

Planning Commission Minutes
Regular Meeting
January 27, 2009
Martinez, CA

CALL TO ORDER

Chair Kluber called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Frank Kluber, Chair, Fred Korbmacher, Vice Chair, Ana Marie Avila-Farias, Planning Commissioner, Harriett Burt, Planning Commissioner, Mark Hughes, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate.

EXCUSED: Donna Allen, Planning Commissioner; Lynette Busby, Planning Commissioner

ABSENT: None.

STAFF PRESENT: Karen Majors, Assistant City Manager/Community & Economic Development Director
Deputy City Attorney Veronica Nebb
Senior Planner Corey Simon

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. Minutes of November 18, 2008, meeting.

On motion by Mark Hughes, Planning Commissioner, seconded by Michael Marchiano, Planning Commission Alternate, the Commission present voted to approve Minutes of November 18, 2008, meeting. Motion unanimously passed 6 - 0. Yes: Frank Kluber, Chair, Fred Korbmacher, Vice Chair, Ana Marie Avila-Farias, Planning Commissioner, Harriett Burt, Planning Commissioner, Mark Hughes, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate.

REGULAR ITEMS

2. Workshop to review preliminary plans for the rehabilitation and expansion of existing 2-story commercial building at 630 Court Street. Proposed modifications would include: the reuse of the ground floor as a restaurant; improvements within the public right-of-way, including but not limited to permanent outdoor seating; and addition of a third story to be used for offices.

Karen Majors, Assistant City Manager/Community & Economic Development Director, presented the staff report. She noted this is a pre-application workshop, the purpose is to provide feedback for the applicant. She reviewed the history of the project and some issues. Ms. Majors also noted there was an error in the staff report. She indicated that the development team has met with the State Office of Historic Preservation regarding potential tax credits. She stated that 630 Court St is a state historic resource and there are special CEQA requirements that must be met for any project.

Howard Goldenberg, head of the development team, discussed the background of the proposal. He was excited about the possibility of preserving the old historic building, and has been spent \$90,000 thus far in investigating options. Mr. Goldenberg introduced the rest of the development team.

Alan Sales, architect, complimented the City for having a study session as the beginning point of a project. He noted nothing has been set in stone yet. He also reviewed the RFP, key elements, 3rd floor design and architecture, historic photos and changes that have taken place in the building over time. He commented that change is inevitable, but the real question is whether an historic building can be enlarged for a new use without destroying what is significant, and what new construction is appropriate. He stated his desire to create a good design that future generations will appreciate.

Chair Kluber asked if the original tiles will be restored. He also asked about the blank facade shown on the west elevation of the 3rd story. The architect showed proposed elevations and discussed plans for the 3rd story specifically. Chair Kluber asked about the composition of the proposed 3rd floor, and Mr. Sales said it will be stucco with complimentary bricks. He commented on the need to copy the scale and mass of the original but make it clear that is not part of the original facade.

Alan Dreyfus, historic preservation Architect, commented on the complex regulations, requiring that the addition be distinguished from the original while still being compatible with the original elements.

Commissioner Marchiano asked about the interior of the restaurant area, specifically the location of restrooms. Mr. Dreyfus commented on the limited space available once the kitchen and core area are installed, noting that the restrooms would be on the other floors, not the floor with the kitchen.

Ernie Guerrero, owner of La Tapatia, discussed the floor plan further and the desire to facilitate access to the patio.

Commissioner Burt expressed concern about the effect of wind on outdoor dining. Mr. Guerrero acknowledged her concerns, although he commented there is a need to balance the financial needs of the business with historic preservation.

Chair Kluber commented on the existing corner door, noting it is a nice element. He asked whether it will still be the main entrance. Mr. Guerrero said it will remain, but probably as an emergency exit only.

Mr. Goldenberg commented on difficulties with the structural design, given the narrowness of the building.

Commissioner Avila asked about the outside seating. Mr. Guerrero said he would like to meet the need for a large family style restaurant, and the patio is needed for that.

Commissioner Avila said she would like to see the full design; Ms. Majors said the design needs to allow for greater street-side area without losing the travel lanes etc. She discussed the physical constraints of the property.

Commissioner Marchiano asked whether the diagonal parking will remain. Staff confirmed it would stay, indicating that 610 Court Street could also be redesigned to match. Mr. Sales said a traffic study will help determine the best parking layout also.

Commissioner Hughes asked about the building dimensions. Mr. Sales said 30' x 100'.

Commissioner Hughes asked whether the 3rd story is really needed. Mr. Goldenberg confirmed it is needed for economic reasons, especially because of the retrofit and rehabilitation that needs to occur. Mr. Guerrero noted the total cost per square foot can be lessened if other businesses are involved. He agreed the rents in Martinez are not high; but they may need to go up to meet the earthquake retrofit standards.

Chair Kluber opened public comment on the item.

MR. TOMASO (sp?), owner of adjoining property, expressed concern about the proposed 3rd story, the appearance of the building, the fact that this will be the second Italian restaurant in the same block, traffic impacts, public safety, construction impacts on customers and nearby businesses, street side trash receptacles. He also said he would like outdoor seating at his restaurant if this request is granted. He discussed problems with paint left from surveying that has not been cleaned up yet, several months after. He asked the Commission to consider the needs of existing residents/businesses as well as new businesses.

PAUL WILSON noted a discount was given in the purchase price because of the need for/expense of decontamination at the site. He questioned the need for the 3rd story. He also asked whether the building has been sold to Mr. Goldenberg yet. Ms. Majors said the purchase & sale agreement requires certain criteria to be met before escrow can be closed.

Mr. Wilson asked about staff's understanding of the CEQA requirements, and whether the determination of less than significant impacts has been confirmed yet. Ms. Majors said no, a full CEQA process will be done.

Mr. Wilson asked whether a use permit will be required; staff said only if the height goes above 40' which it shouldn't. Mr. Wilson noted the 3rd story will require encroachment on City property, and he asked if the 3rd story was a definite. Ms. Majors said yes. Mr. Wilson also expressed concern about the location of the outdoor trash receptacles and potential smells.

MIKE ALFORD asked if Goldenberg Group owns McDonald's as well; staff indicated they did not. Mr. Alford asked what the capacity of the restaurant would be. Mr. Guerrero said it had not been decided yet. Mr. Alford commented on the historic status of the building, stating it shouldn't need a 3rd floor to make it cost effective. He agreed Mr. Tomaso's restaurant should be given the same privilege if outdoor dining is permitted at 630 Court Street. He also commented on the effects of construction on neighboring properties. He noted that lower rents are possible because Martinez is a unique environment. He expressed concern that modifying the building will detract from its historic features.

KRISTEN HENDERSON noted she had been instrumental in the historic designation of the building, and she expressed appreciation to the developer for his willingness to take on the project. She suggested Mr. Tomaso coordinate reinforcement of his building with that of 630 Court Street. She also noted that the addition of a 3rd story to the historic building is allowed, as long as the planning requirements are met. She asked about the window frames and ghost signs. She encouraged the Commission to consider North Beach in San Francisco, which has similar narrow buildings but wonderful restaurants. She also noted that CEQA requirements could affect the type of materials used. She questioned the length of the building, indicating she measured it at 75'.

JULIAN FRAZER expressed support for Mr. Tomaso's issues. He commented on the impact of chain commercial businesses on small-town pre-existing businesses. He asked whether the competition will be equal, given the City's support for this project. He encouraged the Commission to check the streetscape sections of the Downtown Specific Plan because now would be a good time to begin the process. He asked the Commission to be sure that proper shoring is done, and that existing businesses be given the utmost respect. He suggested that perhaps the 3rd story should be used for the restaurant area, to capture the best views. He expressed concern about precedent if taller buildings are allowed, and he noted the City has many vacant storefronts already; they should be considered for assistance as well.

An unidentified speaker (neighboring property owner) commented on the need for respect for current businesses and residents, rather than giving preference to new developers.

Seeing no further speakers, Chair Kluber closed public comment on the item.

Rebuttal

Alan Dreyfus responded to comments/questions. Regarding the historic characteristics,

he noted that his goal is to make the addition as compatible as possible, with the least impact. He also discussed the design process, indicating they will mitigate the impacts as much as possible, and he commented on historic features that will be retained or restored. He agreed the CEQA process will be followed, including the specific requirements for historic properties.

Mr. Goldenberg introduced Spencer Sales from Webcor, who discussed reinforcement issues for neighboring buildings. Commissioner Burt asked about his experience working in tight quarters with buildings as old as this one. Mr. Sales agreed any construction project should work with the neighbors to resolve issues, and he indicated the City will also be involved in the construction planning process.

John Till, legal counsel, mentioned that the markings on the pavement, etc, referred to by Mr. Tomaso were required to ensure public safety in taking the necessary soil samples, etc. The markings can be removed, however, if necessary. He also commented on insurance issues with URM buildings, stating that reinforcing this building will be a benefit for neighboring businesses.

Ms. Majors noted that the current URM ordinance is voluntary, and current compliance is at 50%. She acknowledged cost issues for building owners, especially given the City's rental rates.

Mr. Goldenberg noted that there will be some inconvenience from the retrofit process. He also commented this project will bring needed revitalization to the community, and the goal is not to destroy existing businesses, but rather to improve the community and bring more people to the downtown to benefit existing businesses as well as new ones.

Mr. Sales indicated he had taken detailed notes, and they will be taken into consideration as the process moves forward.

Commissioner Hughes agreed revitalization of the business district is important. He asked about the location of the trash receptacles in the public right-of-way. He also commented on the need to balance the needs of the applicant with those of the community.

Mr. Sales discussed his experience with similar designs, noting he would prefer putting the trash enclosure in the alley if the neighbor is agreeable. He confirmed it will be enclosed with landscaping and high venting.

Commissioner Hughes expressed concern about mitigating the height impacts; he stated that story poles might be helpful.

Vice Chair Korbmacher commented on the benefit of study sessions. He expressed support for the whole concept of the project, giving special appreciation for the historic preservationist on the team. He said he would like to see the possible seating layout, and

he would support outdoor seating. He noted that an existing restaurant can apply for a use permit to allow outdoor seating there as well. He was confident that there would be sufficient customers. He also agreed that the diagonal parking should continue across 610 Court Street, and he said he could support street side trash receptacles or an alley location if the neighbor will allow it.

Commissioner Avila expressed appreciation for the design team and excitement about the prospects. She indicated she would defer the architectural details, etc. to the Design Review Committee, expressing confidence that an aesthetically pleasing product would. She was unsure about the awning's appearance over time. For historic preservation, she thought it would be best to keep the original style and materials on the 3rd floor. She was concerned about the garbage also; she would rather see another solution.

Commissioner Marchiano thanked the design team and the citizens also. He stated that he supports revitalization, especially of this corner as an entryway to the City. He thought that in the long run this project will enhance the block and be good for all the businesses in the area. He also agreed the trash location should be carefully considered.

Commissioner Burt noted the building has been getting shabby for some time now; she was glad to see the new design but agreed the Design Review Committee should look at it and make recommendations. She acknowledged that awnings can decline in appearance over time, but she agreed there should be something there. Commissioner Burt also noted there used to be four Italian restaurants in the City, and the City should be able to support at least two. She acknowledged that change may be difficult but it's time to begin to enhance the City again. She encouraged the applicant and neighbors to show mutual respect.

Commissioner Burt also thanked Kristen Henderson for her questions and her support for the developer. She agreed the trash enclosure is a real concern for her. Commissioner Burt confirmed with Mr. Tomaso that the applicant has asked about locating it in the alley; Mr. Tomaso said yes, but he would not allow.

Chair Kluber thanked staff, the development team and members of the public for their input, especially Kristen Henderson. He asked what Bill Sharkey would do with the building if he were here, noting he was an entrepreneur and would have moved forward with the times. He agreed historic preservation is important also. He noted the project seems to be coming down to two issues: outdoor seating and the location of the trash enclosure. He would like to see alternative iterations for both. He also noted there is currently a tenant in the building; he thinks they should be given first option to use the second floor for their gallery.

Ms. Majors noted the Martinez Arts Association currently pays \$1 a month for rental of 630 Court Street, and they are planning to move to the train depot.

At Commissioner Burt's request, Ms. Majors reviewed the next steps in the process. The Commission briefly discussed the possibilities.

COMMISSION ITEMS

Chair Kluber asked about installation of new officers. Staff agreed to put it on the next agenda.

On motion by Harriett Burt, Planning Commissioner, seconded by Michael Marchiano, Planning Commission Alternate, the Commission present voted to agendize "Installation of Officers" on the next agenda. Motion unanimously passed 6 - 0. Yes: Frank Kluber, Chair, Fred Korbmacher, Vice Chair, Ana Marie Avila-Farias, Planning Commissioner, Harriett Burt, Planning Commissioner, Mark Hughes, Planning Commissioner, and Michael Marchiano, Planning Commission Alternate.

STAFF ITEMS

Ms. Majors introduced Terry Blunt, new Planning Manager, and discussed his qualifications and job priorities.

COMMUNICATIONS

Chair Burt asked about senior housing. Ms. Majors said it depends on the state budget. She encouraged the Commission to attend the meeting at the Senior Center Thursday night, January 29, 2009.

Meeting adjourned at 9:40 p.m. to the next regular meeting, February 10, 2009.

Respectfully submitted,

Approved by the Planning Commission
Chairperson

Transcribed by, Mary Hougey

Frank J. Kluber