

Planning Commission Minutes
Regular Meeting
October 28, 2008
Martinez, CA

CALL TO ORDER

Chair Frank Kluber called the meeting to order at 7:10 p.m.

Staff present: Karen L. Majors, Assistant City Manager/Community Development Director
Veronica Nebb, Deputy City Attorney
Corey Simon, Senior Planner

ROLL CALL

PRESENT: Frank Kluber, Chair, Fred Korbmacher, Vice Chair, Donna Allen, Planning Commissioner, Harriett Burt, Planning Commissioner, Mark Hughes, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate.

EXCUSED: None.

ABSENT: AnaMarie Avila Farias, Planning Commissioner, and Lynette Busby, Planning Commissioner.

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of September 23, 2008, meeting.*

MOTION

On motion by Michael Marchiano, Planning Commission Alternate, seconded by Harriett Burt, Planning Commissioner, the Commission present voted to approve the Minutes of September 23, 2008, meeting. Motion unanimously passed 4 - 0. Yes: Frank Kluber, Chair, Donna Allen, Planning Commissioner, Harriett Burt, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate, Abstain: Fred Korbmacher, Vice Chair, Mark Hughes, Planning Commissioner. Absent: AnaMarie Avila Farias, Planning Commissioner, Lynette Busby, Planning Commissioner.

REGULAR ITEMS

2. *Will Residence UP #08-09, DR #08-14 Public hearing to consider a proposal to construct a new single-family residence on a 3.8 acre parcel. The applicant is requesting design review approval and approval of an exception to building height limitations to allow a maximum building height of approximately 32 ft. where a maximum of 25 ft. is permitted; and design review for building elevations and landscaping to be located at 4958 Alhambra Valley Road. Applicant: Anthony Will (CS)*

Senior Planner Corey Simon presented the staff report, including a letter from the applicant on the dais requesting minor modifications to condition of approval regarding temporary fencing around trees to be preserved.

Vice Chair Korbmacher asked whether a height variance was also approved for the Brazier property. Staff said yes.

Bob Kennel, architect on the project, discussed the arborist report, tree preservation issues, minimal grading required and exterior materials. He also commented on meetings with staff and site meetings with interested parties and other agencies.

Commissioner Burt noted with interest and appreciation the choice of a metal roof, stucco and rock materials in a high-fire area. She commented on the need for defensible space.

Steve Ormand, arborist, noted that was among the issues discussed in the arborist report including his request that temporary fencing not be required around all trees during construction, as some grading must occur within the drip line of trees at driveway. Mr. Brazier discussed setbacks on the park district property and necessary fire prevention measures.

Chair Kluber asked Mr. Ormand if his firm would be supervising the work; Mr. Ormand said yes. Chair Kluber noted the California buckeye would be another good tree variety. He asked how they would get water to newly planted trees, and Mr. Ormand said there would be a temporary drip system. Mr. Brazier noted the trees on his property had a good survival rate.

Chair Kluber asked about the requirement for an arborist on-site during construction. Mr. Brazier confirmed it had been done on his project.

Chair Kluber opened and closed the public hearing with no speakers coming forward.

Commissioner Marchiano said he was impressed with the plans, the presentation, and the property.

Mr. Brazier commended Mr. Simon for his work.

Commissioner Burt noted this was one of the rare, well-put together projects that come in. She indicated her concerns about fires and the hillsides were well addressed. She was supportive of the project.

Commissioner Allen said her questions were answered by staff prior to the meeting, particularly about the environmental conservation district. She thanked Mr. Simon for his patience and assistance.

Commissioner Hughes noted this could have been a controversial project, but because it was so well-managed it makes the Commission's job much easier. He was very supportive of the project and the architect's work.

Vice Chair Korbmacher agreed this is the type of application the Planning Commission likes to see, where applicants do their work ahead of time.

Chair Kluber agreed as well.

MOTION

On motion by Harriett Burt, Planning Commissioner, seconded by Donna Allen, Planning Commissioner, approve UP #08-09 and DR #08-14 modifying conditions of approval regarding tree fencing as requested by the applicant. Motion unanimously passed 6 - 0. Yes: Frank Kluber, Chair, Fred Korbmacher, Vice Chair, Donna Allen, Planning Commissioner, Harriett Burt, Planning Commissioner, Mark Hughes, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate, Absent: AnaMarie Avila Farias, Planning Commissioner, Lynette Busby, Planning Commissioner.

At Commissioner Hughes' request, the applicant discussed the high points of the process so far, especially staff's great assistance.

The architect noted that his firm does business in many cities in Contra Costa County, and Martinez staff puts projects together with a positive spin and shows how to make a project work. He said it was refreshing to work with such a quality staff.

3. *Workshop on possible code amendments for Planned Unit Development review and approval process, and revisions to standards for common and private outdoor recreation spaces.*

Senior Planner Corey Simon presented the staff report, noting that City Attorney Veronica Nebb was present to help guide the process. He briefly discussed the need for the policy update, definitions for open space, and outdoor recreation space.

Karen Majors, Assistant City Manager/Community Development Director, said a potential project Seeno along Muir Station Road will have some of these issues, which makes now a good time to update this section of the Code. Commissioner Burt asked about the General Plan update; Ms. Majors said it is planned to begin after January.

Staff responded to questions/comments from the Commission as follows:

Commissioner Burt asked how some specific past projects would have been affected if proposed regulations had been in place. She also questioned whether the proposed provisions are more permissive or more restrictive, and how flexibility can be ensured yet still allows properties to age well.

Commissioner Marchiano asked what property types would be affected, what kinds of "nonbackyard" recreation spaces would satisfy the requirements, and whether existing nearby parks could be included.

Commissioner Allen expressed concern that this kind of requirement could make it difficult for someone to come up with a creative site plan. She also was concerned about removing "landscaping" as one of the options and the difficulty in distinguishing "usable open space".

Deputy City Attorney Veronica Nebb commented on legal issues, noting that the Planning Commission can debate and discuss the base requirements, but they should also decide how and when a project can deviate from the standards.

Further comments/questions from the Commission were as follows:

Vice Chair Korbmacher noted people who buy this type of product often want reduced outdoor space. He questioned whether there was really a need for the new requirements.

Commissioner Hughes agreed with the need to clarify the meaning of "open space".

Chair Kluber asked how the proposed ordinance would mesh with the affordable housing requirements.

The Commission also discussed requirements in other jurisdictions, definitions, possible exceptions, and future impacts.

Commissioner Hughes stressed that definitions are critical.

Mr. Simon shared information on a pending project as an example in concept only. Ms. Nebb strongly cautioned the Commission not to comment on details of the project, since there is no formal application yet.

Commissioner Burt commented on current standards - how projects are evaluated, approved or rejected, as compared with the proposed new ordinance.

Commissioner Allen asked if specific exclusions could be listed also. She also asked about the thresholds at which the new requirements would apply. She commented on the rezone process, and she expressed preference for a simpler ordinance like that of Brentwood and Walnut Creek.

COMMISSION ITEMS

Commissioner Allen expressed her appreciation to whoever was responsible for the sidewalk improvements along Shell Avenue.

STAFF ITEMS

Ms. Majors and the Commission reviewed upcoming items for November and December meetings.

COMMUNICATIONS

None.

Chair Kluber adjourned the meeting at 8:50 p.m., to the next regularly scheduled meeting November 18, 2008.

Respectfully submitted,

Approved by the Planning Commission
Chairperson

Transcribed by, Mary Hougey

Frank J. Kluber

