

Planning Commission Minutes  
Regular Meeting  
November 10, 2009  
Martinez, CA

CALL TO ORDER

Chair Kluber called the Planning Commission meeting to order at 7:02 p.m. with all members present.

ROLL CALL

PRESENT: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner, Lynette Busby, Commissioner, Frank Kluber, Chair, Michael Marchiano, Commissioner, Jeff Keller, Commissioner, and Rachael Ford, Planning Commission Alternate

EXCUSED: None.

ABSENT: None.

Staff Present: Assistant City Manager Karen Majors  
Assistant City Attorney Veronica Nebb  
Planning Manager Terry Blount  
Senior Planner Corey Simon  
Environmental Consultant, Carolyn Mills  
Traffic Engineering Consultant, George Nickolson

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of September 8, 2009, meeting.*

On motion by Michael Marchiano, Commissioner, seconded by Donna Allen, Commissioner, the Commission voted to approve the Minutes of September 8, 2009.

Motion unanimously passed 7 - 0. (Yes: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner, Lynette Busby, Commissioner, Frank Kluber, Chair, Michael Marchiano, Commissioner, and Jeff Keller, Commissioner.)

REGULAR ITEMS

2. *Cascara Canyon GPA 09-01, REZ 09-01 Public Hearing to consider: a) adoption of a Mitigated Negative Declaration; b) a General Plan Amendment to re-designate approximately 1.6 acres adjacent to Shell Avenue from "Group 2 Residential" to "Group 4*

*Residential," to allow for the development of multi-family housing with a density of up to 29 units per acre, on property that is currently only designated for single-family or townhouse development; c) rezoning of the subject 1.6 acre area from "R-3.5 (Multi-Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size)"; and d) General Plan and Zoning amendments to allow the remaining 4 acres to be developed as a custom home parcel (with a ¼ acre building site and the balance to be designated Open Space). The Planning Commission will make its recommendation to the City Council, which will consider the possible amendments at a future date to be announced. Should the General Plan Amendments and Rezoning be approved by the City Council, the Planning Commission will then consider, at a future hearing date, an application to allow development of 46 multi-family units, with two, three story 23 unit buildings, on the 1.6 acre site. Shell Avenue - vacant 5.6 acre parcel located between La Salle Manor Apartments and Alhambra Terrace (Housing Authority) Apartments; APN: 376-010-011. Applicant: Shell Heights Associates LLC, Bill Schrader (CS)*

Senior Planner Corey Simon presented the staff report, summarizing the project and site details, background, approvals needed, site context including an aerial map, goals of the hearing tonight, CEQA requirements, requested General Plan and Zoning amendments, other applicable City policies and standards, history of past proposals for the property (including the previous approval for 20 townhomes in 2006), landscape plan, and building elevations. He also discussed key mitigation measures dealing with transportation/traffic and aesthetic/planning policy consistency, and he showed photos of the current and simulated future views of the property.

Commissioner Marchiano asked about the number of bedrooms per unit in the prior development proposal Mr. Simon said it was a mix of two and three bedroom units. Commissioner Marchiano asked for a comparison of the total projected population of each project. Mr. Simon said it was probably higher under this proposal.

Commissioner Allen asked about the Central Martinez Area Plan. She said it would be difficult to evaluate this project since she has never seen that document.

Commissioner Burt asked the date of the Central Martinez Area Plan; Mr. Simon confirmed it was part of the 1973 General Plan.

Commissioner Burt commented on the unusual process, noting this is the first time she has seen a project of such magnitude handled this way. She indicated it is difficult to evaluate a project without having all the details presented at the same time, especially since the mitigations in the CEQA report are based on project details not presented to the Commission.

Assistant City Manager Karen Majors explained that projects like this typically come before the Planning Commission in a workshop format first; but she added that is not a requirement, just a courtesy. She indicated that the applicant did not want to do that because he wanted to be sure the General Plan Amendments and zoning amendments will be approved before he goes further with the project. She also noted there has not been a new large apartment development in

Martinez in a very long time, and this one could help meet the housing element goals.

Assistant City Attorney Veronica Nebb acknowledged it would be good to have the project details, but she agreed with Ms. Majors there is no legal requirement to have all the project details in order to get a General Plan Amendment or zoning amendment approved. As far as CEQA review, she explained it applies to the highest level of the project built under the proposed General Plan designation and zoning district.

Commissioner Busby asked if this GPA/zoning amendment is approved, could it eventually become an affordable housing project or subsidized housing project without requiring additional City review. Staff confirmed it could.

Commissioner Busby asked if the neighbors were notified of the community meeting and whether City staff was present. Staff said yes, notification was made, and Mr. Simon attended the meeting.

Chair Kluber noted there are two parts of the General Plan amendment request; He asked why the custom home site is being considered at the same time. Mr. Simon explained it was related to re-parceling of the site, and it makes sense to consider both General Plan amendments at once, especially as related to the preservation of open space.

Commissioner Allen expressed the same issue as Commissioner Burt cited, noting she has a problem with the mitigation related to reduction of the length of the building, especially since other solutions might be preferable. She felt that the mitigations refer to solutions that might be more appropriate to consider at the design stage.

Commissioner Burt also was concerned that the applicant should be present to hear the questions from the Commission too. Staff confirmed the applicant had arrived.

Commissioner Allen asked if there was any input from the Parks, Recreation, Marina and Cultural Commission (PRMCC). Staff said no, it is not standard practice to have input from them on all residential projects. Commissioner Allen said she would like some input from them as to the open space use. Ms. Majors said the open space was the same as what was already designated with earlier approvals, which will be passive open space, not active.

Commissioner Allen said she had some concern too about the traffic study and parking issues.

Applicant Bill Schrader thanked staff for their diligent work with him since the real estate market went down. He introduced other members of his project team. He also briefly discussed the history of the site, the impacts of the real estate downturn, demand for 1-2 bedroom rental units, the evolution of the project design, and the traffic studies, concluding this is the best option for the site under the current housing market.

Commissioner Burt said her record on the Planning Commission demonstrates that when she is presented with a project that works she can grant exceptions, if she is able to see the benefit. She also noted that the most successful projects are those with early and frequent contact with the

neighbors and ones that have a study session with the Planning Commission prior to the public hearing. She asked why this was not a study session on this one, noting that Mr. Schrader's other project on Haven Street did have a study session, but the Planning Commission was not supportive and it was appealed to the Council who decided to approve it anyway. Mr. Schrader said there was a study session with the earlier townhouse project, and that he sees his project as basically a consolidation of that one.

Commissioner Burt said this project is much different than the earlier one, which she already felt was at the upper limit in terms of number of units and parking/traffic. She thought a study session could answer her questions. Mr. Schrader expressed frustration with the process, noting the project is already completely designed and is the best option for the site and the times.

Commissioner Allen said why not share those design details now. Chair Kluber commented on the contradiction between staff stating that the applicant doesn't want to invest in project details until the General Plan and zoning amendments are approved, yet the applicant says the details are already done.

Chair Kluber also confirmed with staff that there will be design review and further Planning Commission review of the project details, and that granting the General Plan and zoning amendments will not guarantee eventual approval of the project design.

Commissioner Allen asked about notification for the community meeting; Mr. Schrader said 55 letters were sent out, based on the project radius as determined by the title company, and only 5-6 people showed up. Commissioner Allen noted that she had met with Mr. Schrader earlier, and he had said a 46-unit apartment complex would not work on the site and yet now that is what he is presenting. Mr. Schrader said that was based on a senior housing project, which he has no experience with.

Commissioner Keller asked the total square footage of this as compared to the townhouse project. Mr. Schrader said including the garages, it is about the same, but this project is slightly bigger.

Commissioner Keller asked how the decision was made to do 46 units. Mr. Schrader said it was based on site constraints and parking issues.

Commissioner Avila reviewed the process that changed the project from townhouses to apartments. She confirmed with staff that there will be further review of design, parking, and other details at a later date, but she noted that Mr. Schrader needs a decision on the General Plan and zoning amendments before the process can go forward.

Planning Commission Alternate Rachael Ford asked, and staff confirmed that what is being considered tonight is an increase in density for this site. Ms. Ford commented on traffic issues and parking issues already existing in the area. Mr. Schrader said two traffic engineers have looked at the project site and concluded this design can work. Ms. Ford questioned whether peak time for high school traffic had been evaluated; she said she would need to see that analysis before she could support this project.

Chair Kluber said the proposed 1.5 parking spaces per unit is a reasonable ratio, as far as he is concerned; however he asked about guest parking. Mr. Simon acknowledged the City's requirement (of 2.25 spaces per unit) is high when compared to other nearby cities.

Chair Kluber noted that the anticipated demand will probably be a little higher, but that includes guest parking. He discussed site constraints, noting there is also limited overflow parking in the neighborhood. He suggested a presentation by the parking consultant hired by the City.

George Nicholson, consultant traffic engineer for the City, reviewed details of the traffic study, including traffic counts, anticipated trip generation, level of service (will be the same as currently exists), access issues, site visibility, and parking standards (issues with tandem parking specifically).

Commissioner Burt commented on issues with tandem parking. She asked if that is common in other suburban areas. Mr. Nicholson said it is usually done in garage situations with a valet parking service.

Commissioner Busby said the business garage on Treat Boulevard in Concord has tandem spaces, but they are assigned to specific users. Commissioner Burt mentioned her concern about the potential use of part of the tandem space for storage. Planning Manager Terry Blount said the usual practice is to assign each tandem space to one individual, noting there also needs to be adequate space for staging.

Ms. Ford asked about the radar speed survey, noting it was done during a time when school was not in session. Mr. Nicholson said it would only be an issue if school traffic is faster or slower than normal traffic. Ms. Ford expressed concern that only one day was used for the study, and Mr. Nicholson confirmed that is the legal standard. Ms. Ford said there were some issues that have not been addressed - she would not be comfortable approving a higher density project without more information.

Commissioner Allen asked about projects used in the survey and dates of the analysis. Mr. Nicholson said some went back as far as 2006. Commissioner Busby asked if the other projects used for comparison were near transit. Mr. Nicholson said no.

Commissioner Allen asked about the trip generation estimates, and Mr. Nicholson explained how they were determined. Commissioner Allen asked if the line of sight analysis considered vehicles parked along the curb. Mr. Nicholson said yes, there needs to be a determination that a 250' clear line of sight can be maintained.

Chair Kluber said he thought the ingress/egress for the site will be better than that at LaSalle Manor next door.

Chair Kluber opened the public hearing.

ANN COCHRANE thanked the Commission for their service to the community. She expressed

concern about the density, traffic, especially eastbound from the Harborview Drive intersection, and the need for signalization.

MARSHALL COCHRANE stated his concern with compression of the units into two large buildings, with a potentially ugly visual resulting.

JOHN BELLATO, 52-year resident of the City, commented on increased density and traffic in the area over the years. He felt it should not be the community's responsibility to bail out the developer so he can make a higher profit. He also commented on the open space property line and maintenance/fire risks; debris left from grading of the site, abandoned fuel lines in the area, and parking.

BARBARA KAPSALIS indicated she was not opposed to the earlier plan for 21 units, except for traffic, but now the number of units has doubled. She was especially concerned about traffic, as well as the need for overflow parking, and about water needs of the project. She agreed with Ms. Ford that real-time traffic analysis needs to be done.

NORMAN MACDONALD expressed appreciation for the time given by the Commission. He reviewed written comments he submitted, including disagreement with the conclusions of the traffic engineer. He was also concerned that more units will mean more people in the area.

JIM PORTER echoed others' concern about traffic hazards, as well as the lack of sidewalks, the building height, lack of conformity with neighboring uses, parking, and aesthetics.

SUE GUSTAFSON commended Mr. Schrader, the Commission and staff for trying to make a workable project during a difficult economic time. She was concerned about aesthetics (since the project will be around for a long time), traffic, parking, and emergency vehicle access. She thought a 3-story building would be fine, given that the neighboring building is also 3-story. She indicated she does not consider unusable space as open space (although it does provide a buffer), and she expressed concern about access on the street for bicycles and pedestrians.

TIM PLATT presented a letter detailing his issues, noting it is unusual and unreasonable to go from the original 9 units to 46. Although he acknowledged there should be some concession given the changes in the market, he thought 21 unit townhome project was already a compromise. He was also concerned about the negative declaration and the CEQA process. He thought an EIR should be required, and the worst possible impacts evaluated. Potential impacts that concern him include water issues, the added impervious surfaces, and potential flooding. He thought this project could set a dangerous precedent to allow General Plan and zoning requirements to be set aside for the convenience of a developer, and there are public safety issues that concern him as well. He thought this was the wrong project for the wrong place, and it needs a full public review process.

MIKE ALFORD agreed with earlier speakers regarding traffic hazards, the inadequate CEQA review, incompatibility with the neighborhood, and the increased density.

SERGIO REYA, lifetime Martinez resident, commented on traffic issues, parking,

ingress/egress, and the inadequate play area. He thought the project needs more review.

Chair Kluber also noted the Commission had received letters from Fred & Roberta Bendel and Cathy Roof, expressing opposition to the project.

Mr. Cochrane asked if public input at the hearings is considered by the Commission in making their decision.

Ms. Cochrane commented on the lack of parks in the area.

An unidentified speaker commented on traffic issues also.

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

#### REBUTTAL

Mr. Schrader commented that change can be difficult. He noted he has done quality work on other projects in the City. He was confident that the project as designed is the best option for the site and the current market. He asked for the Commission's approval.

#### COMMISSION DELIBERATION

After asking staff a question regarding traffic and parking, Mr. Nicholson, traffic engineer, acknowledged there are obviously traffic issues, noting he was not aware of the accident history on that stretch of road. As far as the size of the project, however, a traffic study is not normally required. He indicated he had collected the data as requested by City staff.

Commissioner Burt asked Mr. Nicholson about the impacts of parked cars. Mr. Nicholson said the 250' of clear line-of-sight will probably mean restricting parking and limiting the landscaping along the Shell Avenue frontage.

Ms. Ford asked Mr. Schrader if he would consider a further study session or community meeting. Chair Kluber reiterated that under consideration tonight is the General Plan and zoning amendments; the Commission is not being asked to give approval of the project details.

Ms. Ford asked about staff's recommendation. Ms. Majors reviewed the request to make recommendation yes or no on the General Plan and zoning amendments and the mitigated negative declaration. Ms. Ford expressed concern that the existing traffic/lighting issues need to be addressed before the density can be increased.

Commissioner Avila noted this parcel was identified by the Housing Element as an infill parcel suitable for high-density housing. She commented on the need to work with the builder, stating that the City likely won't address the traffic issues until further development requires it. She noted that the site is currently under-utilized and blighted. She also mentioned the need to encourage transit-oriented development, and she reassured the Commission and the public that further project details will come back for Planning Commission approval. She acknowledged that the market has changed with more demand for rental housing, and she commended the

developer for including some ADA-compliant apartments.

Commissioner Avila also suggested the applicant consider whether there could be a joint driveway with the neighboring property, or allowing one-way turning.

Commissioner Allen noted that ten people spoke from the community tonight, all opposed to the project. She acknowledged there is an earlier approval for 21 units, but she thought any changes to the General Plan should be considered as part of the General Plan update. She also pointed out that the CEQA report by the environmental consultant Carolyn Mills indicates she believes this project is too big. Commissioner Allen expressed concern that traffic in the area is already unsafe. She cannot support a recommendation for approval of the General Plan and zoning amendments nor the mitigated negative declaration.

Commissioner Allen concluded by saying she was not necessarily opposed to the increased density, but it needs to be done as part of an overall General Plan update.

Commissioner Burt responded to Mr. Cochrane's question regarding how the Planning Commission makes decisions. She confirmed that public input does affect her decision-making process. She expressed concern about the process and whether the full project should have been presented at the same time as the General Plan and zoning amendments. She also commented on public safety issues, specifically people who have died on that street, and she added that the speed limit of 25 mph is hard to do coming down the hill; she saw no posted speed limit going uphill when she was on the road earlier in the week nor does traffic want to go that slow. She was especially concerned about the actual traffic impacts as compared to the conclusions of the traffic study. She reiterated that the General Plan update is long overdue, and continuing to grant exceptions on a parcel by parcel basis is not the best way. She indicated she could not vote to recommend a General Plan amendment to allow the 46 units nor approval of the mitigated negative declaration.

Commissioner Keller said he was serving on the current Housing Element task force, and he likes the idea of four acres of open space being given back to the City. He noted that the traffic consultant was hired by the City, not the developer, and he pointed out that other areas of the City have greater traffic issues. He acknowledged that more units were being proposed, but since they will be smaller units the total square footage and number of residents will likely be about the same as what would have been the case with the townhomes. He indicated he was supportive of a positive recommendation to the Council.

Commissioner Busby observed that higher density projects generally do better near transit providers, and she expressed concern whether there was adequate parking. She was also concerned about the process followed. She asked if this item is already scheduled before the Council, and Ms. Majors said it was tentatively calendared for the Council's first meeting in December, so a recommendation from the Planning Commission in support or against the project would be helpful.

Commissioner Allen asked if the mitigation measures are set. Ms. Nebb said yes, but the mitigation measures are based on full buildout under the new General Plan designation and

the new zoning. She confirmed that the mitigations are project-specific. She deferred to Ms. Mills for more information.

Chair Kluber responded to Mr. Cochrane that yes, the Planning Commission listens to public input seriously as well as the information from staff, consultants and even opinions from other Commissioners. He commented on the importance of providing more housing in the City, questioning whether waiting for the General Plan update (although urgently needed) was reasonable. He reiterated that the details of the project are still to be determined. He thought that recommending approval of the General Plan and zoning changes would be a step in the right direction, although the traffic and safety issues will need to be addressed later. He supported a recommendation for approval by the Council, and invited fellow commissioners to make a motion.

Commissioner Avila-Farias began to make a motion to recommended approval, but paused to get a clarification on the environmental document. Commissioner Allen asked for input from Ms. Mills on the mitigated negative declaration. Ms. Mills said these mitigation measures apply to this project as submitted. She noted that if the applicant submits something different, further environmental review will be necessary.

Commissioner Allen indicated she was concerned that there will be no further analysis if the project is submitted as currently envisioned. Ms. Majors said if that were the case, the bulk and mass of the southerly building of the project would need to be reduced by 20%. Commissioner Allen confirmed with staff that no further street improvements were proposed. Ms. Majors noted that conditional use permits, etc. will still need to be approved by the Planning Commission before the project is finalized.

Ms. Nebb explained further that although the mitigation measures will be limited to those in the mitigated negative declaration, the Commission will be able to stipulate conditions of approval. The Commission discussed the impacts of approving the proposed resolution.

Ms. Nebb clarified that the Planning Commission will be able to address subsequent components of the project, but the density will not be able to be reduced if the proposed General Plan and zoning amendments are approved.

Commissioner Burt expressed concern that the Planning Commission may be boxing itself in, asking whether the proposed height and setbacks have to be accepted. Staff said no, that the Commission would not be bound to approve such exceptions when such entitlement requests are brought back to the Commission. Commissioner Burt voiced strong concern about unintended consequences.

Commissioner Busby asked about whether there will be room for adequate parking if 46 units are approved. Ms. Majors confirmed that the parking ratios will have to meet City standards.

Mr. Simon clarified that the Commission cannot arbitrarily reduce the number of units if it grants the General Plan and zoning amendments, but it can stipulate conditions that have to be met. He also confirmed that the Commission will not lose the ability to condition the building envelope.

Ms. Ford expressed frustration that increased density is even being considered in an area that cannot support it. She asked the Commission to consider the implications carefully. She also noted she met with Mr. Schrader individually.

Commissioner Avila commented on issues she had with spot-planning, rather than doing a full General Plan update.

Chair Kluber stated he was moved by Commissioner Burt's concerns and concurred that support of the requested general plan and zoning changes may not be appropriate at this time. He welcomed his fellow Commissioners to make a motion.

Commissioner Marchiano, moved to approve adoption of the draft resolution, recommending that the City Council adopt the proposed Mitigated Negative Declaration and approve GPA #09-01 and RZ #09-01. Commissioner Keller seconded the motion.

Motion failed 3 - 4. (Yes: AnaMarie Avila-Farias, Commissioner, Michael Marchiano, Commissioner, and Jeff Keller, Commissioner. No: Donna Allen, Commissioner, Harriett Burt, Commissioner, Lynette Busby, Commissioner, and Frank Kluber, Chair.)

Ms. Nebb asked if the Commission had an alternate recommendation for the Council, such as continuing the item, passing it on to the Council with a negative recommendation or bifurcating the motion.

Commissioner Allen began to craft wording for a motion to recommend denial, but deferred to Commissioner Burt to state the reasons for opposing the General Plan Amendment. Commissioner Burt expressed concern that a change in the General Plan from Group 2 residential to Group 4 would result in a density too high for the area, and the traffic & parking impacts could be very significant given the current road conditions. She especially thought this was too big a change to make without considering a complete General Plan update.

Regarding the environmental issues and a recommendation for the City Council not to adopt the proposed Mitigated Negative Declaration, Commissioner Allen thought the policy was too broad to apply to a specific project. She was concerned about relying on mitigations based on a project without seeing the project details.

Commissioner Burt expressed concern that these issues were too important to consider at this late hour. Staff recommended continuing the item to the next meeting, to allow staff to draw up a draft resolution recommending denial.

On motion by Frank Kluber, Chair, seconded by Michael Marchiano, Commissioner, the Commission voted to continue consideration of Cascara Canyon GPA 09-01, REZ 09-01, to a date certain, December 8, 2009.

Motion unanimously passed 7 - 0. (Yes: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner. Lynette Busby, Commissioner, Frank Kluber,

Chair, Michael Marchiano, Commissioner, and Jeff Keller, Commissioner).

COMMISSION ITEMS

Allen asked about the status of the proposed annexations. Ms. Majors said the City would begin the process for the proposed Alhambra Valley annexation in early January. In response to a further question, she confirmed there was no map yet, nor an application to LAFCO yet.

STAFF ITEMS

Mr. Blount discussed the status of General Plan update - including the Housing Element update, updated General Plan map (showing amendments made since 1973), internal work on the General Plan (including an audit of the existing document, development of a work program and a cost estimate) and a potential timeline.

Ms. Majors also noted that staff was dealing with some very time-intensive projects recently.

Commissioner Allen asked, and Ms. Majors updated the Commission on the status of Muir Station project.

Chair Kluber commended staff for their good work, as well as the Commission itself.

COMMUNICATIONS

None.

Chair Kluber adjourned the meeting at 10:30 p.m. to the next Regular Meeting, December 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