



## MEMORANDUM

**TO:** PLANNING COMMISSION

**FROM:** Corey Simon, Senior Planner

**DATE:** September 8, 2009

**RE:** Public Hearing on 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. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced.

### **RECOMMENDATION**

Adopt PC Resolution No. 09-07 recommending to the City Council adoption of an Ordinance amending the Zoning Ordinance, Title 22, Chapter 4 (Definitions) And Chapter 12 (Residential Districts) of the Martinez Municipal Code relating to 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.

### **BACKGROUND and INTRODUCTION**

On July 23, 2009, the Planning Commission held a study session on possible updates to the City's requirements for Usable Open Space in residential developments, such as private yards, patios and balconies, as well as common playgrounds and turf areas. Staff presented regulations and guidelines from four other cities (Modesto, San Jose, Fairfield and West Hollywood) that have recently updated their standards and have addressed development of a scale relevant to Martinez. Using these agencies' regulations and guidelines as a guide, staff proposed thresholds for applicability and standards for minimum private and common Usable Open Space areas to be required in residential developments. The Commission was supportive of the proposal, and directed staff to prepare draft regulations for Commission review and action. The Draft regulations are provided as Attachment A. The study session staff report and meeting

minutes are provided as Attachments B and C.

On September 1, 2009, the Parks, Recreation, Marina, & Cultural Commission reviewed the current proposal and made some alternative recommendations to the Planning Commission regarding the minimum amount of private usable open space required for certain projects. Those recommendations are provided in a table as Attachment D.

## **DISCUSSION**

The following discussion topics are intended to help summarize the conclusions of the July study session, and provide an overview of the draft regulations now being proposed.

### **Topic 1: Types of projects to be regulated**

The proposed requirements for minimum Usable Open Space would apply to all:

- Single Family Residential projects with any minimum net lot size of 5,000 sq. ft. or less (i.e., “small lot” single family developments such as Glacier Classics at Glacier Drive and Center Avenue, and the unbuilt Trumark project at Howe Road and Parkway Drive).
- All Multiple Family Residential projects with three or more units. For the purposes of the proposed regulations, Multiple Family Residential shall be defined as “a building or portion of a building used and/or designed as residences for two or more families living independently of each other each with separate cooking facilities. It includes: duplexes, triplexes, fourplexes, apartments, townhomes, rowhouses, duets, and condominiums.” The recently completed 111 Haven Street and Villa del Sol projects in the downtown area would be within the proposed Multiple Family Residential definition.

### **Topic 2: Defining Usable Open Space**

For the purposes of the proposed regulations the term *Usable Open Space* refers to *outdoor recreation spaces*, both private open spaces unique to each separate residential unit (e.g., back yards, patios, decks and/or balconies) and common open space shared by all units within the development (e.g., tot lots and playfields).

At the July study session, Commission members shared staff’s concern that only those areas suitable for active recreational uses, or private passive recreational uses, be considered as Usable Open Space. As such, the following definition has been proposed:

*Usable Open Space* shall mean those level outdoor areas, with no more than 2% slope, including but not limited to lawns, patios, play equipment areas, picnic areas, swimming pools, sports courts, balconies, decks and/or roof decks which are designed to primarily serve as spaces for the outdoor relaxation and/or recreation of the residents. Usable

Open Space does not include:

- driveways, private streets or any paved areas designed primarily for uses other than recreation, including, but not limited to, utility areas, pathways and storage areas.
- linear areas with dimensions which render the area non-functional as recreational space. These include, but are not limited to, landscape strips adjacent to pathways and buildings.
- Any area with a depth or width less than six feet.

The above three exclusions would apply to the calculation of both Private and Common Useable Open Space areas. The following additional exclusions will only apply to the definition for Common Usable Open Space:

- non-recreational open space areas, both natural and engineered, which due to sloping topography and/or vegetation, are limited to only passive uses, such as walking and hiking trails.
- setback areas within Minimum Required Front and Street-side Yards.

Staff believes that by excluding these five types of areas from Usable Open Space calculations, non-recreational areas will be effectively excluded from consideration.

### **Topic 3: Three categories of projects, each with different requirements**

In researching the types of categories for which requirements are set, the following were common themes:

- The minimum requirement of overall open space per unit tends to be less as the project density increases.
- The requirements for private open space tend to be relatively more significant, than for common open space, for projects that are closer to conventional single family homes, such as “small lot” single family (Trumark), than for multi-family (apartment-style) projects. Requirements for common open space are conversely more significant than private open spaces for multi-family projects.

PROPOSED CATEGORIES ARE:

- Single Family Residential Projects, with any minimum net lot size of less than 5,000 sq. ft.
- Single Family Residential Projects, with any minimum net lot size of less than 3,000 sq. ft.
- Multiple Family Residential

#### **Topic 4: Private Usable Open Space Requirements**

Standards for minimum private open space are straight forward, in that for each unit within the three types of project categories recommended by Staff a minimum area is required. Unlike requirements for Common Usable Open Space, the only minimum threshold of “units within project” to trigger the below requirements is that a multiple family residential project must contain three units or more for them to apply:

- Single Family Residential Projects, with any minimum net lot size of less than 5,000 sq. ft. – Minimum 500 sq. ft. for each unit.
- Single Family Residential Projects, with any minimum net lot size of less than 3,000 sq. ft. - Minimum 120 sq. ft. for each unit.
- Multiple Family Residential - Minimum 60 sq. ft. for each unit.

#### **Topic 5: Common Usable Open Space Requirements**

Standards for minimum common open space areas tend to be less straightforward and more varied than for private open space. Typically, the greatest variable is the minimum thresholds for both the size of projects for which common open space is required, and what size of space is considered large enough to have any value. Generally, the need for common open space is greater for higher density (Multiple Family) residential projects than it is for lower density (“small lot” single family) projects. Often a threshold of more units is required to trigger a requirement for common open space areas at the lower densities, with the assumption that the desirability for a common open space area will be evident at a relatively lower threshold of higher density units, where there are both more people and each unit has smaller private open space areas. The desirability of common open space may be the most pronounced for the “very small lot” single family category, where relatively large units are intended for families, yet the opportunity for private open space areas will be relatively limited.

Based on the three categories proposed above, the following requirements are proposed:

- Single Family Residential Projects, with any minimum net lot size of less than 5,000 sq. ft.
  - **Requirement ONLY to apply to projects with 25 or more units**
  - **A minimum of 200 sq. ft. per unit is required; Minimum Area of 5,000 sq. ft.**
  - **no dimension of less than 50’ permitted**
- Single Family Residential Projects, with any minimum net lot size of less than 3,000 sq. ft.
  - **Requirement ONLY to apply to projects with 13 or more units**
  - **A minimum of 250 sq. ft. per unit is required; Minimum Area of 3,250 sq. ft.**
  - **no dimension of less than 40’ permitted**

- Multiple Family Residential
  - Requirement ONLY to apply to projects with 9 or more units
  - A minimum of 150 sq. ft. per unit is required; Minimum Area of 1,350 sq. ft.
  - no dimension of less than 30' permitted

### **Topic 6: Exceptions for Flexibility**

As part of a Planned Development approval, or as a separate Use Permit application in cases where a Planned Development application is not being made, the Planning Commission can approve exceptions to the proposed Usable Open Space requirements, subject to the Commission's ability to make the following finding:

- The recreational and open space needs of the future residents of the project are adequately served without the provision of Usable Open Space within the project. Factors that may be considered by the review authority include:
  - The proximity of existing public recreation facilities to the proposed project;
  - The nature of existing and planned recreational facilities in proximity to the proposed project;
  - The size and nature of non-recreation open space areas to be contained within the project, such as extensive landscaped areas and/or naturalistic open space areas; and
  - The anticipated residents of the proposed project such as seniors or families with children.

### **ATTACHMENTS**

- A. Draft Regulations
  - B. Study session staff report, June 23, 2009
  - C. Study session meeting minutes, June 23, 2009
  - D. Parks, Recreation, Marina, & Cultural Commission recommendations, September 1, 2009
- Draft Resolution

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## USABLE OPEN SPACE STANDARDS

September 8, 2009 - DRAFT ZONING CODE CHANGES

PROPOSED NEW CODE SHOWN AS: Proposed new rules  
 PROPOSED DELETED CODE SHOWN AS: ~~Text to be deleted~~

### PART I DELETED AND NEW DEFINITIONS

#### ~~22.04.560 Usable Open Space.~~

~~"Usable open space" means outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, recreation, utility space, pedestrian access or landscaping. Such areas:~~

- ~~A. Shall not include off street parking space or driveways;~~
- ~~B. Shall not include the required front yard nor the street side yard of any corner lot, except that any portion of such yard which is located beyond the first 16 feet may be included if it meets all other qualifications of usable open space;~~
- ~~C. Shall have a minimum dimension of 12 feet in any direction and a minimum of area of 200 square feet, provided:~~
- ~~1. Balconies may be included if they have a minimum dimension of 7 feet and a minimum area of 80 square feet, and~~
  - ~~2. Roof, deck and/or porch areas may be included if they have a minimum dimension of 10 feet and a minimum area of 120 square feet and are designed to be accessible to and usable by the occupants of the building(s). (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,102.4(55).)~~

#### 22.04.391 – Multiple Family Residential

"Multiple Family Residential" means a building or portion of a building used and/or designed as residences for two or more families living independently of each other each with separate cooking facilities. Includes: duplexes, triplexes, fourplexes, apartments, townhomes, rowhouses, duets, and condominiums.

#### 22.04.500 – Single Family Residential

"Single Family Residential" means a building designed for and/or occupied exclusively by one family.

## PART II AMENDMENTS TO EXISTING REGULATIONS

### 22.12.250 Usable Open Space.

~~The minimum usable open space per dwelling unit for multifamily residential structures in residential districts shall comply with the provisions in Table I.~~

~~TABLE I~~

<del>District</del>	<del>Minimum Usable Open Space Per Dwelling Unit</del>
<del>R-1.5</del>	<del>400 square feet</del>
<del>R-2.5</del>	<del>450 square feet</del>
<del>R-3.5</del>	<del>500 square feet</del>

A. Applicability. The requirements for minimum Usable Open Space set forth in this section shall apply to the following types of developments:

1. Single Family Residential projects with any minimum net lot size less than 5,000 sq. ft.
2. All Multiple Family Residential projects with three or more units.

B. Definitions. For the purposes of this Section, the following words and phrases shall have the meaning, and conform to the minimum standards respectively ascribed to them below:

1. “*Usable Open Space*” shall mean those level outdoor areas, with no more than 2% slope, including but not limited to lawns, patios, play equipment areas, picnic areas, swimming pools, sports courts, balconies, decks and/or roof decks which are designed to primarily serve as spaces for the outdoor relaxation and/or recreation of the residents. Usable Open Space does not include:
  - a. driveways, private streets or any paved areas designed primarily for uses other than recreation, including, but not limited to, utility areas, pathways and storage areas.
  - b. linear areas with dimensions which render the area non-functional as recreational space. These include, but are not limited to, landscape strips adjacent to pathways and buildings.
  - c. Any area with a depth or width less than six feet.
2. “*Usable Open Space, Private*” shall mean those Usable Open Space

Areas directly abutting a dwelling unit that is intended for the private use of the unit's occupants. Private Usable Open Space Areas shall be delineated and partially or wholly screened from public and common areas by railings, fences and or vegetation conforming to Section 22.34.090; Fences, Walls and Hedges. Each individual unit's Private Usable Open Space shall conform to one or more of the following definitions:

- a. *"Deck"* or *"Balcony"* shall mean a partially enclosed outdoor platform, accessible only from the interior living spaces of the adjoining upper level unit.
  - b. *"Porch"* shall mean a partially enclosed outdoor platform, adjacent to the pedestrian entry for the adjacent unit and for the sole use of the adjacent unit, a minimum of 18" above grade.
  - c. *"Patio"* shall mean a partially enclosed outdoor paved area, directly accessible from the interior living spaces of the adjacent unit and for the sole use of the adjacent unit, generally adjacent to common open space areas.
  - d. *"Yard"* shall mean an open area, separated from adjacent units' yards and/or open space areas with fencing or hedges, directly accessible from the interior living spaces of the adjacent unit and for the sole use of the unit, generally at the rear of the unit, with no dimension less than 10'.
3. *"Usable Open Space, Common"* shall mean those Usable Open Space Areas within a residential project designed and set aside for use by all the occupants of the development. Such Usable Open Spaces are not dedicated to the public and are to be owned and maintained by the owner(s), either as part of an un-subdivided or common interest development. Usable Open Space, Common shall not include:
- a. non-recreational open space areas, both natural and engineered, which due to sloping topography and/or vegetation, are limited to only passive uses, such as walking and hiking trails.
  - b. setback areas within Minimum Required Front and Street-side Yards.

C. Minimum Usable Open Space Requirements:

1. Area Required. All Multiple Family Residential and Single Family Residential projects to which this section is applicable in accordance with A above, shall provide both Minimum Private and Common Usable Open Space as set forth in Table I.

TABLE I

Project type		Minimum Private Usable Open Space	Minimum Common Usable Open Space
Single Family Residential Projects, with any minimum net lot size of less than 5,000 sq. ft.	Projects of 25 or more units	500 sq. ft.	200 sq. ft./unit <sup>1</sup>
	Projects of less than 25 units	500 sq. ft.	[None Required]
Single Family Residential Projects, with any minimum net lot size of less than 3,000 sq. ft.	Projects of 13 or more units	120 sq. ft.	250 sq. ft./unit <sup>2</sup>
	Projects of 12 or fewer units	120 sq. ft.	[None Required]
Multiple Family Residential	Projects of 9 or more units	60 sq. ft.	150 sq. ft./unit <sup>3</sup>
	Projects of 8 or fewer units.	60 sq. ft.	[None Required]

<sup>1</sup> Minimum Area of 5,000 sq. ft., with no dimension less than 50', required

<sup>2</sup> Minimum Area of 3,250 sq. ft., with no dimension less than 40', required

<sup>3</sup> Minimum Area of 1,350 sq. ft., with no dimension less than 30', required

2. Exceptions to the requirements of this Section may be granted with the approval of a Use Permit (Section 22.40) or as part of a Planned Development District (Section 22.42). In addition to the standards for Use Permit and/or Planned Development approvals, approval of an exception shall also require the review authority to make the following additional finding:
  - a. The recreational and open space needs of the future residents of the project are adequately served without the provision of Usable Open Space within the project.
  - b. Factors that may be considered by the review authority include:
    - i. The proximity of existing public recreation facilities to the proposed project;
    - ii. The nature of existing and planned recreational facilities in proximity to the proposed project;
    - iii. The size and nature of non-recreation open space areas to be contained within the project, such as extensive landscaped areas and/or naturalistic open space areas; and
    - iv. The anticipated residents of the proposed project such as seniors or families with children.
3. For projects that are part of a Planned Development, approval for an exception as allowed in subsection 2, above, the City may require the additional payment of funds for public park lands and facilities, above and up to double what would otherwise normally be required as Park in Lieu fees by Chapter 21.46: Park Dedication, and Section 22.55: Impact Mitigation Fees.



## MEMORANDUM

**TO: PLANNING COMMISSION**

**FROM: Corey Simon, Senior Planner**

**DATE: June 23, 2009**

**RE: Study Session on possible code amendments to update the minimum requirements for common and private open space for all multi-family projects and single-family projects requiring Planned Development approval.**

### BACKGROUND and INTRODUCTION:

The City's last compressive zoning code update was in 1975. Since that time most of the City's zoning code revisions have been concerned with relatively narrow issues (e.g. recreational vehicle parking restrictions). Over the years, the more broad body of regulations has become increasingly out-of-date and while not necessarily obsolete, some of these regulations and processes hamper the City's ability to efficiently address the review of development applications. Given the built-out nature of Martinez, the problem has become most evident in requests to approve in-fill residential developments, where economic and marketing realities have often led developers to seek higher densities than exist in the surrounding area and is allowed by the current zoning.

Last October, the Planning Commission held a study session to address two issues in need of review:

- The process by which Planned Developments (requiring wholesale exceptions to a zoning district's development standards) are reviewed; and
- The Zoning Ordinance's lack of meaningful standards for outdoor recreational open space (such as private yards, patios and balconies, as well as common playgrounds and turf areas) and how standards can be made a requirement of a Planned Development.

Based on anticipated new applications, the issue of open space standards appears to be the more pressing of the two.

## **DISCUSSION**

The following discussion topics are framed in the form of broad questions, to assist with focusing in on the standards needed to be developed. Following the questions, and suggested recommendations and options where appropriate, are tables outlining the regulations and/or guidelines of four other cities (Modesto, San Jose, Fairfield and West Hollywood) that have recently updated their standards and have addressed development of a scale relevant to Martinez. A copy of the City's current regulations is also attached.

### **Question 1: What type of open space should minimum standards be set for?**

When the topic of minimum open space standards was raised in the past, the City was concurrently processing applications regarding the preservation of natural open space areas (e.g. Frietas property at Vine Hill Way and the former Phillips property at Lindley Drive), so staff then proposed the term *outdoor recreation spaces* to distinguish fully improved private and common open spaces found within developments from these natural open spaces. In reviewing the standards from other cities, the term *open space* was universally used, so for the purposes of this report the term *open space* will be used, acknowledging that within the context of this discussion, the term is the equivalent to the term *outdoor recreation spaces*. Staff proposes to include both private (passive) open space (back yards, patios, decks and or balconies) and common (active) open space (tot lots and playfields) under the general heading of open space. An important distinction from the City's current regulations is used for this discussion--the omission of all non-recreational spaces (e.g. utility space, pedestrian access or landscaping) from the calculations.

### **Question 2: What are the shortfalls of the City's current regulations?**

- Small-lot single family projects are not regulated. The City's current open space requirements only apply to multi-family residential structures in the three zoning districts where such are permitted (R-1.5, R-2.5 and R-3.5). When these regulations were adopted in 1975, it was probably assumed that adequate private open space was automatically provided within the minimum required rear yard of the individual homes, which were typically built on 6,000 sq. ft. lots. But the City's recent deliberations in 2006 over Trumark's Paseos project on Howe Road (approved, but not built) showed that the concept of a single-family home had changed over time, where through the Planned Development process developers were seeking approval for fully detached homes on lots of only approximately 2,000 sq. ft. While such lots allowed homes to have nominal yards, such are typically too small to function as individual back yards that provide adequate private open spaces (just outside the City limits, O'Brien Homes ongoing Belmont Terrace project on Pacheco Boulevard is a good current representation of this type of small-lot single family development; the Glacier Classics neighborhood from the early 2000's at Glacier Drive and Center Avenue is an older but more spacious example).

The general consensus at the conclusion of the Paseos hearing process was that for

such small-lot projects there should be standards for private open space within each individual lot (such as usable yards and/or front porches), as well as common open space (such as a play equipment, picnic areas, etc.) for the entire development.

- Current standards for multi-family projects are not effective. While the current standards technically apply to all multi-family projects, the definition of usable open space makes them ineffective in the intended goal of establishing minimum requirements for open spaces areas for recreation and relaxation. The current definition of usable open space includes areas devoted to utility space, pedestrian access and landscaping.

### **Question 3: What categories should minimum requirements be set for?**

One of the first questions to consider in establishing open space standards would be establishing a sliding scale for which minimum requirements are set. Of the four cities used as examples, as well as the City's current standards, some common themes and staff observations are:

- The minimum requirement of overall open space per unit tends to be less as the project density increases.
- The requirement for private open space tends to be greater for projects that are closer to conventional single family homes, such as Courtyard (Belmont Terrace) and Paseo (Trumark) than multi-family (apartment-style) projects.
- For those cities that categorize their standards by zoning district (Martinez and Fairfield) requirements are reduced in the districts that allow higher density, regardless of the individual project's density.
- Cities that organize their standards by housing type, such as San Jose's, with terms like "Rowhouses," "Garden Housing," and "Cluster Housing," may have a difficult time applying its requirements as housing markets continue to evolve, and future housing configurations do not fit today's categories.

#### Recommendations:

- Requirements should not be based on zoning district, but rather on type of project. Through the Planned Development process, multi-family projects can be built in any zoning district, and limiting standards to the R-1.5/2.5/3.5 districts would exempt such projects. Furthermore, some projects will underutilize a high density district, such as the Paseos project where small-lot single family homes were approved within the R-1.5 district, which would have historically been developed with high density apartments.
- Categories of projects should be simple and objective. Only three are recommended:
  - 1) Single-family detached subdivisions, with minimum net lot sizes of between 3,000 and 5,000 sq. ft.
  - 2) Single-family detached subdivisions, with minimum net lot sizes of less than 3,000 sq. ft.

- 3) All multi-family developments, including but not limited to: attached single-family houses, townhomes, rowhouses, duets, condominiums and apartments. Typically, most public agencies do not apply open space requirements to duplexes.

To simplify the following discussions, staff has organized the topics using the above three categories.

**Question 4: What should minimum private open space requirements be?**

Standards for minimum private open space are usually very straight forward, in that for each unit within the accepted category (e.g. a zoning district, or the three types of project categories recommended by Staff) a minimum area is required. The following are some possible standards and recommendations:

- 1) Single family homes on 3,000-5,000 sq. ft. lots: Given that traditional yards are possible in homes in such projects, minimum standards could range from 400 sq. ft. (San Jose) to 500 sq. ft. per unit (Modesto). A minimum dimension of 15' is also common.
  - A recommended minimum of 500 sq. ft. would result in a minimum rear yard of approximately 25' x 20' per unit.
- 2) Single family homes with lots of less than 3,000 sq. ft.: Traditional yards may or may not be possible in homes within such projects; for example, yards within the Trumark Paseos projects were basically side yard service areas, ranging in width from 3' to 7'. As an alternative, such projects could be required to provide homes with front patios or porches. While these types of private open spaces are not traditionally behind tall fences as they might be in a rear yard, such private areas can be partially screened and physically separated from public and/or common areas, providing a useful private open space area.
  - For these types of very small lot projects, standards for private open space are yet to be common. A possible minimum standard could be to require each unit to have either a front porch or patio, or very small fenced yard, ranging in size from 80 sq. ft. to 150 sq. ft., with a minimum dimension ranging from 7' to 10'.
- 3) Multi-family units: Requirements for ground level patios and upper level decks and/or balconies are common, with minimum standards ranging from 100 sq. ft. (West Hollywood) to 120 sq. ft. per unit (Fairfield). Minimum dimensions of 6', 7' and 10' are also common. In Martinez, since there had been almost no multi-family construction in recent decades until the construction of townhomes at 1111 Haven Street and Vila Del Sol at Berrellesa Street at Marina Vista, the issue has largely been moot. As Planned Developments, the two projects above were approved without private open space, and there was no opposition to these proposals. But the relative small size of the two projects (12 and eight units, respectively) and their proximity to Downtown may have made the lack of such spaces seen reasonable.

But the provision of such spaces may be seen as having value to future projects built at higher densities and/or further from Downtown and existing parks and public open spaces.

- A typical standard mandates a minimum 6' x 10' sized deck for each unit. Such a standard could be waived for projects under a certain size (e.g. less than five units) or waived for projects within a certain geographical area with a relatively higher level of public amenities (such as within the Downtown Specific Plan Area).

#### **Question 5: What should minimum common open space requirements be?**

Standards for minimum common open space areas tend to be less straight forward and more varied than for private open space. The ways minimum requirements can be organized are: a percentage of total site area (Fairfield), a minimum sized area per ranges of project size, in number of total units within a project (West Hollywood) or as an aggregation of a requirement of area per unit (Modesto and San Jose). Some combination of the *minimum size of common open space per project size* approach (West Hollywood) and the aggregation of *minimum area per each unit* approach (Modesto and San Jose) appears to have the most utility for ease of implementation.

Other variables more related to standards for minimum common open space than for private are the minimum thresholds for both the size of projects for which common open space is required, and what size of space is considered large enough to have any value. West Hollywood has very low thresholds, requiring common open space for projects with three units or more, and requiring as a minimum a relatively small space of only 200 sq. ft. (an area of approximately 14' x 14'). In comparison, San Jose has relatively large thresholds, requiring common open space for small lot projects with 21 units or more at a rate of 150 sq. ft./unit, thus requiring a relatively large minimum space of 3,150 sq ft. Modesto's small lot standards have similar thresholds, requiring common open space for small lot projects with 15 units or more at a rate of 300 sq. ft./unit, thus also requiring a relatively large minimum space of 4,500 sq. ft. Based on the three categories recommended by staff, the following offers some possible standards:

1) Single family homes on 3,000-5,000 sq. ft. lots: Given that homes in such projects can provide traditional yards that are closer in size to those found in conventional subdivisions the need for common open space may not be great, as the individual private yard areas can at least accommodate some of the amenities associated with the traditional back yard of a single-family home. A relatively large minimum number of units to trigger common open space requirements may be appropriate, as only those larger amenities, which would not fit in a back yard, may be desired:

- A minimum threshold, requiring common open space only for projects with 25 units or more, at a rate of 200 sq. ft./unit, is recommended. Such a standard would result in a relatively large minimum space of 5,000 sq. ft. A requirement that the 5,000 sq. ft. area be contained with a rectangle, with a minimum dimension of 50' is also recommended. Such a sized area could accommodate a

play area or small pool/spa.

2) Single family homes with lots of less than 3,000 sq. ft.: Given that traditional yards may or may not be possible in homes within such projects, the need for common open space is greater than with more traditional single-family home projects discussed above. Given that the requirements for private open space areas are generally less than the above category, the requirement that greater common open space be provided should be considered. It is also important to note that since homes in this category may not include private yards, there will be a greater need for common open space to accommodate such amenities:

- A minimum threshold, requiring common open space for projects with 13 units or more, at a rate of 250 sq. ft./unit, is recommended. Such a standard would result in a minimum space of 3,250 sq ft. A requirement that this area be contained within a rectangle with a minimum dimension of 45' is also recommended. An area of such size can accommodate a picnic area or small play area. Had the City been able to impose this proposed standard on the 70-unit Trumark Paseos project, approximately .4 acres would have been required, almost double the amount ultimately approved.

3) Multi-family units: During the discussions regarding projects such as the townhomes at 1111 Haven Street and Vila Del Sol at Berrellesa Street at Marina Vista, the possible inclusion of common open space was not pursued, as it was felt small common open spaces would not add a valuable amenity for the residents of these projects. But as previously discussed, such spaces may be seen as having value within future projects built at higher densities and/or further from Downtown and existing parks and public open spaces. In addressing the question of how small is too small, established recreation planning standards rarely recognize spaces less than 500 sq. ft. (an area of 22.36' x 22.36') as having any possible value; others place the minimum as high as 2,500 sq. ft. (an area of 50' x 50'). Minimum requirements based on area per unit requirements of between 50 to 150 sq. ft. are common:

- A minimum threshold, requiring common open space for projects with nine units or more, at a rate of 150 sq. ft./unit, is recommended. Such a standard would result in a minimum space of 1,350 sq ft. A requirement that this area be contained within a rectangle with a minimum dimension of 30' is also recommended. An area of such size can accommodate a small picnic area or tot's play area.

#### **Question 6: Can private and common open space requirements be combined?**

While some cities, such as San Jose, allow a type of mix and match of private and common open space areas to arrive at a total open space per unit requirement, such standards may make it harder to administer any new standards once adopted, as well as possibly foster, rather than hinder, using small left over spaces as amenities. Furthermore, both the Planned Development and variance processes will always

provide needed flexibility for special situations. The Planned Development allows applicants with relatively large projects the ability to provide evidence that alternate standards would be effective in providing the desired open space.

### **Question 7: Regulations as opposed to Guidelines?**

As a final question, it should be noted that while the Cities of West Hollywood and Fairfield have enacted standards as regulations adopted by ordinance, San Jose and Modesto have adopted guidelines, adopted by resolution. Guidelines are typically more effective in implementing more qualitative (e.g. not numerical) policies, such as design review, where a great amount of flexibility is desirable. Quantifiable requirements, such as the proposed open space requirements, intrinsically lend themselves to implementation through ordinance. Staff recommends the adoption of standards, because as stated above, both the Planned Development and variance processes will always provide needed flexibility for special situations.

### **RECOMMENDATION AND ACTION**

Review recommendations, accept public comment, and provide input and direction to staff.

### **ATTACHMENTS**

Martinez's existing open space regulations

Tabular summation of the following Cities' open space requirements:

- San Jose
- Fairfield
- Modesto
- West Hollywood

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**CITY OF MARTINEZ- EXISTING OPEN SPACE REGULATIONS**

**22.04.560 Usable Open Space.**

*"Usable open space" means outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, recreation, utility space, pedestrian access or landscaping. Such areas:*

- A. Shall not include off-street parking space or driveways;*
- B. Shall not include the required front yard nor the street side yard of any corner lot, except that any portion of such yard which is located beyond the first 16 feet may be included if it meets all other qualifications of usable open space;*
- C. Shall have a minimum dimension of 12 feet in any direction and a minimum of area of 200 square feet, provided:*
  - 1. Balconies may be included if they have a minimum dimension of 7 feet and a minimum area of 80 square feet, and*
  - 2. Roof, deck and/or porch areas may be included if they have a minimum dimension of 10 feet and a minimum area of 120 square feet and are designed to be accessible to and usable by the occupants of the building(s). (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,102.4(55).)*

**22.12.250 Usable Open Space.**

*The minimum usable open space per dwelling unit for multifamily residential structures in residential districts shall comply with the provisions in Table I.*

**TABLE I**

<b>District</b>	<b>Minimum Usable Open Space Per Dwelling Unit</b>
<i>R-1.5</i>	<i>400 square feet</i>
<i>R-2.5</i>	<i>450 square feet</i>
<i>R-3.5</i>	<i>500 square feet</i>

(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,103.14.)

**CITY OF SAN JOSE, Open Space Guidelines, SMALL LOT & MULTI-FAMILY**

(ORGANIZED BY HOUSING TYPE)	Private	Common	TOTAL
<p><b>Courtyard/Paseo Homes</b> (small lot single family)</p> <ul style="list-style-type: none"> <li>units are un-attached on all sides</li> <li>vehicular access from parking court or alley</li> <li>front door may be from vehicular court or from paseo pathway</li> <li>8-16 du/acre (from 5,000 sq. ft. down to 3,000 sq. ft. site area/unit)</li> <li>Individual lot sizes less than 3,500 sq. ft. down to 2,000 sq. ft.</li> </ul>	<p><u>400 sq. ft.</u>  (minimum dimension 15'; typical space would be 20' x 20' or 15' x 27')</p>	<p><u>150 sq. ft./per unit</u>  (3,150 sq. ft. minimum)*</p> <p>*only required for projects with more than 20 units - thus a 21 unit project would require a 3,150 sq. ft. area.</p>	<p><u>400 sq. ft./per unit</u> (projects of 20 unit or less)</p> <p><u>550 sq. ft./per unit</u> (projects of 21 units or more)</p>
<p><b>Rowhouses/Townhomes</b> (attached single family)</p> <ul style="list-style-type: none"> <li>units attached on one or more sides, but never stacked</li> <li>vehicular and front door access from street, parking court or alley</li> <li>10-20 du/acre (from 4,500 sq. ft. down to 2,500 sq. ft. site area/unit)</li> <li>Individual lot sizes less than 2,500 sq. ft. down to 1,000 sq. ft.</li> </ul>	<p><u>300 sq. ft.</u>  (minimum dimension 15'; typical space would be 17½' x 17½' or 15' x 20')</p>	<p>For project with 21 or more units, the 150 sq. ft. per/unit common open space requirement can be waived if the an additional 150 sq. ft. area is provided as private space</p> <ul style="list-style-type: none"> <li>"The Common &lt;open space&gt; requirement may be reduced if the project is located in close proximity to a public park."</li> </ul>	<p><u>300 sq. ft./per unit</u> (projects of 20 unit or less)</p> <p><u>450 sq. ft./per unit</u> (projects of 21 units or more)</p>

62

CITY OF SAN JOSE, Open Space Guidelines, SMALL LOT & MULTI-FAMILY			
(ORGANIZED BY HOUSING TYPE)	Private	Common	TOTAL
<p><b>Flats &amp; Stacked Units</b> (multifamily on ground)</p> <ul style="list-style-type: none"> <li>units attached on one or more sides, and vertically stacked</li> <li>vehicular typically in common lots</li> <li>front door is typically from walk up court</li> <li>16-29 du/acre (from 2,500 sq. ft. down to 1,500 sq. ft. site area/unit)</li> </ul>	<p><u>60 sq ft.</u></p> <p>(minimum dimension 6'; typical space would be 8' x 8' or 6' x 10')</p>	<p><u>200 sq. ft./per unit</u></p> <ul style="list-style-type: none"> <li>"Required common &lt;open space&gt; requirement may be reduced by an area equivalent to the amount of private open space in excess of 60 sq. ft."</li> <li>"Projects with fewer than 8 units need not have common open space, provided that <u>each ground floor unit</u> has at least 120 sq. ft. of private &lt;open space&gt;."</li> </ul>	<p><u>60-120 sq. ft./per unit</u> (projects of 7 units or less)</p> <p><u>260 sq. ft./per unit</u> (projects of 8 units or more)</p>
<p><b>Urban &amp; Mixed Use</b> (multifamily on podium)</p> <ul style="list-style-type: none"> <li>units attached on one or more sides, vertically stacked, and on top of podium with parking or non-residential uses below</li> <li>front door is typically from walk up court, or interior hallway</li> <li>20-35 du/acre (from 2,000 sq. ft. down to 1,250 sq. ft. site area/unit)</li> </ul>		<p><u>100 sq. ft./per unit</u></p>	<p><u>160 sq. ft./per unit</u></p>

**CITY OF FAIRFIELD, Open Space Regulations, SMALL LOT & MULTI-FAMILY**

<b>(ORGANIZED BY ZONING DISTRICT &amp; HOUSING TYPE)</b>	<b>Private</b>	<b>Common</b>	<b>TOTAL</b>
<p><b>RLM District - Small Lots</b></p> <ul style="list-style-type: none"> <li>• units are either un-attached or units attached on one or more sides, but never stacked</li> <li>• 4½--8 du/acre (from 9,500 sq. ft. down to 5,000 sq. ft. site area/unit)</li> <li>• Individual lot sizes less than 2,500 sq. ft. down to no minimum for attached units</li> </ul>	<p><u>450 sq. ft.</u></p> <p>(minimum dimension 13'; typical space would be 15' x 30' or 13' x 35')</p>	<p><u>5% of net project area*</u></p> <p>*only required for projects with more than 20 units</p>	<p><u>450 sq. ft./per unit</u> (projects of 20 unit or less)</p> <p><u>450 sq. ft./per unit + common area (variable)</u> (projects of 21 units or more)</p>
<p><b>RM District - Small Lots</b></p> <ul style="list-style-type: none"> <li>• units are either un-attached or units attached on one or more sides, but never stacked</li> <li>• 8-15 du/acre (from 5,000 sq. ft. down to 3,000 sq. ft. site area/unit)</li> <li>• Individual lot sizes less than 2,500 sq. ft. down to no minimum for attached units</li> </ul>			

CITY OF FAIRFIELD, Open Space Regulations, SMALL LOT & MULTI-FAMILY			
(ORGANIZED BY ZONING DISTRICT & HOUSING TYPE)	Private	Common	TOTAL
<b>RLM District - Multi-family</b> <ul style="list-style-type: none"> <li>units attached on one or more sides, and vertically stacked</li> <li>up to 8 du/acre (down to 5,000 sq. ft. site area/unit)</li> </ul>	<u>60 sq. ft. - upper level</u>  <u>120 sq. ft. - ground level</u> (minimum depth of patio is 10' typical ground level space would be 10' x 12')	<u>50% of net project area*</u>  "not less than 50% of the required common open space in shall be useable having a minimum dimension of 20' x 35' and be improved for passive or active open space"  [de-facto minimum of <u>25% net project area with 700 sq. ft. minimum</u> ]*  *only required for projects with more than 4 units - thus a 5 unit project would require a 700 sq. ft. area	<u>60-120 sq. ft./per unit (projects of 4 units or less)</u>  <u>60-120 sq. ft. + common area (variable) (projects of 5 units or more)</u>
<b>RM District - Multi-family</b> <ul style="list-style-type: none"> <li>units attached on one or more sides, and vertically stacked</li> <li>8-15 du/acre (from 5,000 sq. ft. down to 3,000 sq. ft. site area/unit)</li> </ul>	<u>48 sq ft. - upper level</u>  <u>80 sq. ft. - ground level</u> (minimum depth of patio is 10' typical ground level space would be 8' x 10')	<u>45% of net project area*</u>  "not less than 50% of the required common open space in shall be useable having a minimum dimension of 20' x 35' and be improved for passive or active open space"  [de-facto min. of <u>22½% net project area with 700 sq. ft. minimum</u> ]*  *only required for projects with more than 4 units - thus a 5 unit project would require a 700 sq. ft. area	<u>48-80 sq. ft./per unit (projects of 4 units or less)</u>  <u>48-80 sq. ft. + common area (variable) (projects of 5 units or more)</u>

**CITY OF FAIRFIELD, Open Space Regulations, SMALL LOT & MULTI-FAMILY**

**Private**

**Common**

**TOTAL**

(ORGANIZED BY ZONING DISTRICT & HOUSING TYPE)

**RH District - Multi-family**

- units attached on one or more sides, and vertically stacked
- 15-22 du/acre (from 3,000 sq. ft. down to 2,000 sq. ft. site area/unit)

**Private**

**Common**

**TOTAL**

48 sq ft. - upper level  
80 sq. ft. - ground level  
(minimum depth of patio is 10'  
typical ground level space would be 8' x 10')

40% of net project area\*  
"not less than 50% of the required common open space in shall be useable having a minimum dimension of 20' x 35' and be improved for passive or active open space"  
[de-facto min. of 20% net project area with 700 sq. ft. minimum]\*  
\*only required for projects with more than 4 units - thus a 5 unit project would require a 700 sq. ft. area

48-80 sq. ft./per unit (projects of 4 units or less)  
48-80 sq. ft. + common area (variable) (projects of 5 units or more)

**RVH District - Multi-family**

- units attached on one or more sides, and vertically stacked
- 22-32 du/acre (from 2,000 sq. ft. down to 1,250 sq. ft. site area/unit)

**Private**

**Common**

**TOTAL**

35% of "net project area"  
"not less than 50% of the required common open space in shall be useable having a minimum dimension of 20' x 35' and be improved for passive or active open space"  
[de-facto min. of 17½% net project area with 700 sq. ft. minimum]\*  
\*only required for projects with more than 4 units - thus a 5 unit project would require a 700 sq. ft. area

40% of net project area\*  
"not less than 50% of the required common open space in shall be useable having a minimum dimension of 20' x 35' and be improved for passive or active open space"  
[de-facto min. of 20% net project area with 700 sq. ft. minimum]\*  
\*only required for projects with more than 4 units - thus a 5 unit project would require a 700 sq. ft. area

48-80 sq. ft./per unit (projects of 4 units or less)  
48-80 sq. ft. + common area (variable) (projects of 5 units or more)

63

CITY OF FAIRFIELD, Open Space Regulations, SMALL LOT & MULTI-FAMILY			
(ORGANIZED BY ZONING DISTRICT & HOUSING TYPE)	Private	Common	TOTAL
<p><b>R-M/H/VH Districts - in-fill Multi-family</b></p> <ul style="list-style-type: none"> <li>units attached on one or more sides, and vertically stacked</li> <li>special relaxed standards for lots of <u>3 acre or less</u> adjacent to existing multi-family complexes</li> </ul>	<p><u>48 sq ft. - upper level</u></p> <p><u>80 sq. ft. - ground level</u></p> <p>(minimum depth of patio is 10'</p> <p>typical ground level space would be 8' x 10')</p>	<p>25% of net project area*</p> <p>"not less than 50% of the required <u>common open space</u> in shall be <u>useable</u> having a minimum dimension of 20' x 35' and be improved for passive or active open space"</p> <p>[de-facto min. of <u>12½% net project area with 700 sq. ft. minimum</u>]*</p> <p>*only required for projects with more than 10 units - thus a 11 unit project would require a 700 sq. ft. area</p>	<p><u>48-80 sq. ft./per unit</u> (projects of 10 units or less)</p> <p><u>48-80 sq. ft. + common area (variable)</u> (projects of 11 units or more)</p>

65

CITY OF MODESTO, Open Space Guidelines, SMALL LOT			
	Private	Common	TOTAL
<p>(ORGANIZED BY LOT SIZE)</p> <p><b>Projects with lot sizes of 3,000 - 5,000 sq. ft.</b> (small lot single family)</p> <ul style="list-style-type: none"> <li>• units are un-attached on all sides</li> <li>• vehicular access from parking court or alley</li> <li>• front door may be from street or vehicular court</li> <li>• 7-12 du/acre (from 6,000 sq. ft. down to 3,500 sq. ft. site area/unit)</li> <li>• Individual lot sizes less than 5,000 sq. ft. down to 3,000 sq. ft.</li> </ul>	<p><u>500 sq. ft.</u></p> <p>(minimum dimension 15'; typical space would be 20' x 20' or 15' x 27')</p>	<p><u>250 sq. ft./per unit</u></p> <p>(3,750 sq. ft. minimum)*</p> <p>*only required for projects with more than 14 units - thus a 15 unit project would require a 3,150 sq. ft. area.</p> <ul style="list-style-type: none"> <li>• "The Common &lt;open space&gt; requirement may be reduced if the project is immediately adjacent to a public park."</li> </ul>	<p><u>500 sq. ft./per unit</u> (projects of 14 unit or less)</p> <p><u>750 sq. ft./per unit</u> (projects of 15 units or more)</p>
<p><b>Projects with lot sizes of less than 3,000 sq. ft.</b> (smaller lot single family)</p> <ul style="list-style-type: none"> <li>• units are un-attached on all sides</li> <li>• vehicular access from parking court or alley</li> <li>• front door may be from vehicular court or from paseo pathway</li> <li>• 8-16 du/acre (from 5,000 sq. ft. down to 3,000 sq. ft. site area/unit)</li> <li>• Individual lot sizes less than 3,000 sq. ft. down to 2,000 sq. ft.</li> </ul>	<p><u>300 sq. ft.</u></p> <p>(minimum dimension 15'; typical space would be 17½' x 17½' or 15' x 20')</p>	<p><u>300 sq. ft./per unit</u></p> <p>(4,500 sq. ft. minimum)*</p> <p>*only required for projects with more than 14 units - thus a 15 unit project would require a 4,500 sq. ft. area.</p> <ul style="list-style-type: none"> <li>• "The Common &lt;open space&gt; requirement may be reduced if the project is immediately adjacent to a public park."</li> </ul>	<p><u>300 sq. ft./per unit</u> (projects of 14 unit or less)</p> <p><u>600 sq. ft./per unit</u> (projects of 15 units or more)</p>

<b>CITY OF WEST HOLLYWOOD, Open Space Regulations, MULTI-FAMILY</b>		
<b>(ORGANIZED BY PROJECT SIZE)</b>	<b>Private</b>	<b>Common</b>
		<b>TOTAL</b>
<b>3 - 4 units</b>		<u>200 sq. ft.</u> (minimum dimension 15'; typical space would be 15' x 13½')
<b>5 - 10 units</b>	<u>100 sq. ft.</u>	<u>500 sq. ft.</u> (minimum dimension 15'; typical space would be 15' x 33½' or 20' x 25')
<b>11 - 30 units</b>	(minimum dimension 7'; typical space would be 7' x 15' or 10' x 30')	<u>1,000 sq. ft.</u> (minimum dimension 15'; typical space would be 20' x 50' or 30' x 33½')
<b>31 or more units</b>		<u>2,000 sq. ft.</u> (minimum dimension 15'; typical space would be 30' x 67' or 45' x 45')
		<u>150 sq. ft. – 167 sq. ft.</u> <u>per unit</u>
		<u>150 sq. ft. – 200 sq. ft.</u> <u>per unit</u>
		<u>134 sq. ft. – 191 sq. ft.</u> <u>per unit</u>
		<u>164 sq. ft./per unit</u> (projects of 31 units) <u>134 sq. ft./per unit</u> (projects of 60 units) <u>120 sq. ft./per unit</u> (projects of 100 units)

60

Planning Commission Minutes  
Regular Meeting  
June 23, 2009  
Martinez, CA

CALL TO ORDER

The meeting was called to order by Chair Frank Kluber at 7:30 p.m. with all members present except Commission members Busby, Hughes, and Marchiano.

ROLL CALL

PRESENT: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner, and Frank Kluber, Chair.

EXCUSED: Lynette Busby, Vice Chair; Mark Hughes, Commissioner, and Mike Marchiano, Commissioner.

ABSENT: None.

Staff present: Planning Manager Terry Blount  
Senior Planner Corey Simon

REGULAR ITEMS

6. *Study Session on Zoning Ordinance amendments to update the minimum requirements for common and private open space in multi-family and Planned Development residential projects*

Senior Planner Corey Simon presented the staff report.

Commissioner Allen asked why he only included lots under 5,000 sq. ft. Mr. Simon said the larger lots have a requirement for a 25 ft rear yard for private open spaces, thus there would be no need for shared open space.

Commissioner Burt asked whether these would be organized activity spaces or just outdoor grassy areas. Mr. Simon said some cities have given precise requirements, i.e. if you have this size project, then you need to choose a number of specific conditions chosen from a predetermined list. Planning Manager Terry Blount said the ordinance can include qualitative as well as quantitative requirements.

Commissioner Allen said it is also important to specify what does not fulfill the requirements.

Commissioner Burt acknowledged the terminology has definitely changed in that the topic is now addressed at "open space" rather than "outdoor recreation" space.

Mr. Blount said it is necessary to establish language that matches that used by other jurisdictions, which is open space.

Commissioner Allen said the definition should be added to the zoning ordinance. She also expressed appreciation for the comparisons with other jurisdictions that have recently updated their zoning ordinances.

The Commission agreed with the categories recommended by staff, the minimum private open space requirements recommended by staff, and the inclusion of specific definitions for active and passive recreational space.

Mr. Blount noted that planned developments would still have the option of requesting alternatives, but the standards would provide a starting point for discussion.

There was brief discussion between staff and the Commission regarding whether open space would include required landscaping.

**ALTERNATIVE REQUIREMENTS AS RECOMMENDED BY  
THE PARKS, RECREATION, MARINA AND CULTURAL COMMISSION**

**September 1, 2009**

**TABLE I**

Project type		Minimum Private Usable Open Space	Minimum Common Usable Open Space	TOTAL USABLE OPEN SPACE PER UNIT
Single Family Residential Projects, with any minimum net lot size of less than 5,000 sq. ft.	Projects of 25 or more units	500 sq. ft.	200 sq. ft./unit <sup>1</sup>	<b>700 sq. ft./unit</b>
	Projects of less than 25 units	700 sq. ft. <sup>4</sup>	[None Required]	
Single Family Residential Projects, with any minimum net lot size of less than 3,000 sq. ft.	Projects of 13 or more units	120 sq. ft.	250 sq. ft./unit <sup>2</sup>	<b>370 sq. ft./unit</b>
	Projects of 12 or fewer units	270 sq. ft. <sup>4</sup>	[None Required]	
Multiple Family Residential	Projects of 9 or more units	60 sq. ft.	150 sq. ft./unit <sup>3</sup>	<b>210 sq. ft./unit</b>
	Projects of 8 or fewer units.	210 sq. ft. <sup>4</sup>	[None Required]	

<sup>1</sup> Minimum Area of 5,000 sq. ft., with no dimension less than 50' required

<sup>2</sup> Minimum Area of 3,250 sq. ft., with no dimension less than 40' required

<sup>3</sup> Minimum Area of 1,350 sq. ft., with no dimension less than 30' required

<sup>4</sup> Alternatively, provide Private Open Space for each unit, at the smaller size that would be required for larger developments that are required to provide Common Open Space, but developer pays additional Park and Recreation Impact fees

**RESOLUTION NO. PC #09-07**

**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 12 OF THE MARTINEZ MUNICIPAL  
CODE, REGARDING USABLE OPEN SPACE STANDARDS APPLICABLE TO  
SINGLE-FAMILY SUBDIVISIONS WITH LOT SIZES OF 5,000 SQ. FT. OR LESS AND  
ALL MULTI-FAMILY DEVELOPMENTS WITH THREE UNITS OR MORE**

**WHEREAS**, Section 22.12.020 of the Martinez Municipal Code states that two of the purposes of R-Residential Zoning District regulations are to ensure adequate light, air and privacy for each dwelling and to provide adequate amounts of private open space in proximity to each dwelling unit; and

**WHEREAS**, the current usable open space standards were instituted with the City's last compressive zoning code update in 1975; and

**WHEREAS**, over the years, these standards have become increasingly out-of-date and while not necessarily obsolete, some of them hamper the City's ability to efficiently address the review of development applications; and

**WHEREAS**, given the built-out nature of the City, the problem has become most evident in requests to approve in-fill residential developments, where economic and marketing realities have often led developers to seek higher densities than exist in the surrounding area and is allowed by the current zoning; and

**WHEREAS**, the changes to the Zoning Ordinance's usable open space standards will ensure that each newly constructed dwelling unit has adequate light, air and privacy and is afforded an adequate amount of private open space in proximity to it; 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 held a public hearing on September 8, 2009, and listened to testimony from the public.

**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 8<sup>th</sup> day of September 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: \_\_\_\_\_

Frank Kluber  
Planning Commission Chair

\_\_\_\_\_  
Corey M. Simon  
Senior Planner