



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
January 9, 2008**

TO: Mayor and City Council

FROM: Corey Simon, Senior Planner
Albert Lopez, Deputy Community Development Director

SUBJECT: Public hearing to introduce an ordinance amending Title 22, Zoning, Chapter 22.36, Off-Street Parking regarding Front Yard RV Parking

DATE: December 17, 2007

RECOMMENDATION:

Public hearing to introduce an ordinance, amending the Zoning Ordinance, Title 22, Chapter 4 (“Definitions”) and Chapter 36 (“Off-Street Parking”) of the Martinez Municipal Code relating to Yard Definitions, Commercial and Recreational Vehicle Parking, Parking Design Criteria, and Mobile Storage Containers.

BACKGROUND:

On November 13 2007, the Commission’s voted 3-2 to recommend that the City Council adopt the proposed RV parking regulations, as conceptually illustrated on Attachment A (full text of proposed ordinance provided as Attachment B). The Commission’s formal recommendation followed a lengthy public hearing on October 9, 2007, at the conclusion of which, the Commission voted 6-2 to direct staff to prepare an enacting ordinance and resolution for Commission action. The Commission’s resolution is provided as Attachment C; minutes from the October 9 and November 13, 2007 meetings are provided as Attachment D.

The Commission began the process of developing RV parking regulations in February 2007 at the request of the City Council, which had received complaints from those residents who find RV’s in their neighbors’ front yards (especially those that are excessive in size and/or in numbers) unsightly. Furthermore, large RV’s placed too close to the sidewalk can operate to impede sight distances which have the potential to result in a safety hazard to pedestrians and motorists. Balancing these aesthetic and safety concerns are the legitimate desires of RV owners to park their RV’s on their property, without having to bare the inconvenience and cost of off-site storage.

The current draft, which is the result of comments received at one public workshop held in July 2007, as well as five Planning Commission hearings, appears to be a workable compromise that is acceptable to the majority of those participating in the process.

DISCUSSION:

Since the first public hearing in February 2007, when a total ban of RV parking in front yards was proposed, staff and the Commission have been working on a compromise where, in addition to parking within rear and interior side yards, limited parking within “minimum front yard setback areas” (typically the first 20’ behind a property’s front property line) may be permitted. Such a compromise appears essential if a balance is to be struck between those who wish to limit and size and number of RV’s visible in the front of houses, and those who own modest sized RV’s who would find off-site storage an disproportional burden.

The Commission majority quickly reached consensus that a complete ban on parking within the “minimum front yard setback” area would be too restrictive. Conversely, the Commission found that in most all cases, RV’s should not be parked on driveways providing access to required garage parking, or on “front lawn” areas in the middle of the yard. The resulting compromise now before the City Council would allow limited RV parking in the “minimum front yard setback” area, but only on a special “parking pad.” Such a “Pad” may be paved between the driveway and the nearest side property line, and all but “oversized” RV’s (defined as being either over 35’ length or 12’ in height) may be parked on the pad, so long as a minimum setback of 5’ is maintained. (again, the proposed parking pad rules is illustrated in Attachment A)

In reaching such a compromise between these conflicting parties, the City Attorney and Code Enforcement staff have constantly directed the Commission to look at solutions that could be implemented without a discretionary application process that would not require “special permits” (i.e. a process with consistent standards for compliance and no need for “applications” to be made). It should be recalled that the City’s past attempts at “special permits” (which started in the early 1980’s and ended at the request of the City Attorney in 2003) lead to an indefensible situation of inconsistent standards and enforcement, which were largely determined solely by the immediate neighbors of the RV owner requesting the permit. The approach now before the Council, with constant non-discretionary standards, will greatly facilitate the City’s ability to enforce the new regulations.

A lingering concern of the Commission was the “grandfathering” of those legally obtained permits from 1980’s to 2003. To address the Commission’s desire to allow such owners to continue parking - but not allow such to continue in perpetuity by transferring the permit to new residents- the current draft ordinance would provide an “amortization” period that would allow such “non-conforming” RV’s to be legally parking until such time:

- The original permit holder sells, transfers, or vacates the subject property; or
- The original permit holder increases the size (length or height) of the originally permitted recreational vehicle.

Such provisions would require that once the originally permitted RV is removed due to a change in residence, or is replaced with a larger RV - the new occupant, or the new larger RV, could only be parked on the property pursuant to the new ordinance.

FISCAL IMPACT:

No fiscal impact.

ACTION:

Motion introducing an ordinance, amending Title 22, Zoning Ordinance, of the Martinez Municipal Code relating to front yard RV parking.

ATTACHMENTS:

- A. Graphic showing proposed parking pad
- B. Draft ordinance to be introduced
- C. Planning Commission resolution
- D. Planning Commission meeting minutes, October 9 and November 13, 2007

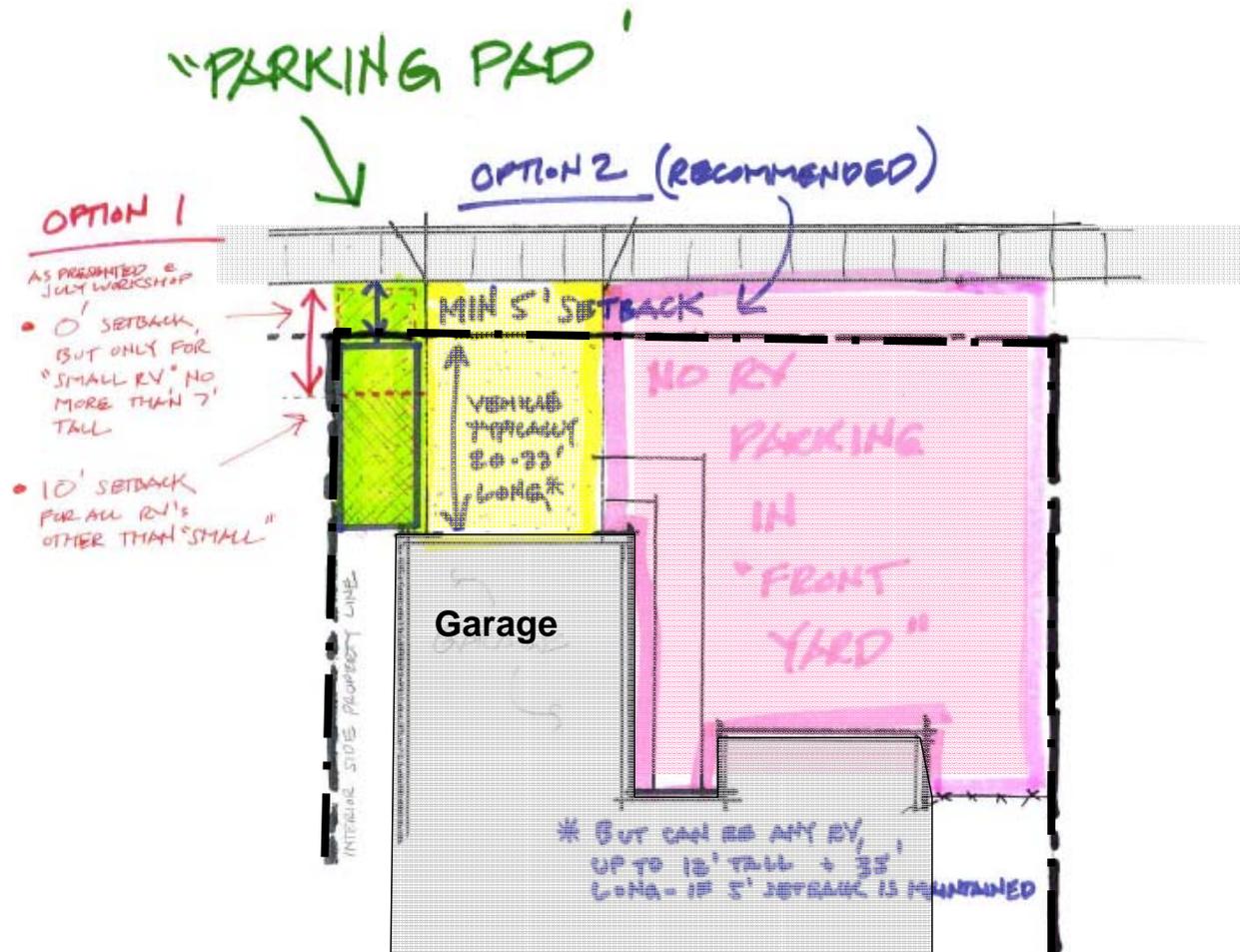
APPROVED BY: 
City Manager

APPROVED BY: 
Assistant City Manager Community
& Economic Development

ATTACHMENT A
CITY COUNCIL REPORT, JANUARY 9, 2008

Front yard RV Parking Restrictions ("Option 2") as Supported by
Planning Commission, November 13, 2007

RV's (up to 12' in height) OK on parking pad, w/ minimum 5' setback from sidewalk



ATTACHMENT B

ORDINANCE NO. C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ AMENDING SECTIONS 22.04.442, 22.04.600, 22.36.080 (A) (8), AND ADDING SECTIONS 22.04.092, 22.04.362, 22.04.443, 22.04.630, 22.36.082, 22.36.084, 22.36.086, 22.36.220 OF THE MARTINEZ MUNICIPAL CODE RELATING TO YARD DEFINITIONS, COMMERCIAL AND RECREATIONAL VEHICLE PARKING, PARKING DESIGN CRITERIA, AND MOBILE STORAGE CONTAINERS

WHEREAS, one of the basic objectives of the City's Zoning regulations is to promote the public health, safety and welfare and to foster harmonious and workable relationships between land uses; and

WHEREAS, the one of the specific purposes of the City's zoning regulation of off-street parking is to ensure that off-street parking areas do not negatively impact their surroundings; and

WHEREAS, the proliferation in the number and size of recreational vehicles in the yards of residential properties has aggrieved some neighbors, who find such vehicles, in excessive numbers or size, out of character with their residential setting; and

WHEREAS, excessively large recreational vehicles parked within the front yard and immediately adjacent to the sidewalk may operate to impede sight distances which has the potential to result in a safety hazard to pedestrians and motorists; and

WHEREAS, the City wishes to balance the above concerns over safety and aesthetics, with the wishes of recreational vehicles owners who would desire to have and/or retain the ability to park such vehicles on their property; and

WHEREAS, with the adoption of limits as to the size, number and location of where recreational vehicles can be parked, impacts to pedestrian and motorist safety and neighborhood image can be ameliorated while providing reasonable accommodation to recreational vehicle owners; and

WHEREAS, the Planning Commission of the City of Martinez, held duly noticed public hearings on February 27, April 24, September 11, and October 9, 2007 to review drafts of the proposed regulations; and

WHEREAS, at the request of the Planning Commission, the City held an additional public outreach meeting on July 19, 2007, to provide the public with an additional forum to discuss the proposed regulations; and

WHEREAS, the Planning Commission of the City of Martinez, held a duly noticed public hearing on November 13, 2007 to review the final draft of the proposed regulations and found that the proposed ordinance was consistent with the Martinez General Plan, and applicable Specific Plans and recommended approval of the proposed ordinance to the City Council of the City of Martinez; and

WHEREAS, on December 5, 2007 the City Council of the City of Martinez held a duly noticed public hearing on the proposed ordinance; and

WHEREAS, the City Council finds that adoption of the proposed ordinance is consistent with the General Plan, the Downtown Specific Plan, Alhambra Hills Specific Plan, Central Martinez Specific Area Plan, (Old) Alhambra Hills Specific Area Plan, Hidden Lakes Specific Area Plan and John Muir Parkway Specific Area Plan and including, but not limited to the General Plan objective of preserving and enhancing the residential character of the City's neighborhood's; and

WHEREAS, the adoption of the proposed text amendments is categorically exempt from the requirements of CEQA, under Section 15305 of the CEQA Guidelines; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1.Section 22.04.092 of the Martinez Municipal Code is hereby added to read as follows:

22.04.092 Commercial Vehicle

"Commercial Vehicle" shall have the same meaning as set forth in the California Vehicle Code as the same may be amended from time to time, except that Commercial Vehicle shall not include a Pickup Truck as defined in the California Vehicle Code as the same may be amended from time to time.

SECTION 2.Section 22.04.362 of the Martinez Municipal Code is hereby added to read as follows:

22.04.362 Mobile Storage Container

"Mobile Storage Container" means any enclosed or partially enclosed storage structure, including, but not limited to, cargo or shipping containers, "POD" units, and other pre-fabricated structures intended for the storage or transport of goods.

SECTION 3.Section 22.04.442 of the Martinez Municipal Code is hereby amended to read as follows:

22.04.442 Recreational Vehicle

A. "Recreational Vehicle" means each of the following as defined in the California Vehicle Code, as the same may be amended from time to time:

- 1) All Terrain Vehicle;
- 2) Bus;
- 3) Camp Trailer;
- 4) Camper;
- 5) Fifth-wheel Travel Trailer;
- 6) Golf Cart;
- 7) House Car;
- 8) Motor Truck;
- 9) Schoolbus;
- 10) Semitrailer;
- 11) Snowmobile;
- 12) Tow Truck;
- 13) Trailer;
- 14) Trailer Coach;
- 15) Trailer Bus;
- 16) Truck Tractor;
- 17) Utility Trailer;
- 18) Youth Bus

B. Recreational Vehicle shall also mean any of the following:

- 1) Horse Trailer;
- 2) Off road Motorcycle;
- 3) Boat;
- 4) Jet Ski or other Watercraft

SECTION 4.Section 22.04.443 of the Martinez Municipal Code is hereby added to read as follows:

22.04.443 Recreational Vehicle, Oversized

"Oversized Recreational Vehicle" means any Recreational Vehicle, as defined in section 22.04.442, that exceeds either: a) a height of twelve (12) feet; or b) a length of thirty five (35) feet.

SECTION 5.Section 22.04.600 of the Martinez Municipal Code is hereby amended to read as follows:

22.04.600 Yard, Front.

"Front yard" means a yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the wall(s) of the building which are parallel or generally face the front property line. The minimum required front yard is an area extending across the full width of the lot between the front property line and the minimum required setback distance, as required by the applicable zoning district standards.

SECTION 6.Section 22.04.630 of the Martinez Municipal Code is hereby added to read as follows:

22.04.630 Yard, Street-Side Side

"Street -side side yard" means a yard extending from the front yard to the rear property line, the depth of which contains all areas between the side property line of a corner lot back to the wall(s) of the building which are parallel or generally face the side property line. The minimum required side yard on the street side of a corner lot is an area extending across the full length of the lot between the street side property line and the minimum required street side yard setback distance, as required by the applicable zoning district standards.

SECTION 7.Section 22.36.080 (A) (8) of the Martinez Municipal Code is hereby amended to read as follows:

22.36.080 Parking--Design Criteria.

8. Parking areas shall be restricted as set forth in a and b below:
 - a. Restrictions for non-residential properties: For properties in all Zoning Districts, other than R- and RR- Residential Districts, no parking area may be located in a minimum required Front Yard or minimum required Street-Side Side Yard.
 - b. Restrictions for residential properties: For properties within R- and RR- Residential Districts, and for any property not in a R- and RR- District with residential use, no parking area

may be located within a Front Yard, or Street-Side Yard, with the following exceptions and restrictions:

- i. Driveways. A residential driveway conforming to the requirements of Section 22.36.090, which prescribes a maximum driveway width of 24' width and that a driveway is not to exceed 30% of the width of any lot; and subject to the limitations prescribed in Section 22.36.082.
- ii. Parking pads. A paved area or "pad" parallel to a driveway; and subject to the limitations prescribed in Section 22.36.082. A Front yard parking pad may only be located between the driveway and the nearest interior side property line. A parking pad may not be located between the driveway and the secondary street of a corner lot, or between the driveway and the farther of the two interior side property lines; and may not exceed a width of 12'.
- iii. Street-side side yards. A paved area or "pad" may be permitted within street-side side yard of a lot, subject to the screening requirements and limitations of Section 22.36.082.C.1.c
- iv. Deep front yards. Notwithstanding the limitation prescribed for parking pads in subsection ii above, a parking area or "pad" may be located in front yards areas that are 50', or more, behind the property line.
- v. Paving Surfaces. For parking areas and pads other than driveways, permitted surfaces may include gravel and/or decomposed granite in addition to concrete and asphalt surfaces.

SECTION 8.Section 22.36.082 of the Martinez Municipal Code is hereby added to read as follows:

22.36.082 Parking—Where Permitted on Residential Property

A. Parking of Licensed and Operable Vehicles Permitted. Except as limited in Section 22.36.082 B-C below, licensed and operable motor vehicles may be parked in the following areas:

1. Driveways. On any approved residential driveway.

2. Parking pads. On a paved area or "pad" parallel to a driveway. Vehicles on such a pad must be parked perpendicular to the street, and such vehicles may not block access to garage.
 3. Street-side side yards. On a paved area or "pad" within street-side side yard of a lot, subject to the screening requirements and limitations of Section 22.36.082.C.1.c
 4. Deep front yards. On a paved area or "pad" in front yards areas that are 50', or more, behind the property line.
- B. Parking on non-paved surfaces is prohibited. Notwithstanding any provision hereof, the parking of vehicles on-unpaved surfaces is prohibited.
- C. Limitations on Parking of Recreational and Commercial Vehicles.
1. Front yards and street-side side yards. No Recreational Vehicle or Commercial Vehicle shall be parked within the front yard or street-side yard of any property zoned R or RR or upon any property with a residential use for more than a 72-hour period, with the following exceptions and restrictions:
 - a. Parking pads. A single Recreational Vehicle as defined in section 22.04.442, may be parked adjacent to the driveway on a permitted paved area or pad provided that the Recreational Vehicle is parked a minimum of five (5) feet behind the back of sidewalk, or five (5) feet behind the front property line in cases where there is no sidewalk.
 - b. Parking in R-1.5, R-2.5 and R-3.5 Zoning Districts. In addition to parking on parking pads, a single Recreational Vehicle may be parked on the driveway of a two-car garage of a residence in the R-1.5, R-2.5 and R-3.5 Zoning District, provided that: a) such a Recreational Vehicle does not block access to the one required covered parking spaces within the garage and b) the vehicles meets the setback requirements prescribed above for parking pad use
 - c. Street-side side yards. Recreational Vehicles may be parked within a Street-side side yard provided such vehicles are behind a 6 feet tall solid fence, in locations where such required screening is permitted by Section 22.34.090; Fences, Walls and Hedges.

- d. Deep front yards. Notwithstanding the limitations set forth herein, Recreational Vehicles and Commercial Vehicles may be parked on paved surfaces in front yards areas that are fifty (50) feet, or more, behind the front property line.
2. Side and Rear Yards. Recreational Vehicles and Commercial Vehicles may be parked on an approved paved surface or "pad" within side and rear yards.
3. Oversized Recreational Vehicles. Notwithstanding any provision hereof to the contrary, Oversized Recreational Vehicle, as defined in Section 22.04.443, may be not be parked within any front yard, or any minimum required side or street-side side yard, nor may an Oversized Recreational Vehicle be parked within 5' of a rear property line.
4. Un-mounted Camper Shells. Notwithstanding any provision hereof to the contrary, un-mounted camper shells, including but not limited to cab-over campers not mounted within Pickup Truck bed, may be not be parked within any front yard, or any minimum required, side or street-side side yard.
5. Vehicles for the Transportation of Horses. Notwithstanding any provision hereof to the contrary, Recreational Vehicles used for the transportation of horses may be parked on any portion of a residential property in the RR- Rural Residential Zoning Districts, provided however, that they shall not be parked in such a manner as to result in a safety hazard or which impedes the site distance of vehicles traveling on public or private streets.
6. Occupancy of Recreational Vehicle. No Recreational Vehicle may be occupied for living, sleeping or any other purposes while parked per the limitations listed above; other than a visitors' Recreational Vehicle which may be used for the guest's accommodations for not more than one week

SECTION 9.Section 22.36.084 of the Martinez Municipal Code is hereby added to read as follows:

22.36.084 Parking - 72 Hour time limit

For the purposes of Chapter 22.36; "Off Street Parking and Loading Facilities", a "72 hour time period" shall mean a distinct 72 hour time period, separated by not less than 10 calendar days, in which a recreation vehicle that otherwise could not be parked within a front yard, may be parked within such yard for the purpose of loading and unloading and similar staging activities before or after use of such vehicle.

SECTION 10. Section 22.36.086 of the Martinez Municipal Code is hereby added to read as follows:

22.36.86 Amortization of Legal Non-Conforming Uses

- A. In cases where a lawfully issued parking pad permit was issued by the City of Martinez prior to May 2003, the parking of a Recreational Vehicle regulated under the provisions of this chapter, pursuant to that lawfully issued parking pad permit shall be considered a legal non conforming use, subject to the amortization provisions of subsection B below.
- B. Any parking of a Recreational Vehicle regulated under the provisions of this chapter, which is a legal non-conforming use, pursuant to subsection A above, shall be subject to an amortization period expiring upon the occurrence of either of the following:
 - 1. The original permit holder sells, transfers, or vacates the subject property; or
 - 2. The original permit holder increases the size (length or height) of the originally permitted recreational vehicle.

Upon the occurrence of 1 or 2 above, any Recreational Vehicle parked upon the property shall fully comply with all of the parking regulations of this chapter.

SECTION 11. Section 22.36.220 of the Martinez Municipal Code is hereby added to read as follows:

22.36.220 Parking- Mobile Storage Containers

- A. Except as provided in subsection b, below, no Mobile Storage Container shall be placed or parked on any property located in an R or RR zoning district or upon property upon which is located a residential use for more than a 72-hour period. A Mobile Storage Container may not be placed upon or parked on a residential property more than four (4) times in a calendar year.
- B. storage may be permitted within side and rear yards, subject to limitations prescribed in Section 22.12.265; Accessory Structures.

SECTION 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 13. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 14. Posting. The City Clerk shall cause this ordinance to be published within fifteen days after its adoption, at least once, 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.

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 9th day of January, 2008, and duly passed and adopted at a Regular Meeting of said City Council held on the ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

F:\Community Development\All Projects\Municipal Code Changes\Front Yard & RV
Parking\CC RPT ATTACHMENT B - DraftORD.Fulltext.doc

RESOLUTION NO. PC #07-15

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE
ZONING ORDINANCE, TITLE 22, CHAPTER 4 (“DEFINITIONS”) AND CHAPTER 36
 (“OFF-STREET PARKING”) OF THE MARTINEZ MUNICIPAL CODE RELATING TO
YARD DEFINITIONS, COMMERCIAL AND RECREATIONAL VEHICLE PARKING,
PARKING DESIGN CRITERIA, AND MOBILE STORAGE CONTAINERS**

WHEREAS, one of the basic objectives of the City’s Zoning regulations is to promote the public health, safety and welfare and to foster harmonious and workable relationships between land uses; and

WHEREAS, the one of the specific purposes of the City’s zoning regulation of off-street parking is to ensure that off-street parking areas do not negatively impact their surroundings; and

WHEREAS, the proliferation in the number and size of recreational vehicles in the yards of residential properties has aggrieved some neighbors, who find such vehicles, in excessive numbers or size, out of character with their residential setting; and

WHEREAS, excessively large recreational vehicles parked within the front yard and immediately adjacent to the sidewalk may operate to impede sight distances which has the potential to result in a safety hazard to pedestrians and motorists; and

WHEREAS, the City wishes to balance the above concerns over safety and aesthetics, with the wishes of recreational vehicles owners who would desire to have and/or retain the ability to park such vehicles on their property; and

WHEREAS, with the adoption of limits as to the size, number and location of where recreational vehicles can be parked, impacts to pedestrian and motorist safety and neighborhood image can be ameliorated while providing reasonable accommodation to recreational vehicle owners; and

WHEREAS, the Planning Commission of the City of Martinez, held duly noticed public hearings on February 27, April 24, September 11, and October 9, 2007 to review drafts of the proposed regulations; and

WHEREAS, at the request of the Planning Commission, the City held an additional public outreach meeting on July 19, 2007, to provide the public with an additional forum to discuss the proposed regulations; and

WHEREAS, the adoption of the proposed text amendments is categorically exempt from the requirements of CEQA, under Section 15305 of the CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Martinez, held a duly noticed public hearing on November 13, 2007 to review the final draft of the proposed regulations and found that the proposed ordinance was consistent with the Martinez General Plan, and applicable Specific Plans; and

NOW, THEREFORE, BE IT RESOLVED That the Planning Commission hereby recommends that the City Council adopt an ordinance amending Title 22, Zoning Ordinance of the Martinez Municipal Code to incorporate said revisions as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 13th day of November 2007 by the following vote:

AYES: Burt, Kluber & Hughes

NOES: Busby & Allen

ABSENT: Avila Farias

ABSTAINED: Korbmacher

BY: _____
Mark Hughes
Planning Commission Chair

Corey M. Simon
Senior Planner

ATTACHMENT D
CITY COUNCIL REPORT, JANUARY 9, 2008

PLANNING COMMISSION MEETING MINUTES

MINUTES
CITY OF MARTINEZ
PLANNING COMMISSION
November 13, 2007

CALL TO ORDER/ROLL CALL

Chair Mark Hughes called the meeting to order at 7:00 p.m., with all members present except Commissioner Avila, who was excused.

Staff present: Director of Community & Economic Development Karen Majors
Deputy Director Community Development Albert Lopez
Senior Planner Corey Simon
City Attorney Jeff Walter

REGULAR ITEMS

2. Front Yard RV Parking Ordinance Public hearing to review proposed zoning text amendments to the Martinez Municipal Code Chapter 22.36; Off-Street Parking. Proposed changes include placing limitations on the parking of recreational vehicles within the minimum required front yard of residential lots. The proposal is as reviewed and conceptually supported by the Planning Commission at its October 9, 2007 meeting. The Planning Commission will consider a draft resolution recommending that the City Council adopt the proposed zoning text amendments. The City Council will consider the possible amendments at its December 5, 2007 meeting.
Applicant: City of Martinez (CS)

Senior Planner Corey Simon presented the staff report, commenting on difficulty in striking a balance between those who wanted no front yard RV parking and those who wanted unlimited RV parking. He noted as well that this meeting is more of a formality for the Commission to review the enacting ordinance. He indicated there was one small correction, explained how the ordinance fits within the City's parking ordinance, and reviewed new information in the document related to the amortization provisions dealing with previously issued permits. Commissioner Allen asked for a review of the variance process, which Mr. Simon provided, as well as provisions for owners of small downtown lots.

Chair Hughes opened and closed the public hearing with no speakers.

Commissioner Allen asked staff to clarify that the driveway diagram is only for 72-hr staging. For reasons expressed at the last meeting, she said she would vote against the ordinance.

Commissioner Kluber commented on an email from Tom Coleman, who questioned whether the City had really seen both sides of the issue and who suggested putting the item on the ballot. Commissioner Kluber said he saw no need for the ordinance to go to the voters, although he confirmed with staff that the City Council could decide to put it on the ballot.

Commissioner Burt said she was quite pleased with the process, including several meetings and a well-advertised public forum that was handled well by staff. She had been willing to hear all sides of the issue, but she noted that very few attended who were opposed to all RV parking. She felt the end result was fair to all concerned, contrary to how things went in other jurisdictions.

Commissioner Busby said she had not changed her opinion on the matter, so her vote would be no as well.

Chair Hughes expressed appreciation to staff for the leadership they showed in the process. His opinion had changed, and he said this ordinance is a win-win. He thanked all those who participated.

On motion by Harriett Burt, seconded by Frank Kluber, the Commission voted to approve the form of the Front Yard RV Parking Ordinance, recommending that the City Council adopt the proposed zoning text amendments.

Motion passed 3 - 2. Yes: Mark Hughes, Harriett Burt, and Frank Kluber., No: Lynette Busby, and Donna Allen., Abstain: Fred Korbmacher, Absent: AnaMarie Avila.

Chair Hughes noted the City Council would be considering the ordinance at their December 5th meeting.

CITY OF MARTINEZ
PLANNING COMMISSION
REGULAR MEETING
October 9, 2007

CALL TO ORDER/ROLL CALL

The meeting was called to order by Chair Mark Hughes at 7:08 p.m., with all members present except Commissioners Avila and Busby, who arrived after roll call, and Commissioner Korbmacher, who was excused.

Staff present: Deputy Director, Community Development, Albert Lopez, Senior Planner Corey Simon, and Code Enforcement Officer Bill Dillard.

3. Front Yard & RV Parking

Public hearing to review proposed zoning text amendments tot eh Martinez Municipal Code Chapter 22.36; Off-Street Parking. Proposed changes include placing limitations on the parking of recreational vehicles within the minimum required front yard of residential lots. The proposed maximum lengths of RV's to be permitted has been adjusted as per the July 19, 2007, Community Workshop. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced. (Continued from September 11, 2007)

Applicant: City of Martinez (CS)

Chair Hughes noted the item was continued from the last meeting, noting there had been good discussion with respect demonstrated towards all viewpoints.

Commissioner Busby entered and was seated at the dais.

Deputy Director, Community Development, Albert Lopez presented the staff report, discussing the background, areas of agreement, and ordinance options for the Commission to consider. He also reviewed the next steps in the process, including recommendation to the City Council.

Commissioner Burt mentioned the issue of the smaller lots in the downtown. Senior Planner Corey Simon reviewed new provisions for downtown areas. Commissioner Burt asked about long narrow driveways, and Mr. Simon said the regulations would allow for one pad alongside the driveway; if there is no room, it would not be allowed. He acknowledged it would not preclude a person from applying for a variance.

Commissioner Kluber asked about attachment B's definition for recreational vehicle (taken from the DMV) that excludes boat, motorcycle and jet ski. Mr. Simon noted that the City Attorney had separated those items out, but they are covered in a different section of the ordinance.

Commissioner Kluber asked about the variance process; Mr. Lopez said it would start at the zoning administrator level, and would progress if appealed.

Commissioner Allen asked for greater clarification on when a variance would be appropriate, which Mr. Lopez provided, noting there should be something unique about the property, not the RV itself. He noted that findings for a variance are difficult to make, generally speaking.

There was some discussion among the Commission and staff about difficulties with "discretionary" approvals.

Public hearing opened.

RUSS HOLT expressed concern about a cookie-cutter approach. He also noted that Antioch residents have hired legal assistance to fight that city's RV ordinance. He questioned why no one is complaining about derelict cars, yet there is all this concern over the appearance of expensive RVs.

VICTOR DARMER asked about the variance possibilities for his 22' RV, which has been parked by his house long-term and has not presented safety problems. He recommended a 0' setback. He also expressed concern about storage costs.

DIANE ESSARY said her only remaining concern is the setback issue, which shouldn't be more than 5' since there aren't similar provisions for SUVs and pick-up campers.

Commissioner Avila entered and was seated at the dais.

JERRY ANSELM made editing recommendations - particularly references to "aesthetics". He noted that an appellate court in Ohio disallowed zoning regulations for aesthetic reasons. He recommended that the pad be required to be well-maintained and free from accumulation of waste material (there is provision in the existing ordinance that should be carried over). He also noted that some homes do not have adequate space by the garage, but there is space on the other side of home, and RV parking should be allowed in those situations. He commended staff for a job well-done.

STEVE SCHEYE, downtown resident, expressed concern about infringements on personal liberties. He questioned whether there should be any ordinance at all and recommended a simpler one if absolutely necessary, only addressing safety and health concerns. He commented that people who enjoy boating and RVing should be allowed to store their equipment near their home - Martinez is a town near the water and should accommodate its residents. He doubted whether the majority of voters would support the ordinance and suggested putting it on the ballot.

TOM HARREAS, Antioch organization representative (RVPA), commented on the need to distinguish between health/safety issues and aesthetic issues. He noted that the city council of Antioch is considering a ballot measure. He also commented on the

potential loss of license fees to the City. He agreed the 5' setback should be applied equally to all vehicles in driveways, not singling out RVs.

Mr. Holt asked for clarification as to whether the ordinance would only be complaint-driven. Mr. Lopez deferred to Code Enforcement Officer Bill Dillard. Mr. Dillard mentioned there would likely be a grace period to allow compliance, but eventually there would be some proactive review by Code Enforcement.

Ms. Essary clarified her understanding of the City Attorney's comments on the issue at the last meeting.

Mr. Darmer asked when the ambiguities would be settled. Chair Hughes said if the ordinance is adopted, it will become law and should be followed.

Mr. Anselmi asked whether the ordinance would be "no-fee", as was intended with the previous ordinance but not held to. He asked for some wording to that effect (for variance process, etc).

Seeing no further speakers, Chair Hughes closed the public hearing.

Commissioner Kluber asked about the parking pad requirements mentioned by Mr. Anselmi. Mr. Simon clarified it was in the ordinance already.

Commissioner Kluber said the City has done an excellent job of crafting an ordinance "in the middle." He agreed with the concerns about setbacks and was supportive of option 2.

Commissioner Busby questioned whether there can be two recreational vehicles in a yard. Mr. Lopez said the City would only be regulating the front yard area, not side or back yards. There would be no limit on the number of RVs allowed on a property, just their size.

Commissioner Allen asked about existing permits. Mr. Lopez said there was a grandfather clause in the staff report; Mr. Simon reviewed its provisions. (Mr. Lopez noted later that it had been omitted from this staff report, but proposed provisions were in the previous staff report.)

Commissioner Allen asked if current permits would comply with this ordinance. Mr. Simon said most will, but some may not.

Commissioner Allen said she thought no RVs should be parked in the front yard, which originally was an option proposed by staff, but not now. She said there was not much difference for her with 5', 10' or 0' setback if parked in the front yard. She acknowledged this was a current issue for many jurisdictions, including the county, and she discussed their screening requirements. She was concerned about existing "eyesores" that will not be impacted by this ordinance since it may allow them.

Commissioner Allen said she still felt there should not be RV parking in front yards, although there should be specific exceptions. She also indicated that a grandfathering provision is important to honor those who have existing permits. She noted that most present tonight are RV owners, but they are not representative of all RV owners, or other segments of the public.

Commissioner Avila commended staff for the great ordinance and effort. She said it was a very generous ordinance, and much less restrictive than before. She could support either of the options presented by staff.

Commissioner Burt agreed this draft was less restrictive than originally, and she also acknowledged the timeliness and controversy of the issue. She noted however that there has been a solid effort in Martinez to try to come together in the middle. Her concern was with the variance issue because there needs to be some way for exceptions. She expressed preference for Option 2, with a 5' setback.

Chair Hughes acknowledged his original preference for a more restrictive ordinance allowing no parking in the front yard setback. He was more supportive now of option 2, but questioned whether it would address most of the current complaints. Mr. Lopez said not necessarily, although he felt it was a good compromise ordinance also.

Chair Hughes also agreed grandfathering was a needed component, and that it should be fee-free. Mr. Lopez said the variance cost is minimal - only a few hundred dollars. He noted that the Commission is not able to waive fees arbitrarily, however.

Commissioner Busby asked how many permits were issued. She also asked what would happen with pending ones. Mr. Lopez said those could be grandfathered as well, although there could be questions since they were never acted on.

Commissioner Busby said she agreed with Commissioner Allen that there should be a more restrictive setback requirement.

Commissioner Kluber said it was not an aesthetic issue for him - well-maintained properties with neighbors that get along will have less code enforcement issues.

On motion by Frank Kluber, seconded by Anamarie Avila Farias, the Commission present voted to recommend that the City Council approve proposed zoning text amendments to the Martinez Municipal Code Chapter 22.36; Off-Street Parking, as outlined in Option 2 presented by staff (including provisions for grandfathering of current pad permits, limited to original owner and original vehicle (or one of similar or smaller size)).

Motion passed 4 -2. Yes: Mark Hughes, Harriett Burt, Anamarie Avila Farias, and Frank Kluber., No: Lynette Busby, Donna Allen (Commissioner Korbmacher absent).

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