

Planning Commission
Regular Meeting
November 12, 2014
Martinez, CA

CALL TO ORDER

Chair Sigrid Waggener called the meeting to order at 7:00 p.m. with all members present.

ROLL CALL

PRESENT: Sigrid Waggener, Jeffrey Keller, Donna Allen, Dwayne Glemser, Kimberley Glover, Paul Kelly, Gabriel Lemus, and James Blair.

EXCUSED: None.

ABSENT: None.

Staff present: Planning Manager Dina Tasini, Senior Planner Corey Simon

AGENDA CHANGES

None.

PUBLIC COMMENT

Gary Freitas expressed support for the Pine Meadows project, but disputed comments made by Tim Platt and Mark Thompson at the last Planning Commission meeting, as well as comments made in other settings. He indicated his daughter would do better on the City Council than Mr. Platt or Mr. Thompson. He encouraged all to speak truthfully and honestly to honor the founding fathers who secured the right to freedom of speech.

Mike Alford spoke about the rights of the individual property owner to keep and use their property in accordance with the law. He also commented on statements made about him during and after the recent election campaign. He agreed with Mr. Freitas about the need for honesty.

CONSENT ITEMS

1. *Minutes of October 28, 2014, meeting.*

Commissioner Allen corrected comments she made related to the current zoning and future zoning options for the Pine Meadows property, as well as the goals of the Specific Plan in relation to preservation of the knolls and the natural habitat.

On motion by Donna Allen, seconded by Kimberley Glover, to approve Minutes of October 28, 2014, meeting, as amended. Motion unanimously passed 8 - 0. Yes: Sigrid Waggener, Jeffrey Keller, Donna Allen, Dwayne Glemser, Kimberley Glover, Paul Kelly, Gabriel Lemus, & James Blair.

REGULAR ITEMS

2. *Pine Meadows Subdivision Sub #9358 (13PLN-0028) Public hearing to consider the following actions to allow the construction of 99 Single Family homes on a 25.9 acre site: a) Recommendation of the adoption of a Mitigated Negative Declaration; General Plan Amendment from OS & R (Open Space and Recreation) to Residential 0-6 units; General Plan Text Amendments two from the General Plan Land Use Element and two from the Hidden Lakes Specific Area Plan to adjust City's open space policies; Rezoning from M-OS/RF to R-7.5 (One Family Residential, 7,500 sq.ft. per unit/Planned Unit Development Overlay); and b) Approval of a 99 unit Major Subdivision; c) Approval for a Planned Development; and d) Approval of preliminary design review for site layout. This project is located at 451 Vine Hill Way. (Continued from October 28, 2014, meeting) An Initial Study evaluating this project's environmental impact was prepared, as required by the California Environmental Quality Act (CEQA). The Initial Study found the project would not have a significant impact on the environment, due to proposed mitigation measures. At this meeting, adoption of a Mitigated Negative Declaration is proposed by the Planning Commission. Copies of the Initial Study and Draft Mitigated Negative Declaration are available at City Hall. Applicant: DeNova Homes, Inc. (DT)*

Planning Manager Dina Tasini introduced the item, indicating that Senior Planner Corey Simon would present the background and history of the property that are integral to understanding the project proposed.

Mr. Simon reviewed background history of the site, how the site and surrounding area looks today and details of the Hidden Lakes Specific Plan.

Commissioner Allen asked about the portion of the Coward property that was developed and how it was designated in the General Plan and Specific Plan prior to being developed. Mr. Simon showed on the map areas proposed for development and those proposed for some type of open space.

Ms. Tasini discussed the arborist report from 2011 and proposed tree removals for the current application. She noted that the applicant has proposed a 4:1 replacement. She also discussed whether Measure WW funds could be used for the City to purchase the site for parkland, and she noted that the list of priorities for the remaining \$1.6 million will be going to the City Council at an upcoming meeting.

Chair Waggener asked how many heritage oak trees were proposed for removal. Ms. Tasini deferred to the arborist who was present in the audience.

Commissioner Allen asked when discussions were held regarding the City purchasing the property; Ms. Tasini said it was about two or more years ago.

Chair Waggener opened the Public Hearing.

ROBIN HOUDASHELL talked about the enjoyment that open space brings, concern about dwindling areas of open space, and the desire to avoid problems that big cities experience. She also agreed with comments made by Commissioner Allen about the need for a Specific Plan task force or other forum where zoning/development possibilities are discussed openly with the public.

KELLY CALHOUN commented that when she bought her home twenty years ago, she checked the zoning and the General Plan to find an area that would suit her needs. She expressed concern that the City is missing an opportunity to find another solution to the proposal, particularly to keep the open space while still allowing some residential development. She was also concerned about the loss of mature trees that would be necessary if the development goes forward.

DON WILSON indicated his home was adjacent to the golf course and had played golf there many times over the years. He reminded everyone that the property is privately owned, and the golf course is not financially viable anymore. He questioned who will maintain the site if it remains open space - he did not want it to become a plowed, dried, simply mowed area like the area by the Veterans Hospital. He also noted that many of the trees on the site are eucalyptus. He was supportive of the project.

GARY FREITAS discussed his life as a property owner and businessman in Martinez. He was in favor of the development, and he noted that DeNova Homes is a reputable company with quality developments. He commented on misinformation that is being spread and his efforts to correct the false rumors. He expressed concern as well about the businesses that have left Martinez and the need for a General Plan update.

JAMIE FOX thanked staff for their efforts to respond to issues raised at the last hearing. He discussed the heritage oak tree on the site, which was there when John Muir was alive and should be preserved. He questioned whether the proposed development meets the Specific Plan open space requirements.

SALLY SWEETSNER pointed out that the site is not technically open space, because it is a man-made golf course, which is private property and is no longer financially stable. She was concerned that it would be a bad investment if the City were to buy it. She thought that the PUD was the best option and will fit with the existing community.

MARK THOMPSON expressed that taking action at this time would be premature because other options haven't been fully explored. He also discussed impacts on neighborhood schools, property values, and water supply issues. He commented on the need for the public to be involved in the decision-making process, and he asked the Commission to deny the application at this time.

TIM PLATT questioned the information given about parks in the City, noting that some are not owned by the City. Regardless of how many there are currently, most parents would agree that more are needed for passive and active recreation. He also recommended setting the project

aside for six months for further research into the possibility of the City buying some or all of the property.

LORI F pointed out that the applicant has made an effort to accommodate the community's issues. She added that the project should not be delayed any further unless there is a real likelihood of the City being interested in (and having the money for) buying all or part of the property. If it is delayed, she thought it should only be for a very specific time period.

MIKE ALFORD commented on the costs involved in maintaining parks or the golf course, noting there is not much return on the investment. He reiterated that the current owners can no longer afford to keep the golf course running, and they should have the right to sell or develop their property. He also expressed frustration with those who come in at the last minute to raise concerns, when the project has been pending for two or more years. He indicated as well that Kaiser is planning to put in a neighborhood park around its facility. He urged the Commission to allow the project to move forward.

Seeing no further speakers, Chair Waggener closed the Public Hearing.

Applicant DAVE SANSON responded to issues raised by the public, acknowledging difficulty in addressing them when there is so much misinformation. He discussed earlier residential zoning determinations, whether the property was intended to be permanent open space, the willingness of the owner and the developer to set aside the development plans if the City wants to buy the property, and modifications made to the development plan in response to public concerns. He also indicated he had a PowerPoint presentation regarding the proposed tree removals, which he shared with the Commission and provided an overview of the information. He concluded his presentation with a request that the Commission give the project a recommendation for approval by the City Council.

Commission Comment

Chair Waggener expressed appreciation for the developer's willingness to try to save tree 1338, the heritage oak tree.

Commissioner Gabriel Lemus agreed with Chair Waggener about saving the tree and any other heritage oaks if possible. He discussed the purpose of the General Plan, to serve as a guide for the City's development, and agreed that General Plans can be changed when necessary. He acknowledged that a General Plan update is needed, but he felt that singling out one parcel and not allowing a reasonable change is inappropriate.

Chair Waggener agreed with Commissioner Lemus regarding the General Plan. She read from the General Plan regarding conditions that would mandate an open space designation. She said she did not consider this property consistent with those conditions, so it shouldn't remain as designated open space.

Commissioner Kimberley Glover thanked everyone for coming. She acknowledged the desire of many that the golf course was an asset to the community, and she agreed it would be good if it could continue. Although she doesn't personally know the owners, she indicated they have been

good, involved and helpful in the community. She expressed regret for their impression that people were speaking ill about them and the developer during this process. She personally felt this development has been well thought out, and she indicated she was in favor of it.

Commissioner Dwayne Glemser expressed sympathy for both sides. He was appreciative of the developer willingness to make changes to save trees and address issues raised by the public. He also commended the Deans for the benefit the golf course has been and for other ways they have been involved with the community. He agreed the General Plan designation for this property should be modified. He was also supportive of the project.

Vice Chair Jeff Keller thanked everyone who spoke. He noted that he has used the golf course and is sorry to see it go, but he was glad that the developer is willing to try to save tree 1338. He agreed that the owners have rights to develop their property. As a member of the General Plan Task Force, he noted that the process originally was to take two years, but it has been four already; he did not think it would be fair to make the applicant wait until the update is finished. He indicated his support for the project, the site plan, design and landscaping.

Commissioner Paul Kelly expressed that the proposed development is well thought out and typical of traditional development. He commented on the existing, beautiful parks in the City, which have been recently updated, with adequate sports fields. He commented that Martinez could make money from the parks by hosting athletic tournaments. He also appreciated the developer's willingness to try to save the heritage oak. He indicated he was in favor of the project.

Commissioner Donna Allen expressed concern with the lack of progress on the General Plan update, and she indicated that further work on that would have been preferable to the processing of this subdivision application at this time. She thought a decision on this project should be delayed until the General Plan update is finished. She also serves on the General Plan Task Force, and indicated a variety of potential uses for this property were discussed, but she did not think they were shared with the developer. She added, however, that the community had hoped to see alternative proposals for the property. She would have preferred that this proposal come to the Commission a year ago as a study session so that the development alternatives could be considered.

Commissioner Allen commented on tax-relief zoning, which she had never heard of before. She noted that she talked to City Council members and Planning Commissioners that were in place, as well as the City Engineer and the Specific Plan Task Force members, when the Specific Area Plan was enacted and the open space designation was set for the site. As a result, she firmly believes that the property was intended to be permanent open space, and she was not prepared to recommend the project go forward to the Council at this time. She thought a fuller investigation should be made into the possibility of the City purchasing the property, as well as consideration of mixed use development alternatives.

Commission Alternate James Blair said he was also on the General Plan Task Force. However, his conclusion was that this site is not intended to be protected open space because nothing has been done to permanently protect the open space designation although there were measures that

could have been taken. He added that the property backs up to open space that is owned by the City and permanently protected, but this site is private property. He agreed the General Plan desperately needs to be updated along with the Zoning Ordinance. He thought the project should be moved forward allowing the elected officials to make the decision.

Commissioner Allen noted that the tax relief elements were agreed to by the City, the Specific Area Plan Task Force, and Mr. Coward, who wanted the open space designation so that his tax rate would be lower, in spite of increasing property values.

Commissioner Blair respectfully disagreed with Commissioner Allen's conclusions.

Chair Waggener discussed with staff how to incorporate the additional tree preservations that the Commission wants the developer to consider. Ms. Tasini recommended including it in the Conditions of Approval, and she suggested the language for the condition. Commissioner Allen said she thought the language should be included in the Resolution as well, and Ms. Tasini indicated it could be in the Resolution as well as the Conditions of Approval.

Commissioner Allen asked if the item could be split into two motions because she was supportive of the Negative Declaration, but not the project itself at this time.

On motion by Sigrid Waggener, seconded by Paul Kelly, recommend that the City Council adopt the Mitigated Negative Declaration for Subdivision #9358. Motion unanimously passed 7 - 0. Yes: Sigrid Waggener Jeffrey Keller Donna Allen Dwayne Glemser Kimberley Glover Paul Kelly, Gabriel Lemus.

On motion by Sigrid Waggener, seconded by Paul Kelly, recommend that the City Council approve the amendment of the General Plan and Zoning Map, General Plan Text Amendments, adoption of Planned Unit Development (PUD) Overlay District, and approval of a PUD Plan and Vesting Tentative Map for development of up to 99 single-family homes on 25.9 acres located at 451 Vine Hill Way, with an additional Condition of Approval for preservation of the heritage oak tree, specifically tree #1338. Motion passed 6 - 1. Yes: Sigrid Waggener Jeffrey Keller Dwayne Glemser Kimberley Glover Paul Kelly Gabriel Lemus, No: Donna Allen.

COMMISSION ITEMS

None

STAFF ITEMS

Ms. Tasini noted that future agendas will show Ms. Waggener as Chair, not Vice Chair. Chair Waggener expressed appreciation for the change.

Commissioner Allen asked about pending items and future meetings. Ms. Tasini indicated there is nothing pending so there will likely be no more meetings this year. In response to a question from Commissioner Allen, Ms. Tasini discussed the tentative schedule for the General Plan update.

COMMUNICATIONS

None

Chair Waggener adjourned the meeting at 8:55 p.m.

Respectfully Submitted

Approved by the Planning Commission
Chairperson

Mary Hougey

Sigrid Waggener, Chair

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