

Planning Commission Minutes
Regular Meeting
September 8, 2009
Martinez, CA

CALL TO ORDER

Chair Kluber called the meeting to order at 7:00 with all members present except Commissioner Avila, who was excused; and Commissioner Ford, who arrived after roll call.

ROLL CALL

PRESENT: Frank Kluber, Chair, Donna Allen, Commissioner, Harriett Burt, Commissioner, Lynette Busby, Commissioner, Jeff Keller, Commissioner, Michael Marchiano, Commissioner, and Rachael Ford, Alternate Commissioner.

EXCUSED: Ana Marie Avila-Farias, Commissioner

ABSENT: None.

Staff present: Planning Manager Terry Blount
Senior Planner Corey Simon

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of August 11, 2009, meeting.*

On motion by Harriett Burt, Commissioner, seconded by Donna Allen, Commissioner, the Commission present approved the minutes of August 11, 2009. (Commissioner Busby abstained; Commissioners Ford & Avila absent.)

(Commissioner Ford entered and was seated during the vote on the minutes.)

REGULAR ITEMS

2. *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. (Continued from August 11, 2009, meeting) Applicant: City of Martinez (CS)

Senior Planner Corey Simon presented the staff report, reviewing the proposed changes.

Planning Manager Terry Blount noted that the Parks, Recreation, Marina and Cultural Commission (PRMCC) had recommended additional changes, as shown on the revised table provided on the dais, but staff stands by their original recommendations.

Chair Kluber noted that some Commissioners were new and might not be familiar with the concepts. Commissioner Allen asked for an explanation of the terms usable open space, open space, active open space and passive open space.

Mr. Simon explained the background of the terms, noting it was never meant to address natural open space; but rather what he refers to as "in-lieu of backyard" recreation space. These changes were never meant to address preservation of open space.

Mr. Simon also discussed the Paseos/Trumark project, which began the current discussion. He noted that the goal is to use "usable open space" in a more narrow sense; for truly recreational purposes - not landscaping nor utility yards.

Commissioner Allen asked if there is any other open space terminology used in the existing zoning code. Mr. Simon said there is some for single family zoning districts when related to lot coverage.

Commissioner Marchiano said further discussion of the sizes of the projects would also be helpful.

Chair Kluber asked if this template has been compared to any existing projects, such as the one on Center across from the park, to see if they could be approved under the new standards. Mr. Simon said some of the backyards might be a little small; but otherwise it would. The Trumark project in its final form as approved by City Council would not, however.

Commissioner Burt said that project is not a good example, because what left the Commission is not what was finally approved by the Council; and the developer was not straightforward with the Commission.

Commissioner Burt asked how these standards will compare to already-approved projects, such as Villa del Sol and Haven Street. Mr. Simon agreed both of those projects would not meet these standards, but it is still possible to apply for waivers. He noted, however, that the 6' x 10' area is the generally-accepted minimum for private open space in multi family units, in the planning industry.

Commissioner Burt also noted that Haven Street was not approved by the Planning Commission, but went to the Council on appeal. She was grateful that the ordinance will improve the

standard.

Commissioner Allen pointed out that Villa del Sol is an infill project, which should be an exception anyway. Mr. Blount said the 6' x 10' requirement should be achievable by most projects, including Villa del Sol.

Commissioner Marchiano confirmed with staff there is a threshold based on the number of units that determines whether the ordinance is applicable.

Commissioner Burt said the Evans project is a good example of infill that is nicely done.

Chair Kluber asked about the impacts of lot slope. Mr. Simon clarified that the open space has to be reasonably usable; he acknowledged there is very little "even" or "level" ground in the strictest sense.

Chair Kluber opened the public hearing.

KRISTEN HENDERSON commented on health and welfare impacts on those who will be living in homes with small recreation spaces. She offered to do research if it is ever needed. She also commented on impacts of historical significance. She thought the proposed changes should require the Downtown Specific Plan EIR to be re-circulated.

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

Commissioner Allen noted that like Commissioner Burt, "open space" to her means the hills. She questioned whether there is better terminology, perhaps "usable outdoor recreation space." Mr. Blount said Martinez would then likely be the only city in California that would be using that designation. He discussed the need for common terminology for usage from city to city.

Commissioner Allen asked whether a landscape thicket would be considered common open space. Mr. Blount discussed differences between passive and active spaces.

Commissioner Allen asked if the 500 s.f. and the 200 s.f. minimums include the landscape area.

Mr. Simon responded that it is only omitted in the common areas - private open space areas could include landscaping.

Commissioner Burt asked what is a "growy" (a term used by Mr. Simon). Mr. Simon said "ornamental landscaping." Commissioner Burt said more precise language is helpful. Mr. Simon referred back to the definition section in the ordinance.

Commissioner Allen asked what Trumark would have done with these standards; is it still possible to require ornamental landscaping? Mr. Simon said that this ordinance is just considering the outdoor, usable recreational area.

Chair Kluber said it is absolutely necessary to find outdoor areas amenable to use by families.

He also explained that ornamental landscaping is the public face of a project.

Commissioner Marchiano suggested changing "landscaping" to "lawn space."

Mr. Blount clarified the importance of separating the issues; the focus of these changes is usable open space.

Chair Kluber commented that the final Villa del Sol project is so much better than the empty PG&E lot that was there before.

Commissioner Allen asked if it is possible to use another term other than "lawn." Chair Kluber suggested "turf."

Commissioner Ford asked about question 7 in the study session staff report, "Regulations as opposed to Guidelines." Mr. Simon said staff decided to write them as standards, rather than guidelines, so they are more enforceable.

Commissioner Ford asked whether the private usable and common usable open spaces could be combined for some projects, as recommended by the PRMCC. Mr. Simon said staff recommends keeping them separate.

Mr. Blount said grounds for exceptions are also included in the proposed ordinance.

Chair Kluber suggested changing lawn to turf in the definition of "usable open space."

Commissioner Burt questioned whether usable open space could be used as a native garden with granite or ornamental grasses or vegetable garden. Chair Kluber suggested "drought-tolerant turf." He also commented on the impacts of new clean water requirements.

Commissioner Busby concurred, noting that the water district will not even allow enough water use to let some landscaping be maintained in some areas.

Commissioner Allen asked about pathways such as walking or jogging trails that could be usable. Mr. Simon suggested "access pathways" to distinguish.

Commissioner Allen asked whether "families with children" should be considered under exceptions. Mr. Simon agreed it should end with "seniors."

Chair Kluber said he likes the ordinance with the changes proposed.

Commissioner Burt said the section on what is not included is very good, and the exceptions on page 3 are clear.

Commissioner Allen asked if the chart from the PRMCC is the extent of their recommendations. Staff said yes.

On motion by Donna Allen, Commissioner, seconded by Michael Marchiano, Commissioner, the Commission present voted to recommend that the City Council approve 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), with change to "drought-tolerant turf," "access pathways" and deletion of "families with children" from the allowed exceptions. (Commissioner Avila absent.)

COMMISSION ITEMS

Commissioner Burt commented on the Master Gardener's Walk this weekend, with an emphasis on low water usage.

Chair Kluber noted that the Ruth Bancroft Garden is having a water rescuing seminar the same day.

STAFF ITEMS

3. *Project site public hearing posting requirements.*

Planning Manager Terry Blount presented the staff report, in response to the Commission's request regarding the sandwich board signs used by other cities. He asked what the issue was with the current posting practice. Commissioner Burt said for her it was the size of the notices; she would rather have larger signs for greater visibility and also a larger font.

Commissioner Allen suggested a consistent color for all notices.

Commissioner Busby asked how staff confirms whether the applicant sent the required notices where staff is not responsible for the mailing (e.g. the recent 1000 Howe Road request). Mr. Blount said any time it is required, the applicant supplies the materials and the mailing list, but staff sends out the notices. Whenever there is a public hearing that requires a notice, staff takes care of the entire noticing process. Mr. Blount also noted that the standard practice of the City is to notice property owners only, whereas some jurisdictions require occupants to be notified also. He confirmed the applicant pays for mailing costs.

Chair Kluber asked whether the noticing crosses city limits when applicable. Mr. Blount said he was not sure.

Mr. Blount said he would not recommend changing the City's practice of making the notice ourselves, although if a larger size is preferred, it might not be able to be produced in-house. Commissioner Allen said she didn't think the applicant should be responsible for posting it; she prefers staff do it.

Commissioner Allen also commented on the handout Concord gives its applicants regarding the "public notification process" and recommended or required "neighborhood information meetings." She thought it would be good information to give to applicants, with or without requiring staff to be in attendance at the neighborhood meetings.

Commissioner Burt noted that neighborhood meetings could deter some controversy in advance, but she would not recommend staff attendance. She agreed it would be good to provide information on how and why a neighborhood meeting could help.

Commissioner Burt said her biggest concern about notification is the number of times there are complaints of notices not received. Mr. Blount said it could be the result of not including occupants in the noticing.

Chair Kluber asked about attendance at the next Council meeting, since the RCD project is on the agenda. Several Commissioners indicated they would be attending.

Mr. Blount said the next Commission meeting will be cancelled, as there are not enough items.

COMMUNICATIONS

None.

The meeting was adjourned at 8:26 p.m., to the next regular meeting, October 13, 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