



**City of Martinez
City Council Meeting
Amendments to Municipal Code
Section 10.20.10 Special Speed Limits**

September 27, 2023



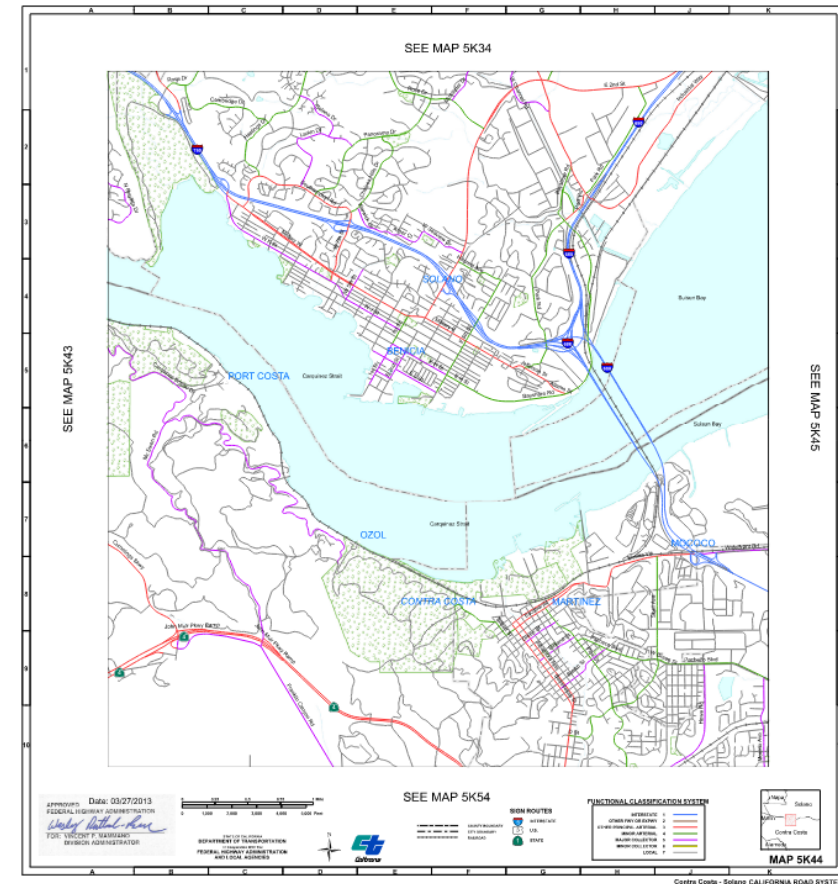
Background

- The California vehicle code (CVC) requires an Engineering and Traffic Survey (ETS) on roadways that not classified as local streets before citations can be issued by radar or other electronic means
- The ETS analyzes the speeds of drivers, collision history, and conditions not readily apparent to the motorist
- The information is used to set the speed limit on arterial and collector roadway segment



Discussion – Requirements of an ETS

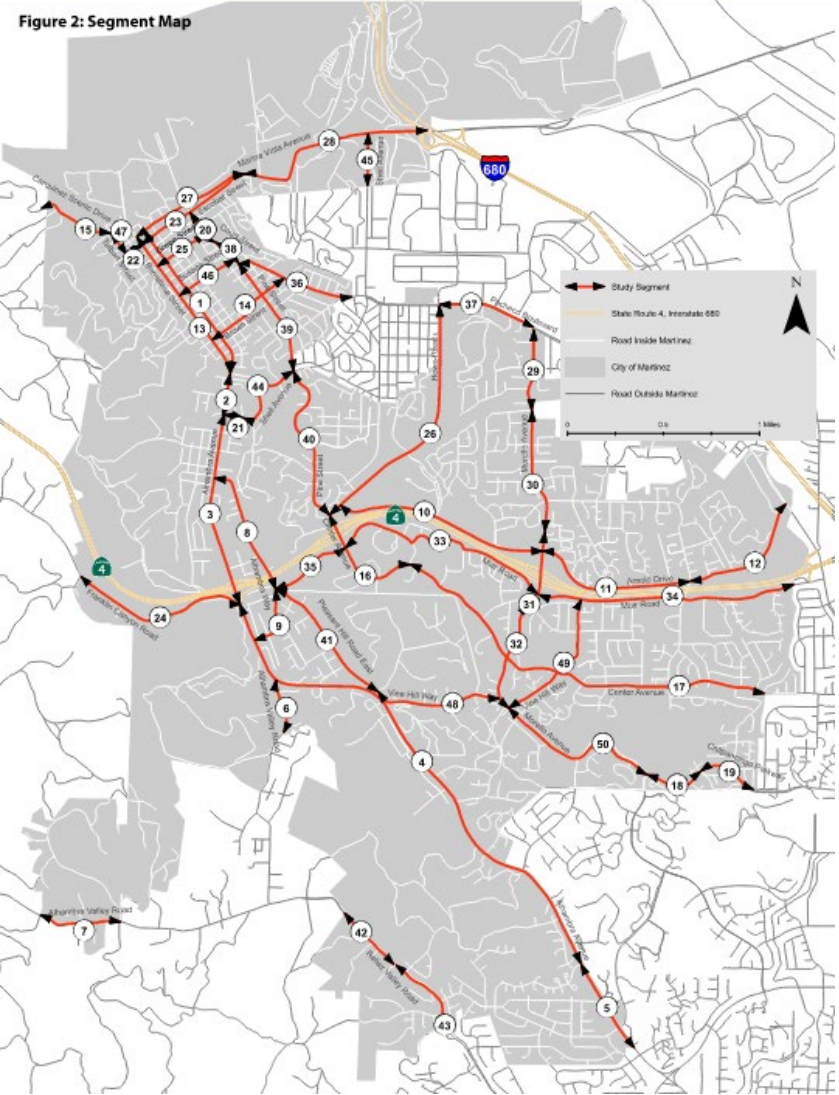
- The CVC dictates the requirements of an ETS
- Roadway segments not shown as local streets on the California Functional Classification System Maps approved by the Federal Highway Administration or meeting local street criteria require an ETS.
- Sample California Functional Classification System Map shows northeast Martinez. All of Martinez is shown on a total of four maps.



Special Speed Limits



Figure 2: Segment Map





Discussion – Requirements of an ETS (con't)

- There was a major overhaul to the CVC in October of 2021 – highlights include extending the time that ETS are valid and allowing lower speeds in some instances to improve safety of bicyclists and pedestrians, with increased consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused
- A ETS is valid for five years
- If the citing officer is trained as specified in the CVC, the ETS is valid for seven years
- If roadway geometrics and land use are unchanged, the ETS can be recertified for a grand total of 10 years or 14 years if the citing officer has the training
- Martinez officers have received this training
- Existing speed limits based on 2013 ETS



Discussion – Contents of an ETS

- The CVC also requires that the ETS meet the conditions described in the California Manual of Uniform Traffic Control Devices (CA MUTCD)
- The speed of 100 free flowing vehicles (or collection for 4 hours, whichever comes first) must be gathered to determine the 85% speed – the speed at which 85% of the vehicles are traveling at or below (also known as the critical speed)
- Collision data, segment length, and average daily traffic volumes are used to determine collision rates
- Roadway characteristics and adjacent land uses are reviewed to assess statutory speed limits and determine if there are any conditions that not readily apparent to the motorist



Discussion – City of Martinez ETS

- When the ETSs were done in August and September 2013:
 - Some roadways were not divided into segments at appropriate locations.
 - Not all roadways shown as arterials and collectors on the Functional Classification Maps were surveyed.
- To set a proper baseline for the new and future ETS, all required segments have been surveyed. The locations where new surveys were conducted for the first time justified the existing posted speeds.



Discussion – City of Martinez ETS (Con't)

- Streets with recommended speed limit changes are:
 - On Alhambra Valley Road from the west City limits (Deer Creek Road) and the east City limits (Vaca Creek Road), change the speed limit from 30 mph to 35 mph.
 - On Morello Avenue from Ashford Place to Rolling Hill Way (under Highway 4), change the speed limit from 25 mph to 30 mph.
 - On Muir Road from Center Avenue to Roman Way, the existing speed limit is 25 mph. Recommendations are:
 - 30 mph from Center Avenue to Veterans Drive
 - 25 mph from Veterans Drive and Roman Way
- All other speed limits should remain the same as currently posted.



Fiscal Impact

- There will be a minor fiscal impact to replace several speed limit signs. It is estimated that the expense will be less than \$3,000.



Recommendation

1. Accept the Engineering and Traffic Surveys Report
2. Introduce an Ordinance amending Section 10.20.10 (Special Speed Limits) of the Municipal Code



Questions?

- Additional questions by City Council?

(Attachment for September 27, 2023)

September 7, 2023

John Eaves
110 Midhill Road
Martinez, CA 94553

City Of Martinez City Council
525 Henrietta Street
Martinez, CA 94553

Re: Public Hearing Item Number 22 From September 6, 2023 Council Meeting; Specifically Proposed Amendments to Martinez Municipal Code 22.34.090 Fences, Walls, and Hedges

Dear Honorable Mayor, Vice Mayor, and Members of City Council:

My name is John Eaves. I am a resident homeowner on Midhill Road since 1992. I am writing to express comments and concerns about the proposed amendments to the Municipal Code regarding Fences, Walls, and Hedges. I might have written sooner, but the written presentation of the amendments appears to list them as additional exceptions to the requirements for "Front Yards." The discussion during the September 6th Public Hearing leads me to believe that the amendments are also intended to apply to back or side yards as well. I believe the language needs clarification.

My second concern is that the proposed formula for spacing between walls and fences may be too extreme. I can appreciate the example given by staff that the possibility of a six foot fence on a six foot wall may need to be addressed. However, I do not believe this is the norm. Most situations require a much smaller wall of perhaps one to three feet in height so that spacing seems less significant. For example, with the proposed language, a six foot fence set one foot behind a two foot wall would be out of compliance by one foot. Moving the fence back an additional foot would seem to make little difference in elevation or appearance. The proposed language also does not address situations where the wall and fence are already set back from the property line. It seems reasonable to me that if the set back meets or exceeds minimum spacing requirements, then no further spacing should be required between the wall and fence.

Martinez residents spend a lot of money for fencing their property. I would like to ask the Council to please consider the hardship to homeowners for making changes based more on aesthetics than necessary for safety. I believe the cost of the spacing requirements if passed as they are will be far greater than what was considered for eliminating cyclone fencing. If any amendments to this code section are passed I would ask that enforcement and compliance be achieved over time as fences age and are replaced.

With Respect and Appreciation,

John Eaves

September 12, 2023

John Eaves
110 Midhill Road
Martinez, CA 94553

City Of Martinez City Council
525 Henrietta Street
Martinez, CA 94553

Re: September 27, 2023 Public Hearing for Second Reading of Item Number 22 From
September 6, 2023 Council Meeting; Specifically Proposed Amendments to Martinez
Municipal Code 22.34.090 Fences, Walls, and Hedges

Dear Honorable Mayor, Vice Mayor, and Members of City Council:

My name is John Eaves. I am a resident homeowner on Midhill Road since 1992. I have submitted previous comments on this issue in a letter sent September 7, 2023. I understand that this first letter was too late to be included in the official record for the first reading. I have included my previous letter as an attachment to this letter and hope that it can be added to the record for the second hearing. I have also thought of the following additional comments that I would like to share:

The first is that I think the Council might consider cancelling or delaying action on the proposed amendments to Section 22.34.090 Fences, Walls, and Hedges for further study or other direction. The discussion of this item so far has been that revisions are needed to be more in line with what other jurisdictions are doing. Staff has indicated that they do not have the data to compile statistics on fencing (specifically cyclone) because permits are not generally required and they may not have the resources to conduct field assessment. I would suggest then that we really do not know what impact the proposed amendments could have on property owners in Martinez.

Second, I would like to ask that we consider the possible damage to the root systems of code protected trees, plants and other well established shrubbery that could be caused by enforcement of the proposed revisions. In many cases the location of a wall and fence may have existed as long as the surrounding trees and landscape leaving little room for adjustment. Well established trees and other plants have a greater chance for survival during draught years making them extremely valuable. To unnecessarily impact these trees and landscape over a small space in the dirt or perceived aesthetics would be a shame.

With Respect and Appreciation,

John Eaves

Postpone to 2024 Temporary Citywide Noise Exemption- Planning Resolution 23-24 Keep City Notification Processes Alive -Growing Neighborhood Transparency

Dear Members of the Martinez City Council:

First: I am requesting that you postpone putting on the Agenda followed by voting for the 1 year Temporary Citywide Noise Exemption Permitting Resolution 23-24 proposed by the Planning Staff and Commission to next year, 2024. A reasonable time to study alternatives may allow concerned residents and workers to carefully review the ample scientific evidence that informs the costs of exempting citywide noise standards in small cities. Second: **Why not Keep City Notification Processes Alive, Growing Neighborhood Transparency?**

Considering an exemption to benefit bars and restaurants to increase revenues (for some) provides an opportunity for writing this small city's Noise Standards. Local folks know nothing of giving a noise exemption to applicants. The scant process lacks robust outreach by the City. Notification and outreach has been limited to the Planning staff and Commission with no evidence other than mention of bars and restaurants seeking an exemption. I did not receive a notification.

The staff report has not provided evidence of alternative models. Granting some businesses permits for more hours up to 12:30 AM on Fridays and Saturdays, instead may harm local businesses as well as disturb the peace and sleep of residents living nearby-especially those who leave for work in the wee hours of a dark morning. Week nights, loud noise until 9:30 will impact the CERT classes I attend at the Green Street poorly insulated Senior Center as I have found presentations drowned by nearby hard rock sound booming in cars and neighboring homes.

What does the research of Noise codes in comparable--models based on scientific findings incorporated into enforceable municipal codes teach us? Is there a code inspector working the noise sites after 9 pm or after 12am hours that the exemption would allow? What would the fines consist of? Suspensions of business licenses for egregious violations? **Or would complaints become the responsibility of the understaffed police department? Enforcement Costs?**

Have residents, businesses and clients been asked citywide? Zones near bars and restaurants? How can the Exemption be EQUITABLE to serve the special interests of some (not all) restaurants and bars to be louder and later after nightfall? How would louder noise lasting into early morning and longer with no inspections by the City impact residents living and working nearby? INCLUSIVE for a select few? Those who can afford to buy permits will drown out quieter restaurant dining, people strolling along, walking dogs, chatting in cafes, talking on phones, acoustic street musicians, office workers staying all night to finish reports. And neighbors trying to sleep, evening dinners, meeting and theatre venues. And dogs at home do suffer—always listening?

Keep City Notification Processes Alive -Growing Neighborhood Transparency

Rather than stripping away the right to notification which is current today in the 'by right' Ministerial processes for ADU building permits, couldn't this city EDUCATE staff to encourage Residents, Workers and Businesses to talk with each other on potential impacts of exemptions of projects no longer mandated by State law? The City COULD nurture a richer Notification processing parallel to the electronic Alert system for all of us. Instead of avoidance, to tailor the right to notification to talk with neighbors would yield broader transparency, equity, inclusion, and citizen engagement. Isn't it plain common sense to be neighborly—to preserve relationships with our neighbors?

For further reading see Kate Harrison, Berkeley City Council on her alternative Keep City's Processes for By Right construction as new State laws void notification to neighbors.

<https://mail.google.com/mail/u/0/?tab=rm&ogbl#search/kharrison/FMfcgzGtxKPHwMshKGmslpPFGsFfjvbX>

ORDINANCE NO. 23-XX

**BEFORE THE CITY COUNCIL OF THE CITY OF MARTINEZ, AN ORDINANCE
AMENDING SECTION 10.20.10 SPECIAL SPEED LIMITS**

The City Council of the City of Martinez, ordains as follows:

WHEREAS, Engineering and Traffic Surveys are required by the State of California to establish speed limits on all streets not shown as local streets within a municipality as shown on the Functional Classification Maps of the Federal Highway Administration and to enforce those limits using radar or other speed measuring devices; and

WHEREAS, TJKM prepared the “2023 Engineering and Traffic Survey, dated September 6, 2023, recommending revisions to the speed limits on various roadways.

WHEREAS, the City of Martinez is required to memorialize changes to speed limits by ordinance per the California Vehicle Code (CVC 22357); and

NOW THEREFORE THE CITY COUNCIL DOES FURTHER ORDAIN AS FOLLOWS:

SECTION 1.

Section 10.20.10 of the Martinez Municipal Code is hereby amended to read as follows in its entirety:

10.20.010 - Special Speed Limits.

It is determined upon the basis of an Engineering and Traffic Survey that the speed permitted by State law upon the following streets is not reasonable and safe to facilitate the orderly movement of traffic, and it is declared that the prima facie speed limit shall be as hereinafter set forth on the streets or parts of streets herein designated:

Declared Prima Facie

Name of Street and Portion Affected	Speed Limit (MPH)
A. ALHAMBRA AVENUE Franklin Canyon Rd. to "D" St "D" Street to Berrellesa Street Berrellesa Street to Escobar Street South City limits to Roanoke Drive Roanoke Drive to Franklin Canyon Road	35 30 30 35 45
B. ALHAMBRA VALLEY ROAD Alhambra Avenue to South City Limits (Sheridan Ln) West City Limits (Deer Creek Dr) to East City Limits (approx. 300' west of Vaca Creek Rd)	25 25
C. ALHAMBRA WAY Muir Station Rd. to Alhambra Ave. (North of SR 4) Muir Station Rd. to Alhambra Ave. (South of SR 4)	25 25 20
D. ARNOLD DRIVE Howe Road to Morello Avenue Morello Avenue to Milano Drive Milano Drive to Pacheco Boulevard	35 35 40
E. BERRELLESA STREET Marina Vista to Alhambra Avenue	30
F. CENTER AVENUE Howe Road to Veterans Drive Veterans Drive to City Limits	30 25
G. CHILPANCINGO PARKWAY Morello Avenue to Lake Ridge Dr./Quiet Lakes Pl. Lake Ridge Dr./Quiet Lakes Pl. to easterly City Limits	35 30
H. COURT STREET Thompson Street to Marina Vista	25
I. ESCOBAR STREET Court Street to Marina Vista	25
Name of Street and Portion Affected	Speed

	Limit (MPH)
J. FRANKLIN CANYON ROAD West City Limits to Alhambra Avenue	35
K. GLACIER DRIVE Center Avenue to Olympic Drive Olympic Drive to Arnold Drive	25 30
L. HOWE ROAD Pine Street to easterly City limits	35
M. MARINA VISTA East City Limits to Pine Street	35
N. MIDHILL ROAD within City Limits	25
O. MILANO WAY within City Limits	25
P. MORELLO AVENUE North City Limits to Ashford Pl Ashford Pl to Rolling Hill Way Rolling Hill Way to South City Limits	25 30 35
Q. MUIR ROAD East City Limits to Glacier Drive Glacier Drive to Roman Way Roman Way to Veterans Dr Veterans Dr to Center Avenue	35 40 25 30
R. MUIR STATION ROAD Center Avenue to Alhambra Way	25
S. NORTH COURT STREET The Marina to Marina Vista	25
T. PACHECO BOULEVARD Jones Street to City Limits at Potter Street Sunrise Drive to Arnold Drive	25 40
U. PINE STREET Thompson Street to Jones Street Jones Street to Howe Road	25 25
V. PLEASANT HILL ROAD EAST Muir Station Road to John Muir Road	25
W. RELIEZ VALLEY ROAD North City Limits to Sage Drive Sage Drive to south City limits	40 35

All streets not listed are local streets with a speed limit of 25 mph.

The declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an Engineering and Traffic Survey. The provisions of this section shall not apply in respect to any 25 miles per hour prima facie limit which is applicable when passing a school building or the grounds thereof.

SECTION 2. ENVIRONMENTAL FINDINGS.

The City Council finds that this ordinance is not a “project” subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment, subject to a statutory exemption contained in CEQA Guidelines section 15369(b), or subject to a categorical exemption contained in CEQA Guidelines sections 15301, 15302, 15303, 15304, 15307, 15308, and 15309.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 30 days after the date of adoption.

At least five days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within fifteen days after adoption, the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for or against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted ordinance.

APPROVED

BRIANNE ZORN MAYOR

ATTEST

KAT GALILEO
ASSISTANT CITY CLERK

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance that was duly introduced at an Adjourned Regular Meeting of the City Council of the City of Martinez, held on the 27th day of September 2023, and adopted at a regular meeting of the City Council of the City of Martinez, held on the 4thday of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ
CITY CLERK

Approved as to form:

TERRI HIGHSMITH
CITY ATTORNEY



City of Martinez City Council Speaker Card

To address the City Council, please complete this card and present it to the Deputy City Clerk at the center console of the dais. Speakers are requested to adhere to a 3-minute limit on each item.

MEETING DATE: 9-27-23

NAME: Alan Schube

ORGANIZATION: _____

- I wish to speak on an Item NOT on Agenda, during Public Comment.
- I wish to speak on Item # _____, and I am (choose below):
 - in support of Item
 - in opposition of Item
 - neutral
- I do NOT wish to speak, but leave these comments for the City Council:

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