

Planning Commission
Regular Meeting
December 8, 2009
Martinez, CA

CALL TO ORDER

The meeting was called to order at 7:05 p.m. by Chair Kluber.

ROLL CALL

PRESENT: Donna Allen, Commissioner, AnaMarie Avila-Farias, Commissioner, Harriett Burt, Commissioner, Lynette Busby, Commissioner, Jeffrey Keller, Commissioner, Frank Kluber, Chair, and Rachael Ford, Alternate Commissioner.

EXCUSED: None.

ABSENT: Michael Marchiano, Commissioner.

Staff present: Karen Majors, Assistant City Manager
Terry Blount, Planning Manager
Corey Simon, Senior Planner

AGENDA CHANGES

Ms. Majors asked that the annexation (Item 4) be moved forward in the meeting. There were no objections from the Commission. Commissioner Lynette Busby said she would recuse herself from the item.

PUBLIC COMMENT

Mike Alford thanked the Commission for listening and being fair when considering development applications. He questioned whether "affordable" housing could ever be achieved without government assistance. He asked the Commission to protect the unique features of the City.

CONSENT ITEMS

1. Minutes of November 10, 2009

Commissioner Allen made changes to page 8, clarifying her comments related to her concerns with impacts from increased density, traffic and circulation; and on page 9, Ms. Nebb's comments regarding no further opportunities for environmental review for the Cascara Canyon project, or review of parking and density.

Chair Kluber corrected page 10, the 3rd paragraph, clarifying that it should say "Chair Kluber... was moved by the comments of Commissioners Burt and Allen, and Planning Commission Alternate Rachael Ford.

On motion by Donna Allen, Commissioner, seconded by Harriett Burt, Commissioner, the Commission present voted to approve the Minutes of November 10, 2009, meeting, as amended. Motion unanimously passed 7 - 0. (Commissioner Marchiano absent.)

Regular Item #4 taken out of order.

4. Prezoning Process for the Proposed Alhambra Valley Annexation
Applicant: City of Martinez (KM)

Assistant City Manager Karen Majors presented the staff report, reviewing the LAFCO annexation process, the Alhambra Valley Specific Plan (including environmental review), the potential for a protest by the voters, a map showing properties with deferred annexation agreements, and the next steps in the process.

Commissioner Burt asked about pressure from LAFCO to proceed with the annexations. Ms. Majors explained that the mayor sits on the LAFCO Board and has made staff aware of a similar situation in Concord, as well as his belief that now is the time to proceed.

Commissioner Burt asked if the total number of homes allowed in the Alhambra Specific Plan (242) includes those proposed in the "Dead Horse" development far east of the areas currently being considered. She noted that the development has been cancelled because of the whip snake habitat.

Ms. Majors said she would research and provide that information at the January Planning Commission meeting. She asked where the development was to be, and Commissioner Burt clarified the exact location.

Commissioner Burt asked if the homes on the other side of Alhambra Valley Road that get their water from the City would also be included. Ms. Majors said no, because that could impact the protest limits.

Commissioner Allen said it would be helpful to know the boundaries of the Alhambra Valley Specific Plan, and Ms. Majors agreed to provide that information as well. In response to an additional comment from Commissioner Burt, Ms. Majors clarified that the boundaries of the Plan were much larger than the annexation area. Commissioner Allen asked, and Ms. Majors confirmed that the Planning Commission has no authority to approve or disapprove the annexation, but can give input on the rezoning of the properties.

Commissioner Allen asked what benefit the City will realize from the annexation. Ms. Majors explained that the purpose of the annexation is to fulfill past agreements, some of which have been in existence for 25-30 years. She also indicated that a financial impact analysis had been done, but was reported incorrectly in the Gazette. She acknowledged that the City would have a net loss, but when new development occurs in the area there will be a modest revenue surplus at that time.

Commissioner Allen asked why the annexation process was stopped in 1995. Ms. Majors confirmed it was due to the protests and she clarified what was included at that time.

Commissioner Allen asked about some areas that were excluded, and Ms. Majors explained that they were outside the City's urban limit line, noting that the City is precluded from providing services outside that line.

Commissioner Allen asked why not adjust the urban limit line. Ms. Majors explained that was something to be decided by the county, and if the City annexed the area anyway it could affect transportation funding.

Commissioner Allen suggested creating a water district since its boundaries could be adjusted more easily. Ms. Majors said that would be a question for LAFCO. She noted that ultimately these properties are subject to annexation by the City because of the deferred annexation agreements that were in place. Commissioner Allen indicated she would like to have the alternative explored further. Chair Kluber confirmed with staff that annexation of the area would include the City providing full services - police, roads, etc., not just water service.

Commissioner Keller asked what the financial impacts will be if the properties are not developed. Ms. Majors acknowledged the City would experience a slight negative until the properties with approved development agreements are developed, however she noted that there might be other properties that could be developed but don't have approvals in place yet. Commissioner Allen said she would like to see a copy of the financial analysis.

Commissioner Burt asked if the Planning Commission is required to do the rezoning, acknowledging she had some concerns as to whether the City will be able to provide adequate services to the area.

Ms. Majors explained the necessity for making the rezonings consistent with the county's specific plan, especially since many of the properties have not been rezoned yet.

Commissioner Allen asked what options the area residents have to protest the annexation and/or its boundaries, especially if more than 70% do not have the right because of the existing pre-annexation agreements. Ms. Majors said they could speak at the Council hearing on the matter.

Commissioner Allen asked whether consideration of a new water district would address LAFCO's concerns and could be analyzed before the Commission makes its rezoning recommendations.

Chair Kluber opened public comment on the item.

BRIAN MULRY, Gagen McCoy, representing members of the Alhambra Valley Improvement Association, reviewed points of opposition to the rezoning and annexation, including factors to consider, the irregular area proposed for annexation, and staff's determination that the annexation will not be subject to CEQA.

MIKE ALFORD said he knew of no one living in the area that supports annexation. He questioned the ulterior motives for acting on the annexations at this time and whether the City's resources were sufficient to meet the needs of the new area in addition to current areas of the City.

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

Chair Kluber asked whether the CEQA exemption would apply to all future development in the annexation area, or whether future projects might still be subject to CEQA review. Ms. Majors clarified that as long as the development that takes place is consistent with the requirements of the county's Alhambra Area Specific Plan, no additional CEQA review would be required.

In response to a question from Chair Kluber, Ms. Majors discussed the next steps in the process.

2. Cascara Canyon GPA 09-01, REZ 09-01 Public hearing to consider: a) adoption of a Mitigated Negative Declaration; b) 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 (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, within 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. (Continued from November 10, 2009)

Commissioner Busby returned to the meeting and was seated at the dais.

Senior Planner Corey Simon reported that based on input from the Commission at the last meeting, staff has prepared a draft resolution recommending denial of the application.

Commissioner Burt commented on her observations of traffic and parking in the area during the weeks since the last meeting. She was especially concerned because of the fact that Shell Avenue is planned to be one of the important routes out of town in an emergency situation. She indicated she would like the resolution to mention it as a major arterial. Chair Kluber asked staff if changes could be made to the resolution at this point.

Planning Manager Terry Blount said changes could be made to the language of the resolution, but he added that the Commission needs to act on the application tonight so staff would like any changes the Commission wants to make to be specific so they can be affected at this meeting.

Commissioner Allen's expressed agreement with the concerns expressed by Commissioner Burt. She was concerned as well that the CEQA issues cited in the resolution were not comprehensive enough. She also indicated she had additional language related to traffic issues, the lack of

project details, and the lack of compelling reason for a spot General Plan amendment (even though a full General Plan review update is planned).

Chair Kluber said he thought the resolution as presented adequately reflected the concerns of the Commission. He did not think any amending of the resolution was necessary.

Commissioner Ford reiterated her concern that the Commission would have no future opportunity to rule on density, traffic and design issues; she thought that was significant enough that it should have been mentioned in the resolution as well.

Commissioner Keller said he agreed with Chair Kluber that that resolution presented was adequate.

Commissioner Busby said she would support adding a few sentences if it will make other Commissioners feel more comfortable about the resolution.

Commissioner Burt clarified that her concern was that a reference to the traffic issues not being adequately addressed in the initial study be included with number 2 of the resolution. Commissioner Allen said her concern with Item #2 was that the potential impacts were not specified.

Mr. Blount suggested revised language for Item #2 to address the concerns raised by Commissioners Allen, Burt and Ford.

The Commission recessed for 5 minutes to allow staff time to make the necessary changes to the resolution.

Mr. Simon proposed adding a number D, to state that the Commission thinks approval of the GPA is premature because there was not enough information available regarding the site plan.

Mr. Blount reiterated the proposed additional language for Item #2.

Chair Kluber opened public comment on the item.

JOHN BELLATO commented on traffic/parking conditions he observed in the area while enroute to this meeting and a recent accident in the last two weeks.

NORMAN MCDONALD commended the Commission for recognizing the limitations of the proposal as presented at the last meeting. He shared with the Commission a letter from the City Engineer in 1992 regarding the removal of the olive tree, noting it was never enforced. He asked that the draft resolution ask that the Council not approve the project until all the issues raised by the Planning Commission have been addressed. He asked also that the 25 mph speed limit be painted on the street and posted more extensively in the area.

MIKE ALFORD asked that the Commission take a stand before the Council on behalf of the people. He noted that Shell Avenue is a main thoroughfare, and a full CEQA review should be done.

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

Commissioner Busby asked if the City Council can approve the project as the developer has presented it.

Commissioner Burt noted that in the past when zoning amendments to the General Plan had been proposed, the Commission had always had a copy of the actual plan for reference as they were determining the recommendation.

On motion by Harriett Burt, Commissioner, seconded by Donna Allen, Commissioner, the Commission present voted to approve the resolution recommending denial of the General Plan Amendment and rezoning with the proposed changes. Motion passed 6 – 1, with Commissioner Keller voting no (Commissioner Marchiano absent).

Mr. Blount informed the Commission that staff would address the issue of the fallen olive tree on Shell Avenue. He also mentioned that the applicant would provide the Commission with a revised plan that would hopefully address the Commission's concerns, and that proposal would be included in the next meeting's staff report.

Commissioner Allen asked if the Council could then approve the revised plan, and suggested that the applicant's revisions should be reviewed by the Commission before going to the Council so that the Commission is not circumvented.

Senior Planner Simon clarified that the Council would not be able to approve the applicant's development plan, but would only refer to that plan in deciding whether or not to approve the General Plan Amendment. The development plan itself would return to the Commission.

Commissioner Burt repeated her objection that the Council would still be making its decision without reference to the actual plans.

Mr. Blount assured the Commission that the Council would be made aware of all of the facts, including the Commission's recommendations regarding both the original plan and the revisions.

Commissioner Allen asked if the minutes for this meeting could be provided to the Council in addition to the Commission's resolution. She asked if the Commission could approve them before the next meeting so they can be given to the Council. Mr. Blount said he would investigate as to whether it would be possible to have the draft minutes appear on next week's joint Planning Commission/City Council meeting.

Commissioner Keller asked that his vote on the Resolution be changed to NO

REGULAR ITEMS

- 3. Planned Unit Developments as Rezonings Public hearing to review proposed zoning text amendments to the Martinez Municipal Code, replacing the current Chapter 22.42; Planned Unit Development. Proposed changes include: a) replacing the current process of allowing a Planned Unit Development (PUD) as a conditional use, subject to Use Permit approval by the Planning Commission, with one defining a PUD as a specific*

Overlay Zoning District, subject to approval of a Zoning Map Amendment by the City Council; and b) for projects within either the Downtown Specific Plan or Downtown Overlay District areas, reducing the minimum size for a PUD from 1 acre (43,560 square feet) to 7,000 square feet. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced.

Senior Planner Simon presented the staff report, discussing the City's zoning structure and its process of approving rezonings and developments, and reviewing staff's recommendation on the item.

Commissioner Allen asked about the comments in the staff report on land use designation. Mr. Simon confirmed that the General Plan does not have adequate development and density standards.

Commissioner Allen asked about the suggested figure of 7,000 square feet as a minimum, and Mr. Simon explained the logic behind it.

Commissioner Allen confirmed with Mr. Simon that the entire development plan would be approved at the same time, rather than a two-step process as is usually followed..

Commissioner Allen mentioned the problem of standards being difficult to find in the future, and asked if the standards could be made part of the deed document. Mr. Blount said that would be more of an internal problem than one to be addressed in changes to the ordinance.

Commissioner Allen asked if her concern could be given consideration. Mr. Simon agreed that the City had a responsibility to maintain PUD records.

Commissioner Allen suggested that the text on Page 7 on residential subdivision developments was too specific, and proposed that some of the details be removed. In Section B, she asked that the text be amended to mention only one category of residential. She clarified some of the wording in Section B1.

Chair Kluber confirmed with staff that after being approved by the Commission, the draft would go to the Council for final approval.

Commissioner Allen confirmed that the City had the option of initiating PUD in areas of multiple ownership. She asked if the land use findings needed to be consistent with the General Plan, and confirmed that requirement was included. She also confirmed that the Commission's final design review was needed before building permits could be obtained, and suggested that that be included in the draft regulations. She asked about the expiration dates for PUDs, and the provisions for the protection of property owners. She asked if there could be any flexibility in the guidelines for site-specific adjustments.

Commissioner Burt asked about provisions for the protection of the City in the case of outdated PUDs.

Chair Kluber opened public comment on the item.

MIKE ALFORD noted his objection that the Council could disregard recommendations of the Commission.

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

Commissioner Burt agreed that the proposed amendment seemed to take away from the Commission's decision-making power. Mr. Simon noted that in many other cities, the Council has the primary decision-making role, with the Commission providing recommendations, but clarified that the Commission's recommendations still carry authority.

Mr. Simon addressed Commissioner Allen's comment on page 14 and proposed changes to the draft.

On motion by Donna Allen, Commissioner, seconded by Frank Kluber, Chair, the Commission present voted to adopt the amendment with the suggested changes, including a "sunset time." Motion unanimously passed 7 - 0 (Commissioner Marchiano absent.)

COMMISSION ITEMS

None.

STAFF ITEMS

Planning Manager Terry Blount asked for Commission input regarding the frequency of meetings, noting that more meetings were canceled this year than have been held. He indicated staff would like to propose the Commission meet only one time per month. He suggested the fourth Tuesday of every month, beginning in February.

After brief discussion, the Commission agreed to the reduction in regular meetings, with the understanding that more meetings can be added if the workload increases.

Chair Kluber suggested that three of the Commissioners (Ford, Keller and Marchiano) be sent to the Monterey League of California Cities planning seminar. Mr. Blount said he could put in a request.

COMMUNICATIONS

None.

Chair Kluber adjourned the meeting at 10:00 p.m. to the next Regular Meeting, January 12, 2010, 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