



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
April 18, 2007**

TO: Mayor and City Council
FROM: Albert Lopez, Deputy Director of Community Development
SUBJECT: Appeal of Construction of a Triplex at 231 Main Street
DATE: April 11, 2007

RECOMMENDATION:

Adopt resolution upholding Planning Commission decision of approval.

BACKGROUND:

On March 13, 2007, the Planning Commission approved a three unit project that would demolish an existing duplex and reconstruct, in its place, a triplex consisting of two separate buildings, with one enclosed parking space per unit. Pursuant to the Downtown Overlay Residential District such a project can be approved with the granting of a Use Permit by the Planning Commission with specific findings that the project is contextually compatible, and that a reduction in required parking would not impact street parking or be detrimental to the neighborhood.

The approved project was appealed on March 22, 2007 by Tim Platt and other community members, citing departures from adopted policies of both the recently adopted Downtown Specific Plan and the 1996 Downtown Overlay District as the basis for the appeal.

First, the appeal letter emphasizes that this project is, “one of the first, if not the first”, project under the new Downtown Specific Plan. In reality this 3 unit project would have been possible under the existing Zoning Code; specifically the existing Downtown Overlay District. This district would allow the project with a use permit, which is the use permit granted by the Planning Commission.

This distinction is important since many of the points raised in the appeal letter consider the approved project to be inconsistent with the Design Guidelines of the Downtown Specific Plan, while other points suggest the findings made by the Planning Commission in regards to the Downtown Overlay District were made incorrectly or inadequate. The Design Guidelines of the Downtown Specific Plan are advisory in nature, as compared to the findings of the Downtown Overlay District which requires mandatory findings to be made, and supported with project specific information. The advisory nature of Design Guidelines is standard practice in plans such

as the Downtown Specific Plan, and should not be confused with the mandatory findings required with a Use Permit, Variance or Design Review application. As such, the focus of this report will be on the findings adopted by the Planning Commission for project approval. Staff did analyze the project for conformance with the Downtown Specific Plan at the Planning Commission, and that information is attached.

Appeal issue #1 – Findings to allow an increase in density

In the resolution adopted by the Planning Commission for project approval, two special findings were made to approve an increase in development intensity:

- A. **That the residential development will complement and be compatible with the existing residential community and reflect the historic ambiance of the downtown residential district.** The craftsman style of architecture of the triplex has been designed to be consistent, compatible, and complement the existing residential community and the historic ambiance of the downtown area.
- B. **That the architecture, landscaping and site plan of the residential development will result in a significantly better environment than otherwise would have occurred under the existing zone district requirements.** The Downtown Overlay District requires good design as a basis for exceeding the number of units allowed by the underlying zoning. The project has been reviewed by the Design Review Committee and staff to ensure the proposal meets design standards. Because of this review, the project will result in an aesthetically better project than what may have occurred under existing zoning.

Staff believes finding #A prevents contextually inappropriate development from occurring in established neighborhoods that have a prevalent building type, historic feature or architectural style. Since the existing residential community is an eclectic mix of early 20th century bungalows, more recent apartment buildings, and non-descript stucco homes, the Planning Commission was able to make the finding of compatibility since the craftsman architecture, and its characteristic wood siding, dimensioned wood window trim, gable details and overhanging eaves is a home style historically found in the downtown area. The style of the approved project reflects the historic ambiance of the downtown and is compatible with the eclectic mix of the existing residential community, further supporting the finding made by the Planning Commission.

In regards to finding #B, the Planning Commission used the quality design of the project as the basis for approval. The better environment finding can be made because the Downtown Overlay requires more discretion than normally would be required with only a two unit project, and in the current case, the level of review was higher as was the design threshold. The building massing and placement, the use of exterior materials, and the emphasis on compatibility all required review by staff, the Design Review Committee and the Planning Commission, resulting in a better living environment for future occupants. Also, it can be assumed the economic return of constructing three units is higher than with two units, and allowed the applicant to incorporate higher quality building materials and design details consistent with the craftsman style architecture they were seeking.

Appeal issue #2 – Findings to allow a reduction in parking

The appeal letter identifies the reduction in parking from two spaces per unit to one space per unit as their second specific concern, stating that the “three two-bedroom apartment units will likely result in the addition of three automobiles requiring parking on the street”. They go on to say the lack of an ordinance requiring garages to be used as such could make matters worse.

In regards to the use of garages, it is true that the City of Martinez does not have an ordinance requiring garages to only be used as car parking. An exception is in planned developments where an association of residents can self-regulate the parking of cars in garages as opposed to on driveway pads. This level of regulation does not exist in the downtown, which is likely why it has evolved as an eclectic mix of land uses and housing types. Staff believes this is ultimately an owner/management issue and that it can be easily written into a lease agreement or deed restriction is the units are sold as individual units, to use assigned garages for auto parking only.

As stated earlier the Planning Commission must make specific findings to allow a reduction in parking, which they did as follows:

- A. **One parking space per unit would be sufficient for the proposed development.** The current tenants of the duplex do not have covered off-street parking spaces. The one-car garages will provide three covered parking spaces and will be sufficient for the proposed development. The proposed project is in the downtown area where tenants can access both public transportation and services within walking distance.
- B. **There would be sufficient overflow street parking.** As mentioned previously, parking for the proposed triplex will be provided off-street with the three one-car garages, where none is currently provided. If needed, Main Street and the surrounding neighborhood streets will provide sufficient overflow parking.
- C. **Reducing the parking standards would not be detrimental to the neighborhood.** By providing one covered parking space per unit the project will not be detrimental to the neighborhood where many of the surrounding properties do not meet current parking requirements. Reduced parking is a characteristic of many multi-family units in the downtown area.

The above findings were made based on the facts of the project. Finding #A is based on the small units being proposed whose parking needs may not exceed one car. The proximity to transit and services will further reduce the dependence on the automobile and the ability to have reduced parking is a feature of many downtowns promoting higher density and walkable communities. The creation of three new covered parking spaces improves the existing situation where no covered parking spaces currently exist, and will result in a much better living environment for the future tenants of the approved project. Finding #B anticipates that the need for car parking could exceed one space per unit, and the Planning Commission found that sufficient overflow street parking would be available. Staff visits to the project area after business hours (6:30 PM) revealed ample street parking in front of and on the same block as the project. More street parking was available in the surrounding blocks. Although more study could be done, this

suggests the demand for street parking is not as high as the appellant claims. Staff believes the street will easily absorb the three additional parking spaces that could be needed. Finding #C follows from the other two findings, and no detrimental impact can be anticipated. Many of the units in and around the area have limited available parking as staff has documented. Additionally, the parking made available for the current project is all enclosed, whereas many of the multi-unit projects in the immediate project area have open carports facing the street. In these cases parking occupies the street frontage and driveways, lacking curb appeal and inhibits neighbor interaction.

Appeal issue #3 – Precedent and granted exceptions

The appeal also is concerned that approval of this project, “could be claimed as entitlements by future developers for other downtown residential projects”. While other developers could certainly point to this project to support approval of their project, it is unlikely any entitlement could be claimed by referencing a previous approval. Each project is individually reviewed based upon its own merits, and the findings needed for approval allow the Planning Commission to exercise its discretion in reviewing projects for compatibility, context, appropriateness of design, and other criteria contained in the findings.

Finally, the appellants ask that the City Council “clearly state its policy that any exceptions granted in the case of this project are specific to it and will in no case be granted for other, even similar circumstances simply because they have been granted here”. For all cases appealed to the City Council from the Planning Commission, our municipal code requires they be heard as “de novo” cases, and is reviewed as a new project. Similar to the Planning Commission process, the City Council reviews projects (when appealed) on a case by case basis, and in no way uses previous approvals as a basis to approve or deny a project. Although parallels can always be drawn between projects, the City Council also uses its full discretion in reviewing a project based on its own merits. At the appeal hearing the Council may further elaborate on this point.

FISCAL IMPACT:

None

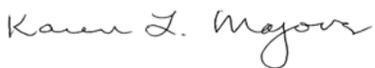
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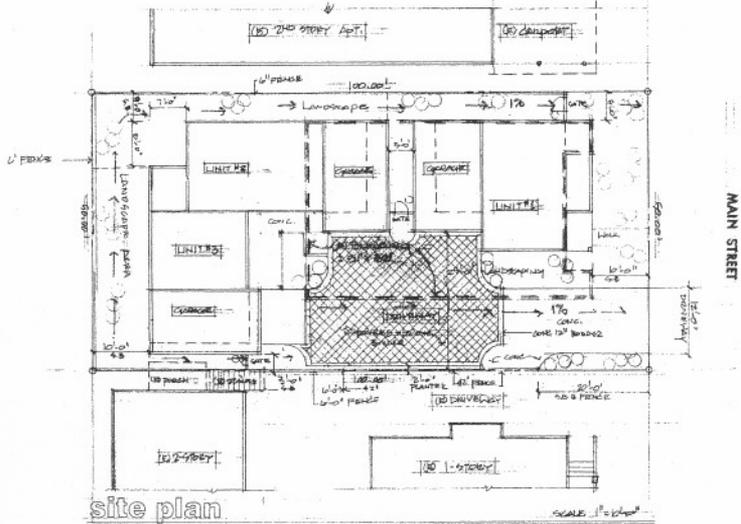
Direct staff to prepare resolution upholding Planning Commission decision.

ATTACHMENTS:

- 1) Appeal Letter
- 2) Planning Commission Staff Report & Plans

APPROVED BY: 
City Manager

APPROVED BY: 
Department Head



ALL ROOF AREA TO DRAIN TO STREET
 ALL HARD SURFACE AREA RUN OFF TO MAIN STREET
 SITE SHALL DRAIN TO MAIN STREET



SITE MAP

GENERAL SITE INFORMATION

ZONE R-2.5
 LOT SIZE 5,000 S.F.

S.F. SITE COVERAGE 37%

PLANNING CODE REQUIREMENTS

SETBACKS:
 FRONT YARD 10'
 REAR YARD 10'
 SIDE YARD 5' MIN.
 MAX. HEIGHT 30'

NEW BUILDING/ SQUARE FOOTAGE:

FIRST FLOOR LIVING AREA 1,117 S.F.
 SECOND FLOOR LIVING AREA 1,522 S.F.

GARAGE AREA 738 S.F.

PARKING:
 COVERED PARKING 3
 STREET PARKING 2

GENERAL NOTES

ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE LATEST CITY OF MARTINEZ, CA. CODES & SPECIFICATIONS. (PER U.B.C. 2001)

*AS approved by
 P.C. 3/13/07*

RECEIVED
 MAR - 7 2007
 COMMUNITY DEV. DEPT.

REVISIONS	BY
10-16-06	CF
1-7-07	CF
1-16-07	CF
2-19-07	CF
3-2-07	CF

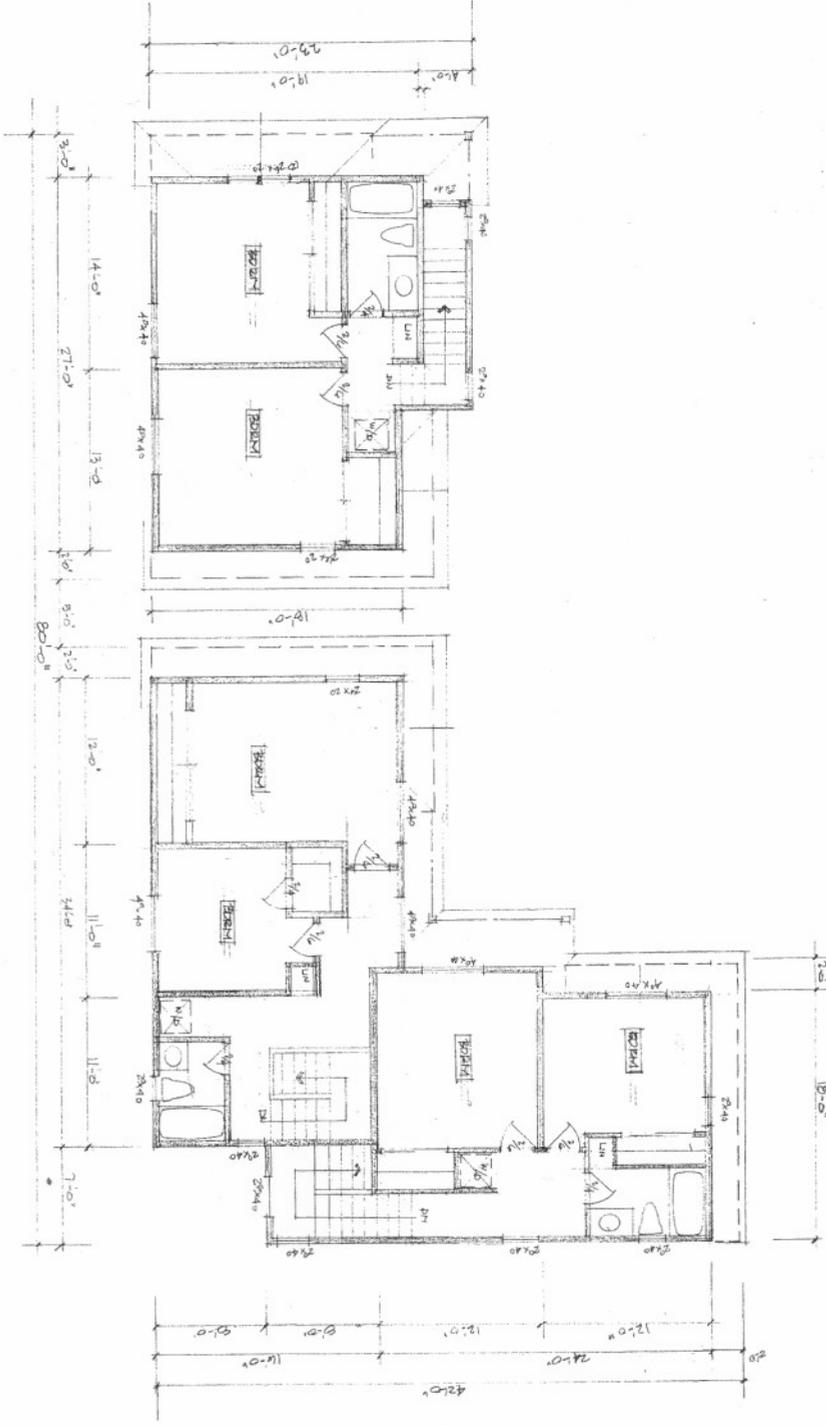
DESIGNED BY
 RANDALL G. PIONA
 1630 NORTH MAIN ST. # 165
 WALNUT CREEK, CA. 94596 PH: (925) 935-8151

NEW TRIPLEX
 FOR THE ABILLO RESIDENCE
 231 MAIN STREET
 MARTINEZ, CA. 94553

SITE PLAN

Date 3-13-07
 Scale 1/8" = 1'-0"
 Drawn by PIONA
 Job
 Sheet 1 of 1 sheets

second floor plan



Randell G. Piona

 Architect

 1630 North Main St. # 165

 Walnut Creek, CA 94596

 PH. (925) 935-9151

FLOOR PLAN

 Date: 11-14-02

 Scale: 1/8" = 1'-0"

 Drawn by: K. P. P.

NEW TRIPLEX

 FOR THE AIELLO RESIDENCE

 231 MAIN STREET

 MARTINEZ, CA 94553

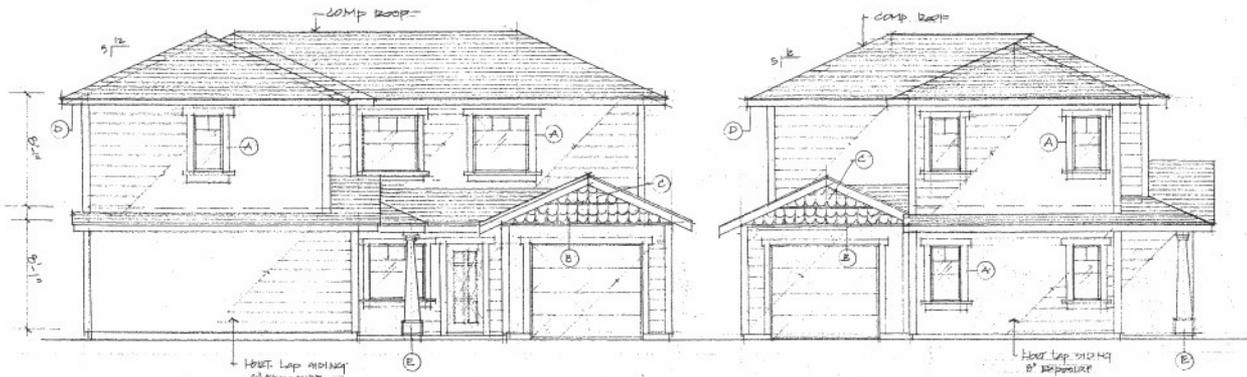
DESIGNED BY

 RANDELL G. PIONA

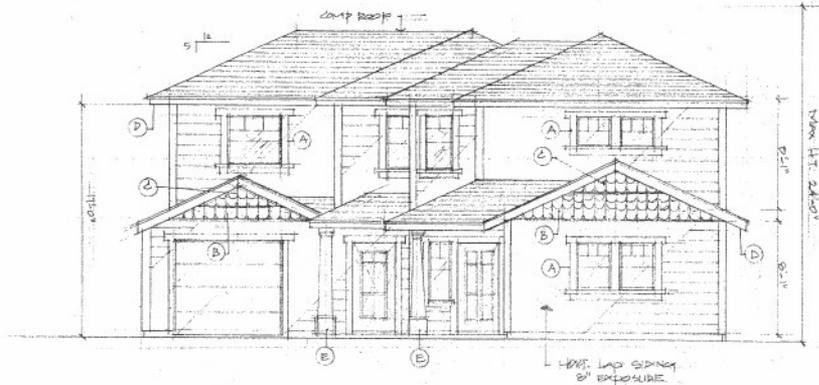
 1630 NORTH MAIN ST. # 165

 WALNUT CREEK, CA 94596 PH. (925) 935-9151

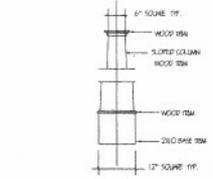
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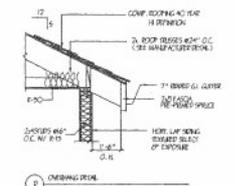
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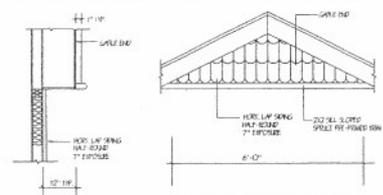
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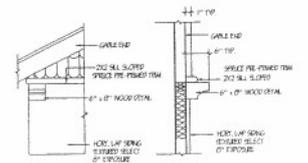
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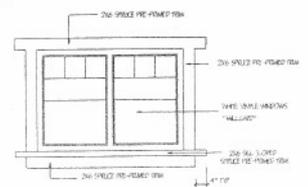
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C TYPICAL GABLE END DETAIL



D TYPICAL GABLE END DETAIL



A TYPICAL WINDOW DETAIL

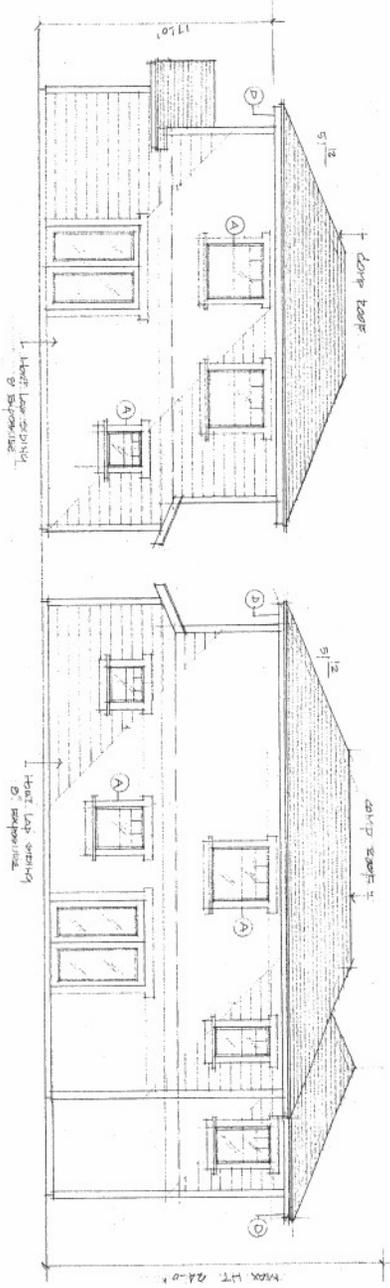
REVISIONS	BY
10-18-06	EP
10-24-06	EP
2-14-08	EP
3-2-07	EP

DESIGNED BY
 RANDALL C. PIONA
 1630 NORTH MAIN ST. # 185
 WALNUT CREEK, CA 94596 PH (925) 935-9151

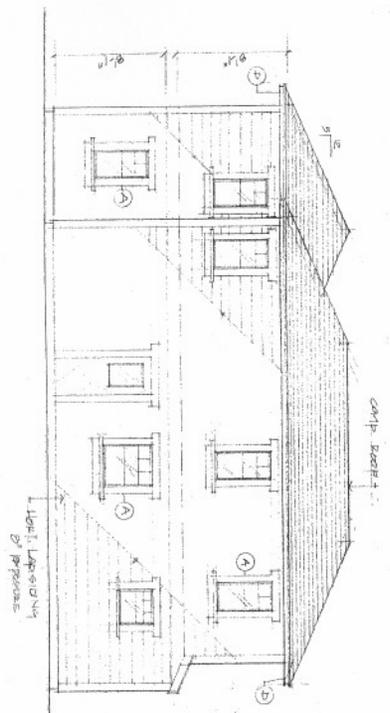
NEW TRIPLEX
 FOR THE ATELLO RESIDENCE
 RANDALL C. PIONA
 MARTINEZ, CA 94553

ELEVATIONS

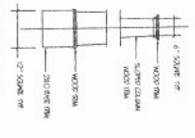
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 Job:
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 Of: 4 Sheets



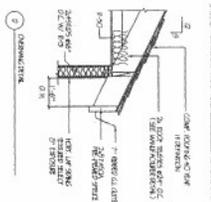
right side elevation



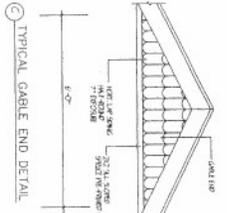
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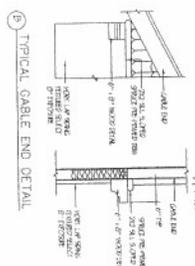
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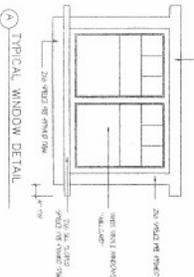
SLOPED CABLE END DETAIL



TYPICAL CABLE END DETAIL



TYPICAL WINDOW DETAIL



TYPICAL WINDOW DETAIL

DESIGNED BY
 RANDELL C. PIONA
 1830 NORTH MAIN ST. SUITE 165
 WALNUT CREEK, CA. 94596 PH. (925) 935-9151

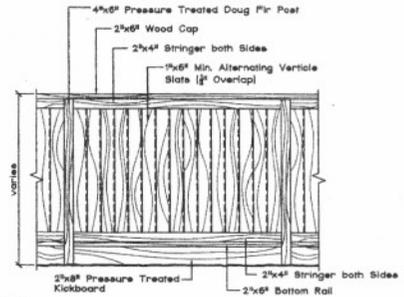
NEW TRIPLEX
 FOR THE AIELLO RESIDENCE
 231 MAIN STREET
 MARTINEZ, CA. 94553

ELEVATIONS

DATE: 11-15-10
 DRAWN BY: R. PIONA
 CHECKED BY: R. PIONA
 5

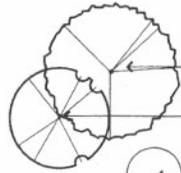
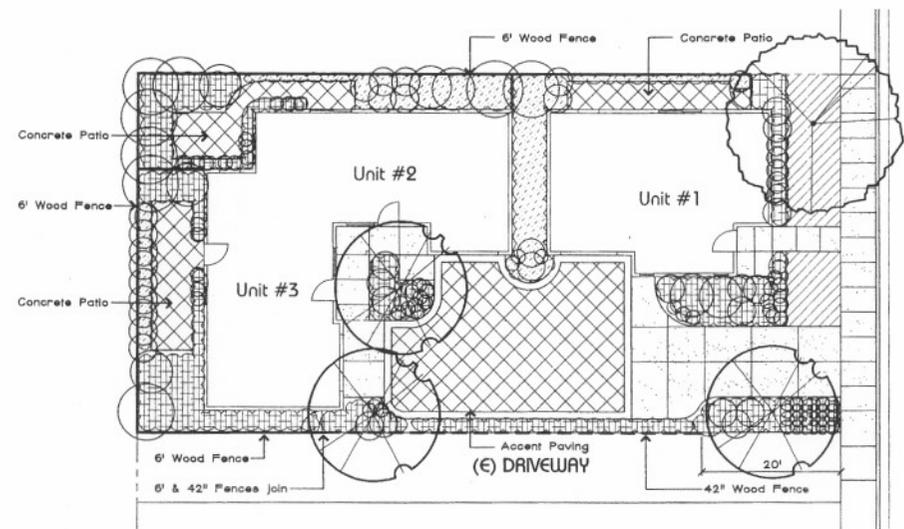
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02	FOUNDATION	11-15-10	RP
03	FLOOR PLAN	11-15-10	RP
04	ELEVATIONS	11-15-10	RP
05	SECTION	11-15-10	RP
06	DETAILS	11-15-10	RP

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Note:
All lumber to be rough sawn Redwood
unless otherwise noted.

Wood Fence n.t.e.



Planting Legend

	CANOPY TREE <i>Platanus a. 'Columbia'</i>	15-Gal LONDON PLANE
	SMALL ACCENT TREE (Selection Optional) <i>Lagerstroemia x.f.</i> <i>Pyrus a. 'Chanticleer'</i>	15-Gal CRAPE MYRTLE CHANTICLEER PEAR
	LARGE SHRUB (Selection Optional) <i>Abutilon hybridum</i> <i>Lavatera caesurgentiflora</i> <i>Podocarpus gracillior</i> <i>Podocarpus macrophyllus</i> <i>Photinia fraseri</i> <i>Xylosma congestum</i>	15-Gal FLOWERING MAPLE TREE MALLOW FERN PINE YEW PINE PHOTINIA SHINY XYLOSMA
	MEDIUM SHRUB (Selection Optional) <i>Abelia g. 'Edward Goucher'</i> <i>Euryopa p. 'Green Gold'</i> <i>Ligustrum j. 'Texanum'</i> <i>Lantana montevidensis</i> <i>Nandina domestica Variety'</i> <i>Phormium t. 'Bronze Baby'</i> <i>Pittosporum spp.</i> <i>Raphiolepis indica</i> <i>Rosa</i>	5-Gal GLOSSY ABELIA EURYOPS TEXAS PRIVET LANTANA HEAVENLY BAMBOO DWARF NEW ZEALAND FLAX PITTOSPORUM INDIA HAWTHORN ROSE
	SUB SHRUB (Selection Optional) <i>Hemerocallis hybrids</i> <i>Lavandula a. 'Muscogee'</i>	1-Gal DAYLILY MUSCOGEE LAVENDER
	GROUND COVER (Selection Optional) <i>Fragaria chiloensis</i> <i>Vinca minor</i>	1-Gal & Plate ORNAMENTAL STRAWBERRY DWARF PERIWINKLE
	<i>Arctostaphylos 'Emerald Carpet'</i>	MANZANITA
	Dwarf 'Bonsai' Fescue	SOD
	Bark Mulch	

Notes

- All landscape and irrigation shall conform to the standards of the City wide landscape regulations and guidelines and all other Landscape related City and Regional standards.
- All plant materials have been selected from the following:
 - "Water-Conserving Plants and Landscapes" by EBMUD
 - WULCOS Project "Water-Use Classification of Landscape Species" California Department of Water Resources



1 of 1

