, petroleum companies developed an interest in locating refineries along the Martinez waterfront because of the deep water harbor and rail connections. In 1915, Shell Oil Company built a refinery in Martinez, sparking a residential boom and pushing population up to nearly 3,900 residents by 1920. In 1930, Southern Pacific Railroad built a railway bridge between Benicia and Martinez, and in 1962 a second bridge was built for vehicles, ending ferry service to Benicia. Martinez experienced rapid population growth during the 1970s and 1980s. Currently, the City is home to approximately 38,000 people.

State Lands Grant

The California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Martinez under Senate Bill 1424, Chapter 628, Statutes of 2014. These granted lands, referred to in this Plan as Trust Lands, are held in trust for the people of California. The Trust Lands comprise four parcels and include a marina. The City is required to operate their granted Trust Lands in conformance with the California Constitution, granting statutes and the Public Trust Doctrine. Figure 1 shows the City's Trust Lands Use Planning Area which includes parcels within and immediately adjacent to the Trust Lands.

Figure 1. Trust Lands Use Plan Area



The Public Trust Doctrine

The Public Trust Doctrine is a set of common laws declaring that all sovereign waterways are to be preserved for use and enjoyment by the public. This can be accomplished through several means, including the protection of maritime or water-dependent commerce, navigation, and fisheries, the preservation of lands in their natural state for the purposes of scientific study, open space, wildlife habitat, and water-oriented recreation.

Case law interpreting the Public Trust Doctrine has found that Trust Lands can only be used for purposes beneficial to the State in its entirety (the statewide public). The statute granting the land to the City states this as well. The Public Trust Doctrine is updated periodically as the needs of the public evolve. Trust Lands belong to the public and cannot be sold or used for exclusively private purposes.

Access, Preservation & Integration

The City of Martinez has prepared this Trust Lands Use Plan in conformance with SB 1424 and the Public Trust Doctrine. As a statewide resource, the City aims to foster access, preservation, and integration of the Trust Lands so that all Californians may enjoy natural views, store and launch watercraft, fish, learn, benefit from the goods produced on the City's waterfront, and more. This Plan establishes the City's long-term vision for its Trust Lands and contains the following sections:

1. Existing Use of Trust Lands: This section provides a map and discussion of existing Trust Land uses.
2. Future Use of Trust Lands: This section states Martinez's long-term vision for its Trust Lands and provides a discussion of upcoming Trust Lands planning and potential development projects, and their statewide benefit. An approximate implementation timeline through 2025

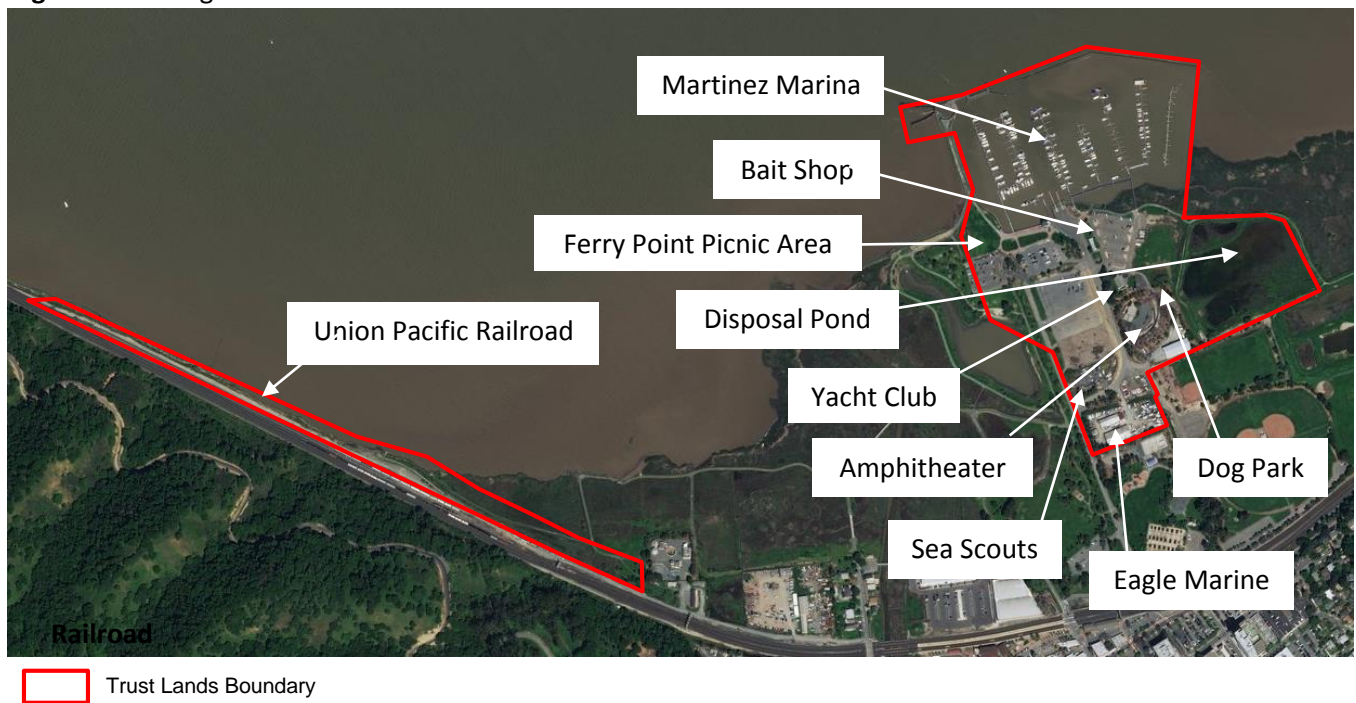
is also provided.

3. Financing and Implementation: This section discusses the proposed method of financing for existing and future Trust Lands uses, including a discussion of Trust Lands revenue and operating costs.
4. Hazards and Hazard Mitigation: This section discusses how the City proposes to protect and preserve natural and manmade resources and facilities located within Trust Lands addressing such issues as flooding, sea level rise, and seismic activity.
5. Procedures and Regulations: This section sets forth the City's procedures and regulations governing the leasing and development of its Trust Lands.

1. Existing Use of Trust Lands

The City of Martinez is trustee for approximately 79.6 acres of Trust Lands on the City's northern shoreline zoned for mixed open space and recreational facilities use. The three contiguous parcels containing the Martinez Marina and other recreational, community and water-related commercial uses comprise approximately 68.3 acres. The fourth parcel at the western City boundary is approximately 11.3 acres. Whether through state taxes, goods and services created, or opportunities for recreation, each of these uses provide benefits to Californians.

Figure 2. Existing Uses



Rail Transportation

Lease No. XX – Union Pacific Railroad Company

Union Pacific Railroad Company (UPRR) is a railroad company with 32,200 route miles in 23 states, approximately 42,000 employees, and 10,000 customers. UPRR operates the existing railroad tracks in Martinez that parallel the waterfront area on the City's western edges. These tracks make up the service corridor for Amtrak passenger service and UPRR freight trains.

As shown in Figure 2, the western 11.3-acre parcel contains Union Pacific Railroad Company's Ozol Yard, located on Carquinez Drive, and approximately 0.75 miles of railway. Ozol Yard is a switching station where longer trains are rearranged into smaller trains that service Bay Area refineries and other destinations and customers. UPRR's annual lease payment to the City of Martinez is \$8,364.

Commercial

Lease Dated July 24, 2017 – Eagle Marine

Eagle Marine is located at 245 N. Court Street. Eagle Marine is a marine vessel repair facility focusing on powerboats approximately 35 feet and less in length. Eagle Marine services recreation, commercial fishing, industrial, law enforcement and government boats, as well as spill response vessels for local refineries and spill response companies. In 2019, the marine employed 11 people, and in 2018, had gross receipts of \$1.865 million and generated over \$81,000 in sales tax revenue.

Eagle Marine's operations comprise approximately 2.6 acres of Trust Lands and contain two buildings housing retail operations, storage facilities, and repair facilities, and short and long-term boat storage. Eagle Marine has been operating in this location since 1997. The current lease requires an annual lease payment of \$54,600 and expires on December 31, 2019.

Martinez Marina and Bait Shop

The Martinez Marina and bait shop is located at 7 N. Court Street. The facilities are owned by the City of Martinez and operated by Almar Management, Inc under a management agreement dated July 20, 2005. The Marina and bait shop are located on Trust Lands. The Marina features a harbormaster's building (including office space, public restrooms, and a laundry room), 332 boat slips, a four-lane public launch ramp, a public fishing pier, guest dock, wastewater pump-out facilities, and a bait shop. A fuel dock and travel-lift haul-out pier were part of the marina in the past but are not currently in operation. As of July 2019, 134 slips were occupied, including berths for 10 oil spill response boats. There are approximately 3,300 boat launches using the public ramp each year. Fiscal year 2018-2019 revenues were \$570,240, and net income was \$114,327.

Community Organizations

Lease Dated April 1, 2015 – Martinez Yacht Club

Martinez Yacht Club is located at 111 Tarantino Drive. Martinez Yacht Club is a nonprofit organization that provides recreational and social activities for its 300 members, supports community programs and events, and hosts visiting yacht club members.

The Yacht Club's leased premises comprise approximately ½ acre of Trust Lands and contains a clubhouse with dining facilities and lawn area. The current lease, initiated in 2015 with a \$8,700 annual lease payment and a 3% annual rent escalation rate, expires on December 31, 2019.

Lease Dated May 31, 1988 – Security Owners Corporation

The Sea Scouts site is located at 225 N. Court Street. Sea Scout Ship Albatross (72) is a unit of the Boy Scouts of America and is chartered by Security Owners Corporation of the Mt. Diablo Silverado Council. The co-ed youth program provides instruction and practice in boating skills, water safety, and maritime history, and provides opportunities for community service and outdoor and social activities. The Sea Scout Ship Albatross owns approximately 15 boats which are either stored on the premises or berthed at other marinas. The site is also used by the Golden State Outrigger Canoe Club, who stores approximately 5 canoes on the site.

The Sea Scout's leased premises comprise approximately ½ acre of Trust Lands and contain a clubhouse and covered and uncovered storage areas for boats and gear. The annual rent is \$1.

Open Space and Other Facilities

Amphitheater

The Martinez Waterfront Amphitheater is located at 115 Tarantino Drive. Built in 2001, the facility includes a concrete stage and dirt bleachers which can seat approximately 1,200 plastic chairs. The amphitheater hosts occasional community events and performances. Use of the amphitheater has declined in recent years, and it is used only a handful of times per year. The facility occupies approximately 1 acre of Trust Lands.

Dog Park

The Martinez Temporary Dog Park is located at 115 Tarantino Drive adjacent to the Amphitheater. The City Council approved the use of the site as a temporary dog park in 2017 (Resolution 039-17) for a period up to three years after the first date of public use (i.e., July 14, 2020) and may extend the time period upon vote of the Council. The dog park features separate areas for large and small dogs, water fountains, and picnic benches. The Dog Park provides an area for dogs to be off leash, in contrast to the surrounding East Bay Regional Park District lands which either prohibit dogs in order to protect sensitive habitat or require dogs to be kept on leash. The Dog Park occupies approximately 1 acre of Trust Lands.

Ferry Point Picnic Area and Trails

Located on the western side of the Trust Lands, Ferry Point provides a picnic area and walking trails with access to the marshes, pond and walking trails of the Radke Martinez Regional Shoreline owned and managed by the East Bay Regional Park District. Ferry Point also provides shoreline access to the fishing pier and the shoreline to the west of the pier.

Other Uses

Disposal Pond

Approximately 8 acres of Trust Lands located in the eastern portion of the area have been used as a disposal pond for sediment dredged from the marina basin. Sediment is removed from the marina basin by hydraulic dredging and transported through a pipeline to the disposal pond located on the Trust Lands and another disposal pond located to the south of the Trust Lands. Materials are dredged every 4-5 years. Approximately 22,000 cubic yards were dredged in 2012 and 38,000 cubic yards in 2017.

Public Parking Lots

Three public parking lots located on the Trust Lands provide parking for approximately 250 vehicles to access the uses described above. In addition, a parking area known as the “berther lot” contains parking spaces for 95 vehicles with trailers.

Figure 3. Public Parking Lots



2. Future Use of Trust Lands

Consistent with the following set of General Plan policies, the City of Martinez's long-term vision for the Trust Lands focuses on

- improving access to the area,
- preservation of existing habitats and resources, and
- integration of the Trust Lands into the fabric of the City in order to maximize public benefit.

Staff notes that the City is currently in the process of finalizing a Draft General Plan Update. However, since it will not be adopted in time for the submittal of this Trust Lands Use Plan, we rely on the existing General Plan Policies.

Access: This refers to the design of Trust Lands, adjacent areas, and infrastructure that allows people to benefit from the public lands in an equal and unhindered fashion. This hallmark of the Public Trust Doctrine is embodied in the City's General Plan document as outlined below.

Policy 1 – The highest priority should be assigned to conservation, park and recreation uses at the waterfront. Contemplated uses should include: an expanded and improved boat marina, fishing pier(s), water-oriented commercial/recreational establishments, scenic routes, hiking and bicycling pathways, and areas for both active and passive recreational pursuits.
(General Plan Policy 30.722)

Policy 2 – Public access to the waterfront should be expanded through the provision of well-designed and safe pedestrian elevated crossings, and, if indicated, vehicular crossings.
(General Plan Policy 30.727)

Policy 3 – The waterfront should provide a point of intersection for regional hiking, horseback riding and bicycling trails. Trailhead facilities, such as parking, restrooms, picnic tables, etc. should be provided on adjacent land.
(General Plan Program 30.7315)

Policy 4 – The waterfront should be further developed to take advantage of its potential as a shoreline recreation area where a variety of outdoor recreational activities can take place in a protected setting.
(General Plan Policy 23.29)

Preservation: This involves protection of existing habitats and resources from natural threats like flooding, as well as manmade dangers like pollution and sea level rise. With a commitment to continuous improvement, the City aims to maintain and augment the state of the public lands according to the San Francisco Bay Conservation & Development Commission's (SFBCDC) Bay Area Plan and the following General Plan goals and policies.

Policy 5 – The North Contra Costa Waterfront Zone should remain essentially unimproved and devoted to open space land use. Recreation and limited industrial development compatible with the wetland habitat and other natural conditions present are appropriate uses. Land use within this zone is also governed by the regulations of other governmental agencies. Most of this area is comprised of the marshes and mudflats of the waterfront area which have high value as natural habitats and as scenic and recreational areas.

(General Plan Policy 22.23)

Policy 6 – All woodlands and marshes should be conserved and protected from degradation, destruction or deleterious encroachment. Where development occurs, site plans should be required to maximize retention and preservation of these vegetative resources.

(General Plan Policy 22.44)

Policy 7 - Marshes and mudflats along the waterfront should be maintained and reconditioned to conserve wildlife and flora, to abate air and water pollution and to afford recreational opportunities.

(General Plan Policy 30.723)

Integration: The Trust Lands have been integral in steering the character of Martinez for 170 years. As waterfront uses have evolved with each era, the City continues to search for and implement means of enjoyment and productivity for waterfront users and visitors. The following General Plan purpose statement and policies aim to continue to fold these uses into the fabric of Martinez as a City. This integrated fabric contributes to the City's county, regional and statewide identity, attracting more Californians to utilize and benefit from this statewide resource.

Purpose 1 – The Martinez waterfront is a singular natural asset which can play a significant role as a major recreation and conservation area for local residents and the region. By arresting gradual deterioration of the waterfront and realizing its full potential, the city can re-establish a focal point of historical importance to the community and provide an impetus for a range of civic improvement projects.

(General Plan Purpose 30.71)

Policy 8 – Sponsors of public and commercial recreational facilities should be clustered and concentrated to permit joint use of facilities, preserve open space and provide a greater range of choice for users.

(General Plan Policy 30.727)

Policy 9 – Existing industrial and non-water-related commercial activities should be concentrated, attractively maintained and screened from view. Ultimately, incompatible waterfront uses should be relocated to other suitable locations.

(General Plan Policy 30.724)

Upcoming Projects and Timeline

Waterfront-Marina Master Plan

The City plans to embark on a comprehensive Waterfront-Marina Master Plan in 2020 for Martinez's 360-acre waterfront, including the Trust Lands. The Master Plan will have extensive public outreach and include a robust environmental review. The Master Plan will address the City's goals for the long-term use and maintenance of the Marina, focusing on future land uses, economic development, infrastructure improvements, and financing. The Plan is expected to be adopted in 2022.

A critical outcome of the Master Plan will be to revitalize the area so that it becomes a more attractive destination for city and regional residents and visitors, and so that it provides revenues to allow for on-going operations, maintenance and improvements of the Marina itself. To do that, the Plan will contemplate

- types of commercial development that attract users to the area,
- a variety of water-related recreational uses, and
- strategies to promote a welcoming and safe physical setting.

This will require a multifaceted approach, including exploring land use and urban design concepts, creating development prototypes for opportunity sites, crafting effective policies and development guidelines, establishing appropriate incentives for development, identifying strategic public improvement projects, and formulating feasible funding and implementation strategies.

The Plan will include a market and fiscal feasibility assessment of potential new and expanded activities at the Martinez waterfront that could generate ongoing revenues to support the Marina's capital, operations, and debt service costs. The report will assess market demand for these activities, Martinez's competitive position in relation to other communities in North Contra Costa County, challenges for accommodating each use in the waterfront area, and potential for each use to generate revenues to subsidize marina operations.

The Master Plan will expand and build upon the foundational TLUP and contain additional detail addressing City goals for the long-term use and maintenance of the Marina and Waterfront, focused on future land uses, economic development, infrastructure improvements and financing.

Development of realistic expectations is critical for determining the type, costs and extent of the future Waterfront-Marina Master Plan, and in characterizing opportunities for new economic development of the larger Waterfront-Marina area. Future effort will carefully consider historic actions by the City, as well as land use, fiscal and market constraints.

The following new and enhanced uses and facilities will be considered in the Plan. These uses and facilities will benefit the statewide public interest by increasing and improving access, utility, enjoyment and safety of the waterfront in a fiscally responsible manner.

Marina

The City will evaluate engineering recommendations and cost estimates to replace and/or repair the Marina's breakwaters and docks and complete dredging operations and other necessary infrastructure and utility improvements to restore the Marina and reduce siltation to an amount that can be cost-effectively managed through regular, periodic dredging. Recommended improvements will be based upon a realistic assessment of the City's ability to fund and/or finance them.

The analysis will also consider:

- Replacing the fuel tanks and restoring dockside fueling service.
- Providing slips, storage, and low-freeboard docks for non-motorized boats such as kayaks.
- Reconfiguring and/or reducing the number of slips.
- Impacts of projected sea level rise and BCDC requirements to design projects to be resilient to mid-century sea level rise and 100-year flood-elevations and, if projects will be in place longer

than mid-century, to have a plan to address flood risks expected at the end of the century.

Non-Motorized Small Boat Facilities and Programs

The City will evaluate the potential to expand access and recreational opportunities for non-motorized small boats. The Plan will consider the following:

- Development of a rigging area and launching site for kiteboarders and windsurfers to the west of the fishing pier, potentially in conjunction with adjacent land owned by the East Bay Regional Park District.
- Storage facilities for non-motorized small boats, including outrigger canoes and kayaks, and equipment, placed as close to the launching site(s) as feasible.
- Drop-off/staging area and wash-down facilities near the boat launch ramp.
- Non-motorized small boat rental concession, including storefront and rental equipment storage, located as close to the water as possible.
- Facilities for clubs and youth programs.
- Accessible launch design and accessible paths of travel to the point of launching.
- Participation in the San Francisco Bay Area Water Trail's network of non-motorized small boat launching and landing sites.
- Projected sea level rise over the life of the improvements.

Restaurant

The City will evaluate the potential for a restaurant to attract residents and visitors to the area, enhance recreational activities on the waterfront, and generate revenue for the City. The feasibility analysis will consider the sales performance of existing Martinez restaurants, the competitive position of downtown Martinez restaurants, and findings about waterfront restaurants elsewhere in the region. Casual dining and take-out food options may also be considered.

Hotel/Event Center

The City will evaluate the potential for a small hotel and/or event center to attract residents and visitors to the area, enhance recreational activities on the waterfront, and generate revenue for the City. The City will consider location, performance and characteristics of existing hotels and event centers in the market area when assessing the financial feasibility of a potential development.

Amphitheater

The City will evaluate the feasibility of making improvements to the existing Amphitheater in order to host new commercial uses and compete with other commercial theaters and concert venues in the region. The analysis will consider existing theater and concert venues and business models and potential for revenue generation.

Maritime Museum/Interpretive Center

The City will evaluate the potential for a museum or interpretive center that explores Martinez maritime history as a Gold Rush way station, shipping port, and fishing and cannery center.

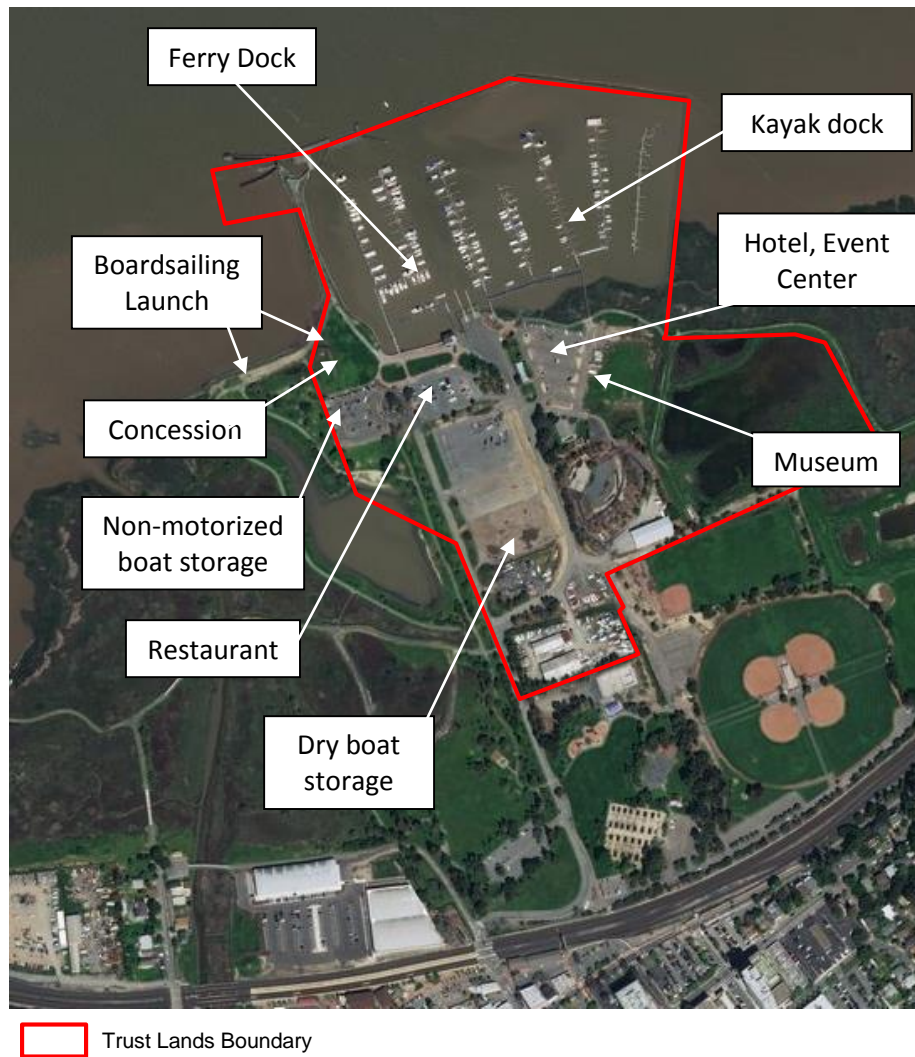
Dry Boat Storage

The City will evaluate the financial feasibility and potential location for dry boat storage for motorboats.

Ferry Service

The City is currently pursuing the possibility of ferry service options for Martinez, including a commuter ferry pilot program with Contra Costa Transportation Authority and private ferry service between Martinez and Antioch and/or between Martinez and San Francisco. As part of the ferry pilot program, the City is also exploring a shuttle service and/or bike/scooter rental options for ferry passengers to connect to the downtown, local employment centers, and the nearby Martinez Amtrak station. Ferry service will provide increased opportunities for statewide public access, enjoyment and utility of the Trust Lands.

Figure 4. Potential Project Locations

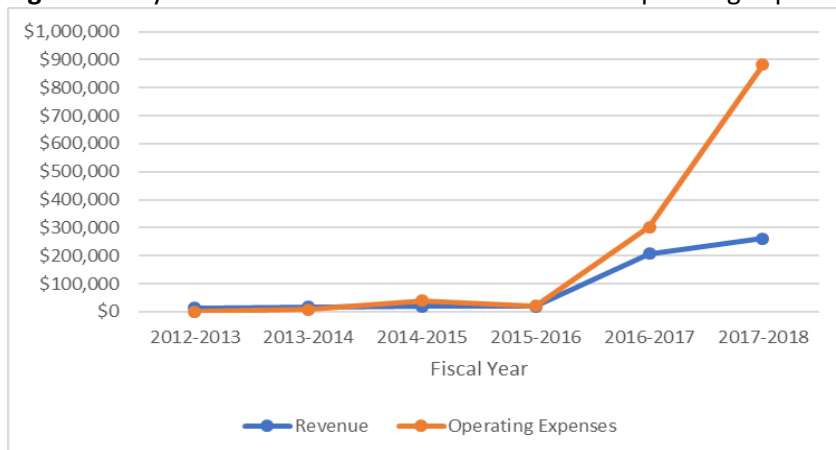


3. Financing and Implementation

As seen in Figure 5, Trust Land revenues have significantly evolved since 2013. In 2018, revenues were primarily comprised of rent and lease revenues (77%) and tax revenue. Funding is expected to grow as the City diligently works to legitimize all remaining waterfront property leases, and as federal, state, and regional funding is sought. Trust Land funding is allocated exclusively for Trust Lands. The graph below demonstrates the evolution of Trust Lands funding since 2013, and the following sections summarize operating and capital costs incurred by the Trust Lands fund.

Operating costs, including administration, maintenance, and repair, are highly variable and have totaled between \$817 and \$881,245 between 2013 and 2018. Costs spiked in FY 2017-2018 when the City completed a dredge of the Martinez Marina, which resulted in dredge plan and construction costs of \$772,736.

Figure 5. City of Martinez Trust Lands Revenue and Operating Expenses



Pursuant to SB 1424, the City is obligated to pay the State Lands Commission 20% of its annual gross lease revenue. However, in recognition of the deteriorated conditions at the marina, the City may request relief from this obligation between June 30, 2015 and June 30, 2021, as authorized in Section 7(d)(2), so that the City may take action to address these conditions, including the dredging of sediment to restore adequate depth for launching, berthing, and safe navigation at the marina. The City has requested, and the State Lands Commission has granted, relief from the obligation each year.

As discussed above, the City intends to embark on a comprehensive Waterfront-Marina Master Plan in early 2020 for Martinez and adopt the plan in 2021. The plan will focus on economic development of the waterfront and the financing of needed and desired capital improvements, with the objective of generating sufficient revenues to allow for on-going operations, maintenance and improvements of the Marina. The City has budgeted \$500,000 for this planning effort and environmental review documents over the next two years. Costs associated with implementation of the Master Plan cannot be estimated at this time.

4. Hazards and Hazard Mitigation

The natural setting of the City's Trust Lands offers both opportunities and constraints related to land use development. Its location on the Martinez waterfront offers recreational opportunities and scenic vistas, but also requires consideration and respect for the natural resources, habitats, and environment. The most significant hazards along the Martinez waterfront are flooding, seismic activity, and sea level rise. This section introduces the extent of these potential natural hazards along the Martinez waterfront, and policies that the City follows to address them.

Seismic Activity

According to the United States Geological Survey's 2014 Working Group on California Earthquake Probabilities there is a 72% probability (or likelihood) of at least one earthquake of a magnitude 6.7 or greater earthquake striking somewhere in the Bay Area in the next 30 years. Although, there are no known active faults located within the city limits of Martinez, there are numerous active faults located in the regional vicinity of Martinez. The Hayward Fault, located approximately 12 miles west of Martinez, is considered to be one of the most likely (33% probability) sources of the next major earthquake in the San Francisco Bay Area. Other significant faults in the Martinez area include the Franklin, Concord-Green Valley, and Southampton Faults. Surrounded by faults, the Martinez waterfront is susceptible to significant seismic activity and effects from liquefaction, ground shaking, and erosion. The entire Trust Lands have a "violent" ground shaking intensity potential and "high" liquefaction potential, as shown in Figures 6 and 7.

Figure 6. Earthquake Shaking Potential (Concord-Green Valley Fault)

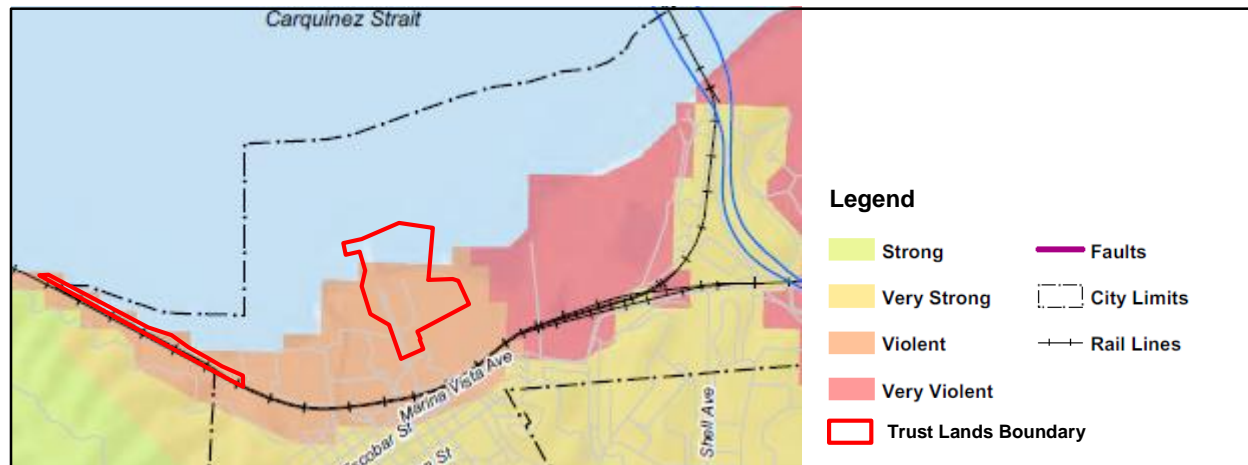
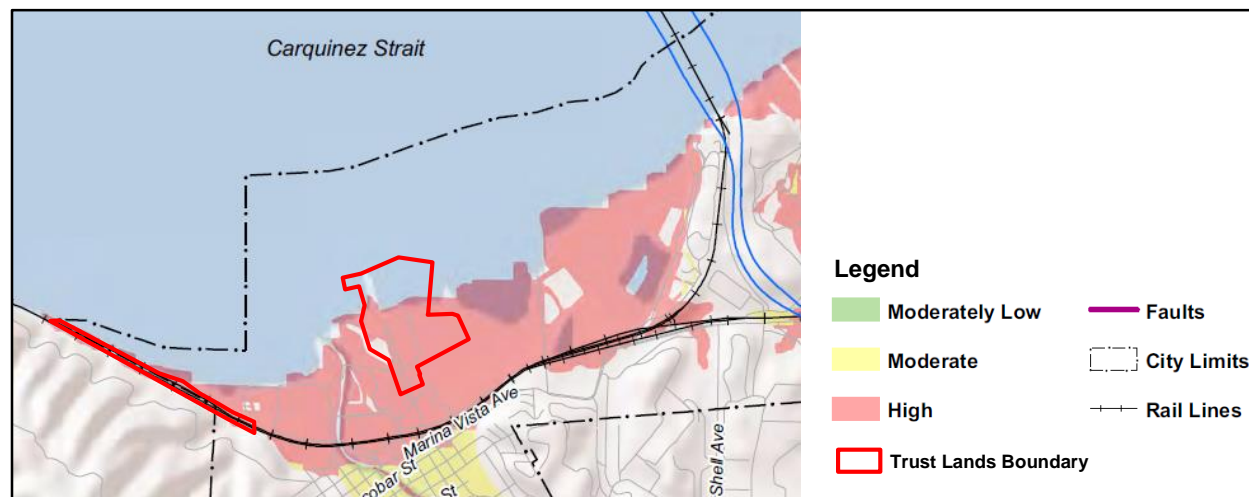


Figure 7. Liquefaction Susceptibility (Concord-Green Valley Fault)



The City adheres to the following General Plan policies and Hazard Mitigation Plan actions in order to reduce risks from seismic activity, including ground rupture, ground shaking, and liquefaction.

Policies

Policy 1 – Development shall be barred from the Franklin Fault Zone, which includes traces of the main fault, branches, and secondary sub-parallels, a one thousand foot band centering on the contiguous adjacent, north-south trending Briones Fault, the Concord Fault zone, and all slopes indicated to possess severe landslide potential which fall within this corridor and would thus be subject to intense disturbance.

(General Plan Policy 24.211)

Policy 2 – Development shall be precluded along any fault trace where surface rupture is deemed possible. Fault traces which are considered to be inactive should be evaluated for special foundation problems prior to the construction of any building, utilities, road, or paving on or across their trace.

(General Plan Policy 24.212)

Policy 3 – The City shall adopt structural design criteria and codes and other programs applicable to other seismic effects, specifically, liquefaction of ground materials, seismic response of such unconsolidated geologic formations as alluvial deposits and collapse-hazard buildings and other seismic-induced failures of existing structures.

(General Plan Policy 24.213)

Policy 4 – Construction in areas containing soils with high “shrink-swell” properties will require employment of special foundation techniques to offset these effects.

(General Plan Policy 24.223)

Policy 5 – Areas where moderate soil limitations are present must be studied on a site specific bases with respect to technique and density suitability.

(General Plan Policy 24.225)

Policy 6 – Where appropriate, support retrofitting or relocation of structures in high hazard areas, prioritizing structures that have experience repetitive losses.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-1)

Policy 7 – Integrate the hazard mitigation plan into other plans, ordinances and programs that dictate land use decisions in the community, including General Plan, Zoning Ordinance, Climate Action Plan and Marin Master Plan.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-2)

Policy 8 – Actively participate in the plan maintenance protocols outline in Volume 1 of the Hazard Mitigation Plan.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-3)

Policy 9 - Raise public awareness about regional hazards.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-5)

Policy 10 – Promote the use of NOAA “All Hazards” radios for early warning and post-event information.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-6)

Policy 11 – Maintain political support for hazard mitigation and response programs.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-7)

Policy 12 – Establish and continue partnerships between public and private sectors including CERT.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-8)

Policy 13 – Maintain the viability of all critical facilities and operations.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-9)

Policy 14 – Adopt International Building Code once ratified by the State.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-21)

Policy 15 – Evaluate critical facilities and retrofit as needed.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-22)

Policy 16 – Train staff on HAZUS.

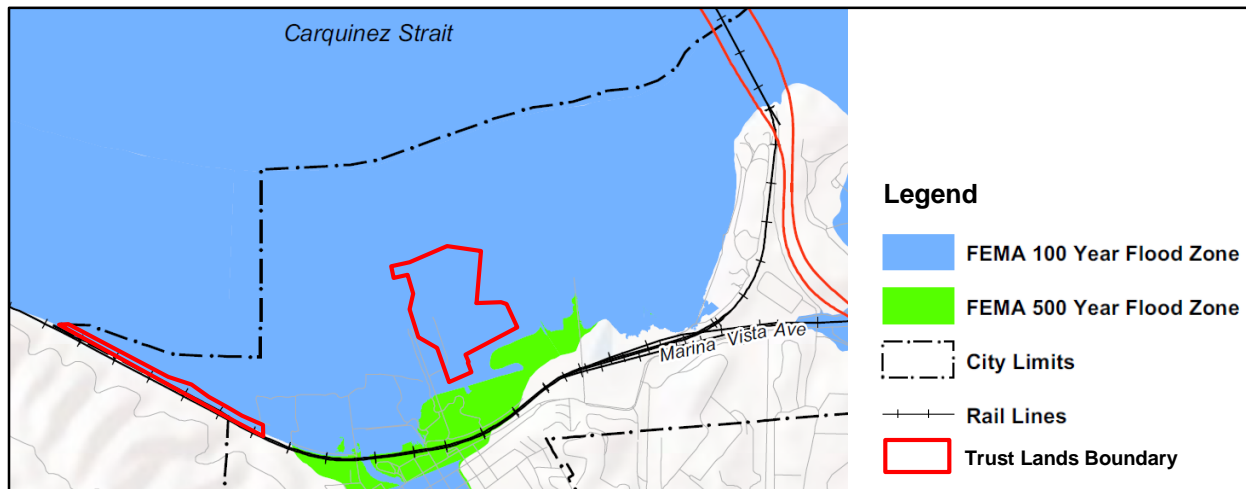
(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-23)

Flooding

Most of flooding in Martinez is caused by heavy rainfall and subsequent runoff that cannot be adequately conveyed by the existing storm drainage system combined with surface water bodies. Alhambra Creek, which drains 15.1 miles of generally rugged topography and passes through urban Martinez before discharging into the Carquinez Strait west of the Marina area, is the source of much flooding in Martinez. On the waterfront, flooding from storm events is exacerbated by extreme high tide conditions.

According to the Federal Emergency Management Agency (FEMA), the Trust Lands lie within the 100-year flood plain, as shown in Figure 8.

Figure 8. FEMA Flood Map



The City is responsible for maintaining the flood control system within the Alhambra Creek Watershed which encompasses the City's waterfront. The City adheres to the following General Plan policies and Hazard Mitigation Plan actions to minimize impacts of flooding at the waterfront. Policies 6-13 from the preceding section on Seismic Activity are also applicable to reducing flood risks.

Policies

Policy 17 – Programs for flood control of Alhambra Creek should treat problems of public safety and natural conservation in an integrated approach. All of the following are appropriate measures for controlling flooding: upstream land use controls, preservation of vegetation and woodlands, Creekside parks and trail systems, preservation of the way way's natural features where possible, channel and embankment improvements in reaches where channel capacity is restricted, diversion of flood waters through drainage improvements, upstream flood detention dams and flood water diversion. (General Plan Policy 20.214)

Policy 18 – Continue to maintain good standing and compliance under the National Flood Insurance Program (NFIP) through implementation of floodplain management programs that, at a minimum meet the NFIP requirements:

- Enforce the flood damage prevention ordinance.
- Participate in floodplain identification and mapping updates.
- Provide public assistance/information on floodplain requirements and impacts.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-4)

Policy 19 – Participate in Community Rating System (CRS) and investigate possibility of increasing rating to reduce flood insurance rates.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-14)

Policy 20 – Mitigate potential increased run-off from new development.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-15)

Policy 21 – Install Alhambra Creek By-pass pipe.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-16)

Policy 22 – Clear drainage facilities prior to rainy season.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-17)

Policy 23 – Formalize/advertise advance flood warning predictions.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-18)

Policy 23 – Promote creek clean-up.

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-19)

Policy 24 – Participate in Clean Water Program (NPDES).

(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-20)

Sea Level Rise

The San Francisco Bay is vulnerable to a range of natural hazards, including storms, extreme high tides, and rising sea levels resulting from global climate change. Flooding already poses a threat to communities along the Bay and there is compelling evidence that these risks will increase in the future. As temperatures rise globally, sea levels are rising mainly because ocean water expands as it warms, and water from melting of major stores of land ice and glaciers flow into the ocean. Global average sea level has accelerated from 1.7 millimeters per year throughout most of the twentieth century to 3.2 millimeters per year since 1993. Sea level at the San Francisco tide gauge has risen by about 9 inches since 1900.

Rising seas put new areas at risk of flooding and increase the likelihood and intensity of floods in areas that are already at risk. The State's Sea Level Rise Guidance Document (2018) projects a "likely" (66% probability) increase in sea level at the San Francisco tide gauge of 13 inches by 2050 (year 2000 baseline). By the end of the century, sea levels are likely to rise 2.4 feet under a low emissions scenario (RCP 2.6) and 3.4 feet under a high emissions scenario (RCP 8.5). Flooding will be more severe when combined with storm events.

Between 2014-2017, the City participated in a sea level rise vulnerability, assessment and adaptation planning project with other Contra Costa jurisdictions and agencies. The objectives of the program were to understand how current and future coastal and riverine flooding may impact transportation and utility networks, industrial facilities and employment sites, residential neighborhoods and community facilities, and shoreline park and recreation facilities. The final report, Adapting to Rising Tides: Contra Costa County Assessment and Adaptation Project, provides extensive analyses and maps and a comprehensive set of adaptation responses that will help the City to build resilience and adapt to rising sea level.

The San Francisco Bay Conservation & Development Commission (BCDC) requires new development within its jurisdiction to be resilient to mid-century sea level rise and 100-year flood-elevations and, if projects will be in place longer than mid-century, to have a plan to address flood risks expected at the end of the century. BCDC has jurisdiction over waters of the Carquinez Strait, marshlands lying between mean high tide and five feet above mean sea level, and land that is within 100 feet of the shoreline's mean high tide water mark.

Figure 9. Water Level Resulting from 12" of Sea Level Rise



Figure 10. Water Level Resulting from 24" of Sea Level Rise



Figure 11. Water Level Resulting from 12" of Sea Level Rise and 100-year Flood



Source: Adapting to Rising Tides One Map, Many Futures,
<https://explorer.adaptingtorisingtides.org/explorer>

The City adheres to the following Hazard Mitigation Plan action to address impacts from sea level rise and BCDC policies in the *San Francisco Bay Plan* (https://www.bcdc.ca.gov/plans/sfbay_plan#2) that apply to area's within BCDC jurisdiction in Martinez.

Policies

Policy 25 – Develop Rising Tide strategies and incorporate into Marina Master Plan.
(Contra Costa County Hazard Mitigation Plan, City of Martinez Annex, Action M-30)

Policy 26 - 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. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices.
(BCDC San Francisco Bay Plan, Climate Change Policy 2)

Policy 27 - 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. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based

on a risk assessment using the best available science-based projection for sea level rise at the end of the century.

(BCDC San Francisco Bay Plan, Climate Change Policy 3)

Policy 28 - To address the regional adverse impacts of climate change, undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species, or possess conditions that make the areas especially suitable for ecosystem enhancement, should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes.

(BCDC San Francisco Bay Plan, Climate Change Policy 4)

Policy 29 - Wherever feasible and appropriate, effective, innovative sea level rise adaptation approaches should be encouraged.

(BCDC San Francisco Bay Plan, Climate Change Policy 5)

Policy 30 - New shoreline protection projects and the maintenance or reconstruction of existing projects and uses should be authorized if: (a) the project is necessary to provide flood or erosion protection for (i) existing development, use or infrastructure, or (ii) proposed development, use or infrastructure that is consistent with other Bay Plan policies; (b) the type of the protective structure is appropriate for the project site, the uses to be protected, and the erosion and flooding conditions at the site; (c) the project is properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes future sea level rise into account; (d) the project is properly designed and constructed to prevent significant impediments to physical and visual public access; and (e) the protection is integrated with current or planned adjacent shoreline protection measures. Professionals knowledgeable of the Commission's concerns, such as civil engineers experienced in coastal processes, should participate in the design.

(BCDC San Francisco Bay Plan, Shoreline Protection Policy 1)

5. Procedures and Regulations for Trust Lands Leases and Developments

Given Martinez's custodial responsibility over Trust Lands within its boundaries, and its long-term vision for the Lands, the City manages leasing and development at the waterfront per the following process.

Leasing and Permitting Procedure

The application and review process for new leasing and permitted development on Trust Lands in Martinez is described below. Building, Planning, and Engineering permit applications and forms can be found on the City's website at:

Planning: http://www.cityofmartinez.org/depts/planning/planning_department_forms.asp

Building: <http://www.cityofmartinez.org/depts/building/forms.asp>

Engineering: <http://www.cityofmartinez.org/depts/engineering/forms.asp>

A detailed description of the process is as follows:

Step 1. Depending on the scope of the project, applicants first submit their application materials

and fees to the City of Martinez Planning, Building, or Engineering Department. Application materials may include but are not limited to:

- Planning, Building or Engineering Permit Application Form
- Project Summary
- Findings for Approval
- Photos of the project site and building(s)
- Site Plan
- Floor Plan
- Elevation Drawings
- Color and Materials Board
- Landscape Plan
- Stormwater Plan
- Title Report
- Site Survey
- Solid Waste Collection Plan
- Grading Plan
- Dredging/Excavation Plan

Upon receipt of a complete application and supplemental materials, City staff and the applicant prepare a non-binding Letter of Intent (LOI) for City Council consideration to formally establish whether or not the Council is supportive of negotiating a potential leasehold interest with the applicant. Assuming the Council adopts the LOI, the City estimates processing costs, and issues the applicant a reimbursement agreement to assure recovery by the City of the total cost to process an application for their project and the planned use of Trust Lands.

Step 2. Several City departments including Planning, Building, and Engineering, along with any relevant outside agencies, including the State Lands Commission, then conduct review of submittals to determine whether the proposed project is (a) consistent with the City and State policies, practices and procedures; (b) conducive to public access; (c) consistent with environmental safeguards and policies of the State; and (d) otherwise in the best interest of the State. A list of the City's General Plan Waterfront Policies with which staff will determine preliminary approval status can be found in Attachment 2. All Municipal Code requirements can be found in the City of Martinez Municipal Code.

In the event the application is deemed incomplete, City staff will specify additional information required and notify the applicant. Upon receipt of any additional material, staff will respond within 30 calendar days as to whether the application is complete. Should the applicant fail to provide a complete application within a reasonable period of time, the file may be closed and all or any part of the fees retained by the City. There is an appeal process whereby an applicant may appeal the staff determination that an application is incomplete.

At this stage, State Lands Commission approval for leases for any use of the Trust Lands are required per Chapter 628 of the Statutes of 2014, Section 4(e).

Step 3. Once approval is received from all outside agencies, the City initiates the California Environmental Quality Act (CEQA) process. On most proposed projects the City is the Lead Agency for this process.

Step 4. After a CEQA determination is made, the City Council and/or Planning Commission consider the item in a public hearing for conditional approval. The following table demonstrates types of projects and public meetings to which they are subject.

Project Type	Public Meeting Required
General Plan Amendment	Planning Commission and City Council
Rezoning or Zoning Text Change	Planning Commission and City Council
Design Review	Staff level, Design Review Committee
Variance	Zoning Administrator or Planning Commission
Use Permit	Zoning Administrator or Planning Commission
Development Agreement	Planning Commission and City Council
Lease	City Council

Step 5. If approved by the City Council, a lease is drafted according to an appraisal of upland property which the City obtains using the expense deposit collected in Step 1. Terms and conditions of the City's waterfront leases vary but are designed to conform to the Public Trust Doctrine and be in the best interest of the State. At this step all necessary City and Outside Agency permits are prepared as well.

Step 6. Once mutually agreed upon, the lease is brought before the City Council for approval during a City Council meeting.

Step 7. If approved by the Council, the applicant is allowed to proceed with the project. The lease is then executed and all permits are issued.

Conclusion

The Martinez State Trust Lands Use Plan adheres to the requirements of SB 1424 and all State Lands Commission requirements. It also conforms with the City of Martinez General Plan and as such will serve as a guiding document for the future Waterfront-Marina Plan, and will help to ensure that the City of Martinez's long-term vision for the Trust Lands focuses on

- improving access to the area,
- preservation of existing habitats and resources, and
- integration of the Trust Lands into the fabric of the City in order to maximize public benefit.

Attachment 1

1. The highest priority should be assigned to conservation, park and recreation uses at the waterfront. Contemplated uses should include: an expanded and improved boat marina, fishing pier(s), water-oriented commercial/recreational establishments, scenic routes, hiking and bicycling pathways, and areas for both active and passive recreational pursuits.
(General Plan Policy 30.722)
2. Marshes and mudflats along the waterfront should be maintained and reconditioned to conserve wildlife and flora, to abate air and water pollution and to afford recreational opportunities.
(General Plan Policy 30.723)
3. Existing industrial and non-water-related commercial activities should be concentrated, attractively maintained and screened from view. Ultimately, incompatible waterfront uses should be relocated to other suitable locations.
(General Plan Policy 30.724)
4. Acreage of suitable stability and location should be placed in a general development area for uses including expanded active recreation, the relocation of compatible commercial or parking.
(General Plan Policy 30.725)
5. Obnoxious practices and uses which are inconsistent with the proposed waterfront should be discontinued and made illegal. All waterfront lessees and owners should be required to adhere to appropriate design and maintenance standards. All planned uses should conform to a unified design and development guide.
(General Plan Policy 30.726)
6. Public access to the waterfront should be expanded through the provision of well-designed and safe pedestrian elevated crossings, and, if indicated, vehicular crossings.
(General Plan Policy 30.727)
7. Sponsors of public and commercial recreational facilities should be clustered and concentrated to permit joint use of facilities, preserve open space and provide a greater range of choice for users.
(General Plan Policy 30.728)
8. The City should aggressively seek financial support and cooperation from public agencies and qualified private investment to realize the objectives set forth in the proposed waterfront plan.
(General Plan Policy 30.729)