

Planning Commission Minutes
Regular Meeting
August 11, 2009
Martinez, CA

CALL TO ORDER

Chair Kluber called the meeting to order at 7:00 p.m. with all members present except Commissioners Avila, Busby, and Marchiano, who were excused.

ROLL CALL

Present: Commissioners Donna Allen, Harriett Burt, Rachael Ford, Jeff Keller & Chair Frank Kluber

Excused: Commissioners AnaMarie Avila Farias Lynette Busby & Michael Marchiano

AGENDA CHANGES

Chair Kluber asked for any agenda changes. Assistant City Manager/Director of Community & Economic Development Karen Majors asked if the Commission would like to pull item #2 from the Consent Calendar. She also noted that item #3 would be continued to the next meeting.

Commissioner Burt asked that item #2 be pulled from the Consent Calendar.

PUBLIC COMMENT

No public comment

CONSENT ITEMS

1. *Minutes of July 28, 2009, meeting.*

On motion by Donna Allen, Commissioner, seconded by Frank Kluber, Chair, the Commission present voted to approve the Minutes of July 28, 2009, meeting. (Commissioners Avila, Busby and Marchiano absent.)

2. *RCD Senior Housing - UP #09-01, DR #09-12
Adoption of resolution for the July 28, 2009, approval of a proposal to construct a 49 unit apartment project for seniors (55 years of age or older), with all rents restricted to affordable levels (i.e. all rents to be limited to 50% of Area Median Income, or less). Proposal required approval of a Use Permit to allow density and height above 17 units per acre, 2 story/30 ft height limit normally permitted in the DS - Downtown Shoreline zoning district. Applicant also requested a density bonus for affordable housing, pursuant to California Government Code Sections 65915-65918 to allow 49 units per acre where a maximum of 35 units would normally be permitted, and related concessions/incentives to requirements for useable open space, maximum site coverage and subdivision map. This project is located at 310 Berrellesa Street (block bounded by Berrellesa, Buckley, Richardson and Foster Streets). Applicant: Deni Adaniya, RCD (CS)*

Item moved from Consent Calendar to Regular Items.

REGULAR ITEMS

2. *RCD Senior Housing UP #09-01, DR #09-12 Adoption of resolution for the July 28, 2009, approval of a proposal to construct a 49 unit apartment project for seniors (55 years of age or older), with all rents restricted to affordable levels (i.e. all rents to be limited to 50% of Area Median Income, or less). Proposal required approval of a Use Permit to allow density and height above 17 units per acre, 2 story/30 ft height limit normally permitted in the DS - Downtown Shoreline zoning district. Applicant also requested a density bonus for affordable housing, pursuant to California Government Code Sections 65915-65918 to allow 49 units per acre where a maximum of 35 units would normally be permitted, and related concessions/incentives to requirements for useable open space, maximum site coverage and subdivision map. This project is located at 310 Berrellesa Street (block bounded by Berrellesa, Buckley, Richardson and Foster Streets). Applicant: Deni Adaniya, RCD (CS)*

Assistant City Attorney Veronica Nebb commented on the process regarding the public hearing on this project, which was closed at the last meeting. She stated that interested persons could only ask or speak about the Resolution before the Commission tonight.

Chair Kluber stated that there would be a 3-minute time limit for each speaker, unless another individual cedes their time.

DENI ADANIYA, RCD, indicated that they were available to answer any questions.

Chair Kluber opened public comment on the item.

BARBARA HAUNAFAN asked about the 49 units & 1 elevator. She was very concerned about there being only one elevator with so many units.

RICHARD VERRILLI commented that the Brown Act forbids the Commission to require that speaker cards be filled out. Ms. Nebb explained that the Chair can ask for speaker cards to be completed, but cannot deny someone the opportunity to speak if they refuse to fill out a card. She also noted that the person denied the opportunity to speak at the last hearing had ceded his time to another speaker.

MARTA VAN LOAN asked for an explanation in plain English about what can be talked about tonight. Ms. Nebb explained again.

KRISTEN HENDERSON questioned the legality on what could be discussed. She asked if the zoning amendment was discussed at the last hearing. She did not think the project complies with CEQA requirements.

BETH ISELMAN indicated she had retained an expert on land use law because of the very serious concerns. That expert says the project is not consistent with the Downtown Specific

Plan and will have a impact on historic resources, as well as serious noise issues. She asked the Commission to deny the project until all concerns have been addressed.

PAUL WILSON spoke about the inadequate mitigation measure regarding sound issues, specifically the train noise. He also discussed issues with the flood plain, the size of the building, the underground garage and view impacts. He expressed dissatisfaction with the disregard for the people living in the neighborhood.

MIKE ALFORD said he disagreed with Paul Wilson, and he likes the project. He also thinks putting the seniors in that area will give the town character, with easy access to the bus system for shopping. He noted there will be a restriction mandating senior housing at the site for at least 55 years. The City should be thankful for this project.

TIM PLATT confirmed that a letter he submitted for the July 28th meeting had been given to the Commission. He said he thought the project has merits, but this is the wrong location, and he suggested better locations. He reviewed his concerns regarding design criteria, housing types (not transitional or varied), impacts on historic resources, CEQA requirements, water supply and potential flooding.

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

Commissioner Burt noted that the Downtown Specific Plan (DSP) did provide for high-density housing in the area, although it preferred ownership housing to rental. She also stated that the railroad had been in the area for many years, and the train noise should not be a factor. She was concerned, however, about crossing issues. She asked about noise and safety issues with the truck traffic from the Telfer site.

Ms. Nebb responded that there was a noise study and a traffic study included with the staff report for the July 28th meeting. She noted that there would be no additional noise or traffic as a result of the project, and thus the impacts from existing traffic have already been considered.

Commissioner Burt asked whether the noise study considered the fact that some of the noise will be in the middle of the night. She questioned whether the buildings would be designed to minimize the noise levels in the units. Ms. Nebb responded that all the existing noise sources in the downtown were considered in developing the DSP, and the mitigation measures in the DSP will be applicable to this project as well.

Jill Williams, architect, KTG, reviewed the noise study done by the acoustical engineer. She also confirmed that any applicable design standards in the DSP would need to be verified by the City Building Department to ensure that the criteria are met.

Commissioner Allen asked for specifics about the performance standards set by the DSP. Ms. Nebb explained that the purpose of the noise study done by the applicant was to confirm to the City that the performance standards set by the DSP could be met. She referred to an exhibit included with the staff report that specified the requirements and the analysis of the project.

Planning Manager Terry Blount confirmed that City staff will have to verify that the mitigation standards will be met before construction can begin. Commissioner Allen acknowledged that, but said again she would have liked to have a list of the standards included with the staff report, so that the Commission would know what it was approving.

Chair Kluber added that the construction drawings will specify materials, etc., and if the standards are not met, building permits will not be issued.

Commissioner Allen asked to go on record that she strongly disagrees that the project is exempt from CEQA, and she does not think it is consistent with the housing goals and policies of the DSP; and since the type of housing proposed is not what was analyzed for the Plan, the CEQA analysis should be re-done. She also expressed concern that the project does not meet the requirements regarding density or allow for a better project with assemblage of land, and the project is not consistent with the design standards nor matches the scale of the existing neighborhood.

Commissioner Allen also said she did not think this type of project was ever envisioned by the DSP, nor did she think the necessary findings can be made for approval of the use permit. She was very concerned about the precedent that could be established if this project is approved.

Commissioner Ford asked Chair Kluber whether the Commissioners should keep their comments to the resolution itself rather than going back over all the issues.

Chair Kluber responded to a comment made at the last meeting by Commissioner Marchiano about the potential view impacts of the project. He discussed research he conducted in the meantime, concluding that the views to the waterfront and the hills would be enhanced by the relocation of the existing palm trees.

Chair Kluber asked that RCD rethink having palm trees in the courtyard area that will block the sky, instead open up natural light to the units. He asked them to consider creating privacy screening with trees that don't get very high. He referred to the Villa Del Sol project as an example.

Ms. Majors reviewed one of the recommendations in the report regarding limitations to the tree removals, subject to Design Review Commission approval. Chair Kluber said he would like to see the landscape plan in the future.

Commissioner Burt acknowledged that the noise issues are very important to her, and she cautioned staff and the applicant to ensure that the DSP standards are met, in order that the tenants are satisfied with their living environment. Any further comments she might make would be outside of the scope of the Resolution, although she noted that the Commission is now dealing with the economic realities of 2009, not the dreams of 2005. She was doubtful that anyone was even considering land assemblage in the area. She was supportive of the project.

On motion by Rachael Ford, Planning Commission Alternate, seconded by Jeff Keller, Commissioner, the Commission present voted to adopt the Resolution approving UP #09-01 and

DR #09-12, to construct a 49 unit apartment project for seniors (55 years of age or older), with all rents restricted to affordable levels (i.e. all rents to be limited to 50% of Area Median Income, or less). (Commissioner Allen voted no; Commissioners Avila, Busby and Marchiano absent.)

3. *City of Martinez - Zoning Text Amendment - Usable Open Space Public hearing to review proposed zoning text amendments to the Martinez Municipal Code that address the provision of Usable Open Space in certain residential developments (Section 22.12.250; Usable Open Space). Proposed changes would establish requirements for the provision of Usable Open Space within single-family subdivisions with lot sizes of 5,000 sq. ft. or less and all multi-family developments with three units or more. Based on the type of development, the proposed requirements for each unit's Private Usable Open Space would range from 60 sq. ft. to 500 sq. ft. Requirements for Common Usable Open Space would range from 150 sq. ft. to 250 sq. ft. per unit. Minimum dimensional requirements for Open Space areas are also proposed. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced. Applicant: City of Martinez (CS)*

Item continued to September 8, 2009.

Commission Burt asked if it would be noticed again. Staff stated it wasn't necessary, but it could be re-noticed if the Commission desires.

On motion by Donna Allen, Commissioner, seconded by Frank Kluber, Chair, the Commission present voted to continue the Item to the September 8, 2009 meeting. (Commissioners Avila, Busby and Marchiano absent.)

COMMISSION ITEMS

Chair Kluber asked about the old railroad station being turned into an art center. He asked when the building would be improved. Ms. Majors stated that federal funding was set aside for that, but the project does not actually qualify. She noted, however, that it might qualify for Measure WW funding under Cultural Resources.

Commissioner Burt asked if the Willows Theatre was still using the building for storage. Ms. Majors stated they were and it was being addressed.

Commissioner Allen asked when the Commission will discuss the possibility of using sandwich boards for noticing. Staff confirmed it would be on the next agenda.

Mr. Blount also announced there would be no other meetings in August.

STAFF ITEMS

None.

COMMUNICATIONS

Commissioner Burt asked about upcoming projects, which Ms. Majors reviewed. Ms. Majors

also mentioned a joint meeting with Council to discuss the Housing Element.

ADJOURNMENT

The meeting adjourned at 8:24 p.m. to the next regular meeting on September 8, 2009, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA 94553.

Respectfully submitted,

Approved by the Planning Commission Chairperson

Transcribed by Mary Hougey

Frank Kluber

DRAFT