

Planning Commission Minutes
Regular Meeting
March 23, 2010
Martinez, CA

CALL TO ORDER

Chair Lynette Busby called the meeting to order at 7:00 p.m. with all members present except Commissioners Avila and Marchiano.

Staff present: Associate Planner Anjana Mepani
Senior Planner Corey Simon
Planning Manager Terry Blount

ROLL CALL

PRESENT: Lynette Busby, Chair, Donna Allen, Vice Chair, Harriett Burt, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, and Paul Kelly, Planning Commission Alternate.

EXCUSED: None.

ABSENT: AnaMarie Avila-Farias, Commissioner, and Michael Marchiano, Commissioner.

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of February 23, 2010, meeting.*

On motion by Donna Allen, Vice Chair, seconded by Harriett Burt, Commissioner, the Commission present voted to approve the Minutes of the February 23, 2010, meeting. Motion unanimously passed 6 – 0 (Commissioners Avila and Marchiano absent).

REGULAR ITEMS

2. *Stahlberg Residence VAR #10-01, UP #10-01 Public hearing on an appeal of the denial decision of the Zoning Administrator for Use Permit #10-01 and Variance #10-01. The Zoning Administrator denied the applicant's request for Use Permit and Variance approval to allow reconstruction and renovation of a vacant single-family residence and garage located at 208 Arreba Street. Applicant: Richard Stahlberg (AM)*

Associate Planner Anjana Mepani presented the staff report, including photos of the site, project information (lot size, zoning, and general plan area), site maps, aerial views, and the applicant's request. She explained the zoning requirements and the background history. She reviewed the Zoning Administrator Hearing, the subsequent denial of the application, and the appeal by the applicant, and described the options available to the Commission.

Commissioner Burt asked about the outcome of the application in 2007. Ms. Mepani explained that there had been no formal application until now, but that the applicant may have obtained the letters of support from his neighbors at that time.

Commissioner Kelly asked about the possible unruly conduct at the Zoning Administrator meeting, mentioning the objections about the proposed size of the rear windows. Mr. Blount said the meeting had been more spirited than unruly. Ms. Mepani noted that the applicant's appeal had suggested changing the size of the windows.

RICHARD STAHLBERG, property owner and downtown business owner, discussed his plans to retire in this home and reasons for wanting the remodel. He indicated that he did give letters of support to Planning staff in 2007, but the current staff cannot find them. He noted that he had submitted updated letters.

MIKE MELANI, Melani & Associates, discussed issues raised at the Zoning Administrator meeting. He noted that some of the neighbors who had expressed concern had misunderstood the notice and posting--the posting had stated 3500 square feet as the lot size, but it had been misinterpreted as the size of the dwelling. He added that many of the lots in the neighborhood are small and nonconforming and some have been improved with increasing lot coverage. He noted that making improvements improves property values.

Mr. Melani maintained that the existing issues with neighbors and compliance with the General Plan and Zoning goals can be resolved. He noted that Mr. Stahlberg has proposed alternatives regarding the second story windows, which he reviewed, adding that he did not favor staggering the second story.

Chair Busby opened the public hearing.

BIANCA MC CANN, 211 Robinson, questioned the distance of the current structure from her house. She stated that approval of this remodel requires that it not impact the privacy and welfare of the existing neighborhood, and that it be consistent with other homes in the area. She added that she was not sure that Mr. Stahlberg would continue to maintain the building, and she expressed concern about the impact on the property value of her own home with a 2-story, 25-foot wall so close. She also noted that the total area of proposed remodel, including the garage, would be close to 3500 square feet.

JIM FLATT expressed support for improving the existing home as beneficial to the City and the neighborhood. He expressed concern that Mr. Stahlberg has spent 15 years trying to build on his property, and he has tried to work with staff and the neighbors to resolve the issues.

GLORIA CUNNINGHAM expressed concern about view impacts, adding that building a larger house would be out of character for the neighborhood.

SUZANNA ISOLA acknowledged she was originally concerned with a 3,500 sq. ft. proposal, and that she was reassured to see what Mr. Stahlberg is actually proposing. She expressed

appreciation to Mr. Stahlberg for showing details to her and for attempting improvement to the neighborhood.

LUKE MC CANN discussed concerns with the impact on views, property values, privacy, and quality of life.

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

Chair Busby asked if the staff had seen the color renditions submitted tonight previously; the applicant stated that they had not.

Rebuttal

Mr. Melani noted that the views have been improved thanks to Mr. Stahlberg's improvements. He clarified that he is not an attorney, but a civil engineer and land surveyor. He stated that the primary issue is privacy, noting that a second story is permitted if setbacks are met. He stated that he believes findings can be made to approve the requested variances. He agreed there would still be impacts, but noted that Mr. Stahlberg will continue to work with his neighbors to try to work out the issues.

Chair Busby asked if Mr. Stahlberg had met with his neighbors at 211 Robinson Street; Mr. Stahlberg stated that he had, but they did not want to talk.

Vice Chair Allen asked about the distance of the back setback. Ms. Mepani said that the proposed plans show 4 feet. Mr. Melani said the house was at 4 feet, but the garage may be less.

Commissioner Burt asked if staff had visited the site to clarify the setback distance. Mr. Stahlberg said that if they had not, he would allow them to. Ms. Mepani said that there may be a lean-to in the back that is closer to the fence.

Commissioner Ford commented on the contentious nature of the project and the impact on investment values. She noted that Martinez has a unique sense of community and that she would like to see if it can be resolved without attorneys. Commissioner Ford confirmed that staff has nothing on file in City Hall for the property until 2010. Ms. Mepani said that according to the applicant, he has been meeting with staff for 15 years informally, with nothing documented. Planning Manager Terry Blount said that after a thorough search of records, they could find no documentation.

Commissioner Ford questioned why the application was denied when the staff report recommended approval. Mr. Blount discussed findings that have to be made for use permits and variance. He stated that based on the record in its entirety, the finding regarding "public detriment" could not be made, based on the opposition from the neighbors. Commissioner Ford questioned why only 5 neighbors could keep an improvement from being made, when projects with greater opposition have been approved in spite of Planning Commission opinion.

Commissioner Burt agreed with Commissioner Ford's consternation, especially since some of the opposition was based on the perceived size of the proposed building. She noted that public

contact with the neighbors by the applicant could have been done sooner and better. She acknowledged that many of the neighborhoods in the downtown are older ones, some even with un-permitted improvements. She stated that she did not think the height would impact the view too much. She also noted that 211 Robinson used to be a drug home, and said she was glad to see that the new residents are a positive improvement. She stated that Mr. Stahlberg's improvements could also be an asset in a difficult neighborhood. She said that privacy is a problem everywhere in the Bay Area, and that Mr. Stahlberg's agreement to remove the windows along the back wall is a good gesture, as will be additional architectural details if they can be gained. She concluded that improving the property will improve the neighborhood property values.

Vice Chair Allen agreed with Commissioner Burt. She said that she too had visited the area and agreed that there would not be much impact on the view. She said that the applicant seems to be willing to work with his neighbors on the remaining issues, and these improvements are exactly what the City needs in the older area of town. She encouraged the neighbors to get along.

Commissioner Keller discussed his role on the Housing Element Task Force, and some of the issues raised with this lot. He stated that this is a nice looking project that will improve the lot and the neighborhood, and expressed hope that better agreement could be found with the neighbors.

Commissioner Kelly agreed, stating his first impression is that this design is ideal for the lot and the neighborhood. He also agreed that maybe some way could be found to break up the sheer impact of the wall, and he noted that many areas in the county are zero lot line.

Vice Chair Allen noted that most improvement to any neighborhood needs some kind of concession by the neighbors.

Chair Busby asked if the project was going to the Design Review Committee; Ms. Mepani and Mr. Blount confirmed that it is not required for this project.

Chair Busby suggested that the neighbor meet with the applicant and staff to mediate and resolve issues such as privacy.

Commissioner Ford asked about grandfathering, or legal nonconforming, and subsequent requirements for the property. Mr. Blount said that nonconforming additions are made. They are required to conform to current standards; he acknowledged the difficulty with meeting all the requirements and having any area remaining. Commissioner Ford suggested that the City address the problem for residents trying to improve their property without having enough space.

Mr. Blount confirmed that this would be a good subject for the General Plan update. He briefly discussed the "customer service" goals of his staff, and noted the short turnaround from Mr. Stahlberg's actual application time until the Zoning Administrator hearing. He also reviewed the decision-making process of the Zoning Administrator. Commissioner Ford agreed that the turnaround time had been short, and explained her concerns with making the best decisions for the City and its residents.

Commissioner Burt noted that there is an appeal process to the Planning Commission and the City Council. She acknowledged concerns about property value impacts in the past with other projects, usually with an eventual positive outcome when the residents worked together.

Vice Chair Allen thanked Ms. Mepani for her extremely well-written and complete staff reports, both for the Zoning Administrator hearing and for this meeting.

Mr. Blount reviewed the appeal process to the City Council.

The Commission briefly discussed the available options to mitigate the negative impacts.

On motion by Harriett Burt, Commissioner, seconded by Rachael Ford, Commissioner, the Commission present voted to grant the appeal of the denial decision of the Zoning Administrator for Use Permit #10-01 and Variance #10-01, with changes to the rear architecture of the second floor to include 5 small windows or no windows at all. The Applicant was encouraged to work with the rear neighbor to reach agreement. Motion unanimously passed 6 – 0 (Commissioners Avila and Marchiano absent).

- 3. Multi-Family Residential Parking Standards ZA #09-02 Public hearing to review proposed zoning text amendments to the Martinez Municipal Code Chapter 22.36; Off-Street Parking. Proposed changes include: adjusting the minimum required parking for multi-family residential development; establishing a city-wide requirement for guest parking in multi-family residential development; and modifying the design standards and use restrictions of driveways and garages that are used for required parking. 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 the February 23, 2010 meeting) Applicant: City of Martinez (CS)*

The meeting paused for five minutes and resumed with all members present as indicated.

Senior Planner Corey Simon presented the staff report, reviewing the additional research into the policies of neighboring cities.

Commissioner Keller asked if any other cities have guest parking requirements linked to the total number of units within the project, and not just at a per-unit rate. Mr. Simon said that none of the cities did. All agencies used a constant per unit rate, and they would usually round up or down, although there might also be an option of making the ratio of required guest parking spaces go down as the number of units within the project rises, with some cutoff point at which there was no additional guest parking requirement.

Mr. Simon also discussed staff's recommendations regarding tandem parking. Vice Chair Allen asked about tandem parking with one space in the garage, and one outside. Mr. Simon said that it was not precluded and could be considered on a case-by-case basis. Vice Chair Allen said she would only approve tandem spaces in garages.

Mr. Simon confirmed that other cities also consider tandem parking on a case-by-case basis.

Vice Chair Allen asked for clarification on the difference between use permits and variances, stating her opinion that a use permit process would be better than variances. Staff deferred to the earlier opinion cited by City Attorney Veronica Nebb, who does not recommend the granting of exceptions to parking standards with a use permit, and that variance or Planned Unit Development approvals are more appropriate..

Commissioner Ford asked why Pleasant Hill's parking requirements are much greater than those of other cities. Mr. Simon said it was probably because Pleasant Hills sees its self as more of a suburban community, as most of the City was on other side of the freeway from the Pleasant Hill Bart Station and away from public transit. After some discussion, Commissioner Ford said that in light of recent problems, she would prefer greater guest parking than .25 (preferably .5 as per City of Pleasant Hill's requirement).

Commissioner Burt expressed concern about guest parking being used by residents. Vice Chair Allen said that the county allows street frontage parking to count towards meeting parking requirements, but she would not support that. Mr. Simon said that staff does not support it either.

Commissioner Keller said he thought a ratio of .25 was adequate, especially when there is overflow on-street parking. Commissioners Burt, Allen and Kelly said that they would support .33 per unit, not counting on-street parking, for 3 or more units.

Before making a recommendation on the entire draft regulations, the Commission chose to first poll members as to its recommendation in regards to just guest parking requirements. On motion by Donna Allen, Vice Chair, seconded by Jeffrey Keller, Commissioner, the Commission present unanimously voted to support a requirement for guest parking at a ratio of .33spaces per unit, not counting on-street parking, for projects with 3 or more units.

Commissioner Allen asked about the exception process. Mr. Simon discussed codified exceptions with the Downtown Overlay District, Specific Plan, etc., but deferred again to Ms. Nebb's concerns. He stated that the purpose of a variance is to create parity, not special favor.

Vice Chair Allen asked about RV parking requirements in multifamily rental projects and condominiums. Staff stated the City currently has a requirement for RV parking spaces in Condominium projects, but does not see a need now add such a regulation for all multifamily projects. Vice Chair Allen stated that the same language and standards should apply to all multi-family projects.

The Commission discussed possible RV restrictions for multi-family projects which adhere to condominium standards. Option discussed included a version of City of Concord's regulations, where the parking of RV's is prohibited in multifamily developments unless RV parking, at a prescribed ratio, is provided. Staff suggested that the Ordinance provide RV parking specifications which must be met if the developers wish to provide RV parking, and that Concord's approach would be workable..

On motion by Donna Allen, Vice Chair, seconded by Rachael Ford, Commissioner, the Commission present voted to adopt the draft resolution recommending that the City Council approve the draft ordinance revising the City's multifamily parking requirements as presented, but with guest parking requirements to be at the ratio of .33 spaces per unit as just previously discussed the by Commission, and that the following new restrictions on the parking of RV's shall be made applicable to all multifamily projects: RV parking shall be prohibited unless RV parking spaces, with a minimum dimension of 10 ft. by 25 ft. are provided at a ratio of .20 spaces per unit. Motion unanimously passed 6 – 0 (Commissioners Avila and Marchiano absent).

COMMISSION ITEMS

Commissioner Burt brought up the formation of the General Plan Task Force. Mr. Blount stated that interested people should contact the mayor. The Council discussed ways of notifying people about the Task Force and other news, possibly compiling an email list.

Vice Chair Allen asked whether the minutes from the Zoning Administrator meeting could be added to the packet next time when there is an appeal. Mr. Blount stated that there was not enough staffing and resources to provide minutes for the Zoning Administrator meetings.

Commissioner Ford mentioned the need for documentation of future counter visits, especially for return visits. The Commission discussed different processes and uses of such documentation. Mr. Simon noted that computer records allow for better tracking.

Commissioner Ford noted that Marty Ochoa, chairman of the Chamber of Commerce, was hospitalized last week following a heart attack.

STAFF ITEMS

Mr. Blount reported that Assistant City Manager Karen Majors will be leaving June 1st and that the position will not be filled again for the time being, due to budget issues. He discussed subsequent staffing constraints and the impact on customer service and support for the Planning Commission.

Mr. Blount gave a brief report on the Planning Commission meeting schedule – noting there would likely be one in April, two in May, and one in July.

Mr. Blount discussed the Design Review Committee process and possible streamlining of the process, including joint Design Review Committee/Planning Commission study sessions when appropriate. The Commission expressed their support of the concept.

COMMUNICATIONS

Commissioner Allen asked about the field trip to Alhambra Highlands, and when the project would be returning. Mr. Blount said that the field trip was still in the planning stage. He added that the meeting on April 27 would discuss the DEIR, and the project would return in July.

On motion by Donna Allen, Vice Chair, seconded by Rachael Ford, Commissioner, the Commission present voted to adjourn at 9:20 p.m., to the next Regular Meeting, April 27, 2010

at 7:00 p.m. in the Council Chambers. Motion unanimously passed 6 – 0 (Commissioners Avila and Marchiano absent).

Respectfully submitted,

Approved by the Planning Commission Chairperson

Transcribed by Mary Hougey

Lynette Busby

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