

Planning Commission Minutes
Regular Meeting
July 22, 2008
Martinez, CA

CALL TO ORDER/ROLL CALL

The meeting was called to order by Chair Frank Kluber at 7:00 p.m. with all members present except Commissioner Avila, who arrived after roll call, and Commissioner Burt, who was excused.

Staff present: Assistant City Attorney Veronica Nebb
Assistant City Manager/Community & Economic Development Karen Majors
Senior Planner Corey Simon
Assistant Planner Anjana Mevani

AGENDA CHANGES: None. _

PUBLIC COMMENT: None. _

CONSENT ITEMS

1. Minutes of March 25, 2008, meeting.

Motion by Mark Hughes, Planning Commissioner, seconded by Lynette Busby, Planning Commissioner, to approve Minutes of March 25, 2008, meeting.

Motion unanimously passed 6 - 0. Yes: Frank Kluber, Chair, Fred Korbmacher, Vice Chair, Donna Allen, Planning Commissioner, Ana Marie Avila-Farias, Planning Commissioner, Lynette Busby, Planning Commissioner, and Mark Hughes, Planning Commissioner, Absent: Harriet Burt, Planning Commissioner, Abstain: Michael Marchiano, Planning Commission Alternate.

REGULAR ITEMS

2. *Casara Canyon Sub #9132 Consider a request for a two year extension of a previously approved Major Subdivision for the following actions to allow the development of 20 new attached single-family homes (i.e. townhomes) on an approximate 1½ acre area adjacent to Shell Avenue, and one 4¼ acre custom home parcel (with a 10,000 sq. ft. building site and the balance to be within an open space easement): a) approval of a variance to the Hillside Development Regulations' maximum density limitations and prohibition of development on areas with a natural grade exceeding 30% slope ; b) approval of a 21-unit Major Subdivision; and c) Approval of Use Permit and Design Review for a Planned Unit Development. This project is located on Shell Avenue - vacant 5.6 acre parcel located between La Salle Manor Apartments and Alhambra Terrace (Housing Authority)*

Apartments Applicant: Bill Schrader, The Austin Group (CS)

3. *Valley Vista II Sub #8740, DR #03-20, UP #04-18 Consider a request for a two year extension of a previously approved Major Subdivision to develop 6 new single family residence on lots ranging from 6,000 to 11,009 sq. ft., and the following exceptions to the development standards of the R-6.0 Zoning District: A Use Permit to allow a building heights of 3 stories and up to 36 feet, where a maximum of 2 stories and 25 feet is typically allowed; and Variances to allow minimum front yards ranging from 3 feet to 5feet where a minimum of 20 feet is typically required, and to permit less than the minimum required lot width, depth and side yards; and Design Review approvals. This project is located at Alhambra Way; vacant 0.97 care lot located between 3995 and 4109 Alhambra Way. Applicant: Andrew Morse, Janin Associates (CS)*

Commissioner Avila entered and was seated.

Staff gave an update on Items 2 and 3 being given automatic 1-year extensions because of new state law.

Commissioner Busby asked about the sidewalk on Shell Avenue. Senior Planner Corey Simon said it would be fixed, as required. Commissioner Busby said it would be better to have it done sooner rather than later. Commissioner Allen agreed, preferably before the new school year begins since students travel there regularly. Chair Kluber also agreed.

Staff promised an update before the beginning of the school year. Commissioner Hughes asked whether a letter can be sent to the owner before the school year begins. Commissioner Allen commented on the City's work on a community-based transportation plan. She asked why there was no alternative pedestrian route during construction, adding that this should be addressed with future projects.

Vice Chair Korbmacher confirmed with staff that the map was never recorded.

In response to a question from the Commission regarding Commissioner Burt's concerns about Valle Vista II, Mr. Simon confirmed they have been forwarded to the developer.

4. *Stebbins Project Preliminary Study session to discuss and receive public input on a proposed Conditional Use Permit, Variance, and Design Review to construct a new two-story duplex on a lot with an existing single-family residence. The proposed duplex will be 1,491 square feet, with a 505 square foot garage on a 5,000 square foot lot. The Conditional Use Permit is proposed to increase density and for reduced parking; a Variance is proposed for reduced rear yard setback and open space and a Design Review is required for all multi-family projects. This project is located at 1014 Castro Street. Applicant: Geoff Stebbins (AM)*

Staff report presented by Assistant Planner Anjana Mepani.

Commissioner Allen asked whether the requirements applied to the two new units or to all three units; staff confirmed the open space requirements applied to the new units. Commissioner

Allen said she would like to see a discussion applicable to all the units when the application comes back to the Commission. Vice Chair Korbmacher confirmed with staff that the proposal is for rental units.

Chair Kluber opened the public hearing.

GEOFF STEBBINS, applicant, stated he intends to live on the property while the new units are being built and afterwards as well.

BILL JORDAN, owner of the 6-unit building across the street on Castro, indicated his units were built in 2003 and were also within the downtown overlay district. He said he supports development on the site, but would like staff and the applicant to consider similar architecture to other buildings in the downtown, as mentioned in the Downtown Specific Plan. He was especially concerned about the long stairway up, and consistency with the building next door since it is on the same parcel. He also said he would like the buildings to be one story as the rest of block is.

Chair Kluber asked Mr. Jordan if his project went to Design Review, and Mr. Jordan said it had. Chair Kluber confirmed with staff that this project will go to Design Review also; he encouraged Mr. Jordan to attend that meeting and make his requests known there as well.

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

Commissioner Allen asked when the project will go to Design Review; the applicant said as soon as possible.

Commissioner Avila said the project is feasible, but there are definite design review issues with the floor plan. She agreed with Mr. Jordan that the design is important to the neighborhood and needs to match existing architecture.

Mr. Stebbins commented on cost issues, noting the 2nd unit over the garage makes the project work. He also noted that several other homes in the area have walk ups to the main living area.

Vice Chair Korbmacher said the issue is not that there is a second story, but the need to tie in with existing structures. He indicated he could support the project and the requested variances with the proper architectural treatment.

Commissioner Allen agreed; she suggested Mr. Stebbins consider one access from each street, allowing the long stairway to be treated differently. She also noted that the Downtown Specific Plan strongly encourages home ownership rather than rentals, and she would not want someone to infer differently from her support of this project.

Vice Chair Korbmacher said the stairway could be put inside.

Chair Kluber noted that there was one member of the Design Review Committee in attendance tonight, so all the issues should be adequately addressed at their hearing.

Staff said the Commission's comments will be passed on to the Design Review Committee and the applicant.

5. Buena Vista LLC (Villa del Sol) Sub #9111 Public hearing to consider amendment to 2006 Zoning Ordinance (that rezoned subject properties from D/R-2.5 to R-1.5) which requires the developer to contribute \$5,000 per unit into the City's then anticipated "Affordable Housing Trust Fund." The cash was intended to be "in-lieu" for providing "affordable" units on site. The developer is requesting that the requirement for cash payment be deleted, as the lower than anticipated current pricing places units within "moderate income" affordability thresholds. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced. This project is located at 500-528 Berrellesa Street. Applicant: Isidro Farias, Buena Vista LLC (CS)

Commissioner Avila recused herself. Chair Kluber also recused himself and turned the meeting over to Vice Chair Korbmacher.

Assistant City Manager/Community Development Karen Majors presented the staff report, briefly reviewing the history. She noted that the applicant is requesting a waiver of their proposed voluntary contribution to the Housing Trust Fund, in view of the drop in real estate prices, noting they could use the waived fees to help create a First Time Homebuyer program for the project. She also noted that the Council is agreeable to the change, and Assistant City Attorney Veronica Nebb is present to ensure the proper legal process is followed.

Commissioner Hughes asked about the pricing threshold for affordable units, and staff discussed the calculations.

Ms. Majors also noted the proposed amendment will enable the project to remain as ownership units.

Commissioner Busby asked about down payment assistance programs and whether that was to be the purpose of the housing trust fund. Ms. Majors reviewed various possible uses for the trust fund.

Commissioner Allen asked about the status of the Black Mountain project. Ms. Majors said it has not moved forward and may be sold to another developer. Ms. Majors also confirmed that the Trumark project has not moved forward either. Commissioner Allen asked, and Ms. Majors confirmed that the Farias project is the only one in process with a cash component.

Commissioner Busby asked whether the conditions of approval included the affordable component, and whether it has been paid. Ms. Majors said one unit has been sold, with \$5,000 paid to the City at the close of escrow, rather than when the Certificate of Occupancy was issued. Staff confirmed the applicant is asking for financial relief even on the one unit already sold.

Public hearing opened.

ISIDRO FARIAS, applicant, said staff did good job in reviewing the history. He reviewed other

contributions made to the City of Martinez through this project, including LEEDS certification, an example of an approved and built project under the new Specific Plan, home ownership project, creating a livable community near transportation, and the improved drainage system. He asked for support from the Commission for the waiver of the condition requiring the Housing Trust Fund contribution.

Vice Chair Korbmacher commended Mr. Farias for the speed of construction and the beauty of the project.

No members of the public were present to speak on the item.

Public hearing closed.

Commissioner Allen said she had not voted in support of the affordable housing ordinance when it first came forward, and the City should not have imposed conditions of a soon-to-be ordinance on existing projects. She thought this was a wonderful project and was very much in favor of it. She noted that future projects that benefit from the improved drainage should reimburse Mr. Farias. She expressed concern about easing requirements for one project while there are other also affected. She thought the Council should reconvene the Housing Task Force to address remaining issues; but should not move forward with an affordable housing ordinance at all under these circumstances. She would support relief for the applicant but would like to consider all pending projects with similar requirements at the same time.

Commissioner Busby agreed with Commissioner Allen. She indicated that if the developer had put in a main line that allows other developments to benefit from improvements made, there should be some compensation. She thought it was a very nice project and an asset to the community, but she was not sure about the appropriateness of a waiver.

Commissioner Hughes said it was great project and a good developer; since the objective of affordable housing has been met the requirement should be re-addressed. He would support a waiver and reimbursement of the \$5,000 already paid.

Commissioner Marchiano said he would support fully the waiver and reimbursement, and agreed the Commission should address the ordinance again in the future.

Commissioner Allen said the City should be fair to all pending developments that have an affordable component and should review each one. Vice Chair Korbmacher confirmed with staff that the requirements were imposed at the Council level.

Assistant City Attorney Veronica Nebb clarified this is an applicant-driven request to modify the conditions, and it would not be appropriate to change the conditions of other projects without their request. She also clarified that the Commission is being asked to make a recommendation to the Council.

Staff reviewed the history and affordable requirements of the Black Mountain and Trumark projects, as well as discussing how new projects would be handled.

Ms. Majors further clarified that the applicant is not asking for a complete waiver, but a change from the contribution to a Housing Trust Fund to a provision for homeowner financing assistance. At the request of staff, Mr. Farias discussed the FHA Nehemiah program and his intent to participate by offering a buyer incentive. Commissioner Allen confirmed with staff that there would be no need for a deed restriction.

Commissioner Allen said she wanted the Council to know the Commission wants everyone to be treated equitably. She also wanted the Council to reconvene the Housing Task Force. The rest of the Commission agreed by consensus.

Staff indicated they would provide a copy of the minutes and a memo to the Council expressing the Commission's concerns.

Motion by Mark Hughes, Planning Commissioner, seconded by Michael Marchiano, Planning Commission Alternate, to recommend that the City Council approve an amendment to the 2006 Zoning Ordinance (that rezoned subject properties from D/R-2.5 to R-1.5) deleting the requirement for a \$5000 per unit cash payment.

Motion unanimously passed 3 - 0. Yes: Fred Korbmacher, Vice Chair, Mark Hughes, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate, Absent: Harriet Burt, Planning Commissioner, Abstain: Donna Allen, Planning Commissioner, Lynette Busby, Planning Commissioner, Recuse: Frank Kluber, Chair, Ana Marie Avila-Farias, Planning Commissioner.

Commissioner Avila and Chair Kluber returned to the meeting. Vice Chair Korbmacher turned the meeting back over to Chair Kluber.

COMMISSION ITEMS

None.

Staff stated that the next meeting will be September 9th.

STAFF ITEMS

Ms. Majors introduced Michael Marchiano, Planning Commission alternate. Commissioner Marchiano expressed appreciation for the opportunity to serve. Commissioner Hughes said Mr. Marchiano will be a great asset to the Commission, to make Martinez a better place to live.

In response to a question from Ms. Majors, Commissioner Avila reported her new son is now 4 months old.

Ms. Majors introduced City Manager Philip Vince, who gave brief information on himself. He expressed excitement at the possibilities.

Commissioner Busby asked about the Planning Director position. Ms. Majors said that because of economic conditions the City had postponed hiring for the position until after the new City

Manager came, to let him decide the best way to handle the staffing.

Commissioner Allen asked about funding for the General Plan process. Ms. Majors commented on the need to consider the most cost-effective way to do the update.

COMMUNICATIONS: None

ADJOURNMENT

Chair Kluber adjourned the meeting at 8:44 p.m. to the next regularly scheduled meeting, September 9, 2008.

Respectfully submitted,

Approved by the Planning Commission

Chairperson

Transcribed by, Mary Hougey

Frank J. Kluber

DRAFT