

Planning Commission
Regular Meeting
April 27, 2010
Martinez, CA

CALL TO ORDER

The meeting was called to order by Acting Chair Harriett Burt at 7:02 p.m. with all members present except Chair Lynette Busby, Commissioner Allen and Commissioner Avila, who were excused.

ROLL CALL

PRESENT: Harriett Burt, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, and Michael Marchiano, Commissioner.

EXCUSED: Chair Busby, Commissioners Allen and Avila

ABSENT: None.

Staff present: Planning Manager Terry Blount, Senior Planner Corey Simon

AGENDA CHANGES

Planning Manager Terry Blount indicated that staff is requesting Item 4 be continued to a date certain, June 22, 2010.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. Minutes of March 9, 2010, and March 23, 2010, meeting.

Commissioner Ford corrected the minutes of March 23rd, page 3, asking that Commissioner Ford's "consternation" be changed to "disappointment."

On motion by Michael Marchiano, Commissioner, seconded by Jeffrey Keller, Commissioner, to approve the Minutes of March 9, 2010.

Motion unanimously passed 5 - 0. Yes: Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Michael Marchiano, Commissioner (Chair Busby, Commissioner Allen and Avila absent).

On motion by Michael Marchiano, Commissioner, seconded by Jeffrey Keller, Commissioner, the Commission voted to approve the Minutes of March 23, 2010, as amended by Commissioner Ford.

Motion unanimously passed 5 - 0. Yes: Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner, and Michael Marchiano, Commissioner (Chair Busby, Commissioner Allen and Avila excused)...

2. Adoption of Resolution granting appeal of the Zoning Administrator's denial and approving Use Permit #10-01 and Variance #10-01, requests to allow reconstruction and renovation of a vacant single-family residence and garage, with exceptions to the normally permitted height and size of accessory structures, and exceptions to permitted yard setback requirements and coverage requirements in the R-3.5 Zoning District, for the property located at 208 Arreba Street.

On motion by Michael Marchiano, Commissioner, seconded by Paul Kelly, Commissioner, the Commission voted to adopt a Resolution granting appeal of the Zoning Administrator's denial and approving Use Permit #10-01 and Variance #10-01, requests to allow reconstruction and renovation of a vacant single-family residence and garage, with exceptions to the normally permitted height and size of accessory structures, and exceptions to permitted yard setback requirements and coverage requirements in the R-3.5 Zoning District, for the property located at 208 Arreba Street.

Motion unanimously passed 5 - 0. Yes: Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner, Michael Marchiano, Commissioner. (Chair Busby, Commissioners Avila and Allen excused).

REGULAR ITEMS

3. Cascara Canyon Public Hearing to consider the following actions to allow the construction of a 42 unit multi-family project on a 1.6 acre parcel adjacent to Shell Avenue and one custom home on a 4 acre (approximate) parcel (1/4 acre building site with the balance to be within an open space easement): a) approval of a two-lot Minor Subdivision; and b) approval of Use Permit and Design Review for a Planned Unit Development, which includes exceptions to the normally required development standards of the R-1.5 (Multi-Family Residential) Zoning District. Applicant: Bill Schrader, Shell Heights Association (CS)

Senior Planner Corey Simon presented the staff report, discussing project details, site context, aerial perspective, approvals given by City Council in January 2010, key aspects of the approved Initial Study, traffic improvement measures proposed by staff, requested action by the Planning Commission tonight, a review of the R-1.5 District requirements related to density, lot coverage, yard setbacks, building height, parking requirements and usable open space.

Mr. Simon also reviewed the revised draft conditions related to the architectural requirements and decorative paving (provided in memo to commission dated April 27, 2010), and a correction to the condition regarding the minimum width of the entry driveway (indicating it should be 22 feet, not 24 feet).

Chair Burt asked if the paving stones in the front would be difficult to maintain. Staff clarified that only the edge between asphalt and decorative concrete is difficult, and the applicants request eliminates such edges.

Chair Burt opened the public hearing.

BILL SHRADER explained the reason for the change in the paving material. He also discussed the reason for the change from 21 townhomes to 42 multi-family units: while they had tried to keep the same overall dimensions and other details, it seemed prudent, in view of the current market conditions, to switch to apartments, which are much needed now in the City. He thanked Mr. Simon and Mr. Blount for their assistance. He also reviewed the application process and the changes to the project in response to concerns raised by the public, as well as those mentioned by the environmental consultant hired by the City. He noted that the actual physical size of this proposal is almost identical to the original townhome project approved by the Planning Commission previously, and that the bedroom count only increased by 7, while parking ratios will increase. He noted that Mayor Schroder had expressed hope that this project could be an impetus to needed traffic improvements on Shell Avenue. He discussed the financial benefits to the City from the project and concluded by asking for the Planning Commission's support.

Chair Burt asked about the HUD financing and its relation to market-rate housing, and whether the units would stay at market rate. Mr. Schrader stated that he eventually hoped to convert the project to condos, noting that there was no way they could be marketed at a reduced rate. Chair Burt asked if he was familiar with the City's condo conversion requirements. Mr. Simon said that there may be a need for exceptions to the parking and storage requirements.

Chair Burt said that she was concerned about whether future issues could be resolved without complicated processes involving the Commission.

Mr. Blount said that the applicant is fully aware of all of the requirements. Chair Burt reiterated the need to be aware of problems arising in the future.

Commissioner Kelly asked about the possibility of the development changing to Section 8 housing. Mr. Schrader said that because of the market-rate financing, it would not be possible to rent them as Section 8 units.

GARY WHEELER, architect, said that the goal was to produce a quality project similar to 1111 Haven Street, with many similarities and some improvements to the originally-approved townhome project. He agreed that the quality of the materials used would make it infeasible to convert to Section 8 housing.

Commissioner Ford commented on market-rate rentals, noting that the City has many units which are not yet being rented. She asked if the Haven Street project is fully rented yet. Mr. Schrader said that the project has been fully sold or rented since December.

Commissioner Ford noted that this project is being built in a Section 8 area. She was concerned that there was no restriction on the project to prevent it from being changed to Section 8 in the future and that there was a possibility of using lesser quality materials or the like in anticipation. Mr. Schrader said that because he was without federal or state financing, it would not be possible to switch, adding that he has never done Section 8 housing and has no idea how to do so.

Mr. Blount clarified that the City would have control over the exterior materials, and the City's requirements would make it financially infeasible to change it to below-market rate housing. Mr. Schrader added that the interior materials would be a minor part of the project's cost.

Commissioner Kelly explained why he was concerned about the potential change to Section 8, given the existence of so many other projects that were originally not Section 8 but were later changed. He said that he wants to be sure that this project would remain quality family housing. Mr. Blount explained some of the specific circumstances that protected this project as opposed to other projects. Chair Burt explained that past experiences made the Commission very sensitive to this problem.

Chair Burt asked when would be an appropriate time to discuss parking and traffic issues and the proposed improvements to Shell Avenue. Mr. Blount stated that it might be good to hear public comments first.

Chair Burt opened the item for public comment.

ANN COCHRANE, 27-year resident, was concerned about increased traffic, especially at the intersection of Harborview Drive and Shell Avenue, both access and egress. She mentioned pedestrian safety issues and requested a pedestrian crossing, not a stop sign.

MARSHALL COCHRANE agreed with the signage issue and asked for a solar-powered speed limit sign that alternates with showing actual speed of vehicles. He also mentioned the usual quid pro quo associated with HUD funding, and questioned if there are any special HUD requirements. He suggested looking at the funding documents to ensure there are none.

CYNTHIA PETERS echoed the Commission's concerns about the project's potential conversion to Section 8. She questioned whether the applicant would be able to get market-rate rent in that location. She also noted that 1111 Haven Street still has the "Available" banner up.

ARLENE GRIMES commented on the increase from 21 units to 42 and the increased density. She also mentioned a concern about parking, especially now that the west side of Shell Avenue is posted "no parking", she questioned whether the rental rates will be financially viable.

BARBARA KAPSALIS asked whether the sidewalk from Terrace Drive would continue up Shell Avenue, and whether there would be decorative fencing in front of the units.

REBUTTAL

Mr. Schrader said that anyone can go on Google to get information on the HUD financing program he is using. Regarding the number of residents, he said that it should be almost identical to the previous project (20 two- or three-bedroom units as opposed to 30 one-bedroom and 12 two-bedroom units). He stated that qualified traffic consultants have made scientific projections on which the project details were based. He also discussed the health of the rental market, noting recent statistics showing that Martinez is ranked third from the top at 95% occupied. He stated that the sidewalk improvements have already been done, and that no

decorative fencing was proposed for the front.

Chair Burt closed the public hearing.

Commissioner Marchiano asked whether La Salle Manor is 100% Section 8, and Mr. Schrader said that, to his knowledge, it is not at all. Commissioner Marchiano agreed that was his understanding. Chair Burt said that her experience shows the rental market is improving also.

Commissioner Keller asked about the vacancy rate for La Salle Manor. Mr. Schrader responded that the current rate is about 92% with 7 vacant for remodeling; no 2-bedrooms are currently available. Commissioner Marchiano said that in his experience, that development is usually fully rented.

Commissioner Ford said that the HUD financing program cited by Mr. Schrader is heavily tied into affordable housing, which gave her some concern. Mr. Schrader said that this development would probably be the highest rent 1-bedrooms in Martinez.

Commissioner Ford expressed concern that Mr. Schrader could change his mind after the project is built, given the incentives that go with that financing. Mr. Schrader disagreed strongly.

Chair Burt asked about the possibility that he might decide to sell the project and if the commitments he made to the Planning Commission would go with the title change.

Mr. Schrader reiterated Mr. Blount's statements that the control would be the type of materials being used, which made it financially infeasible to change the type of project to below market rate housing.

Mr. Blount noted that the approvals being required do not allow the Planning Commission to deny the project based on the type of financing being used.

Chair Burt commented on the history in Martinez of several projects that were "never going to be Section 8" that now are. She acknowledged Mr. Schrader has not used HUD financing before, but she still felt this was a reasonable concern.

Commissioner Kelly mentioned other projects that have become low-income or Section 8.

Commissioner Keller asked, and staff confirmed, that there is no way to prevent the project from being converted to Section 8. Mr. Simon agreed that the landlord or property owner has the right to accept Section 8 vouchers if they want. Mr. Blount reiterated the applicant's statement that a Section 8 subsidy could not come close to covering the project costs.

Commissioner Ford expressed concern about the parking reduction. Mr. Simon discussed the parking study's recommendations based on similar developments, indicating that 1.5 spaces per unit should be sufficient as per the approved Mitigation Measures, although he acknowledged that there would not be much extra room for guests or other unanticipated overflow.

Mr. Blount noted certain other communities in Contra Costa County that have an allowance for a parking reduction, if a parking demand analysis is included, which is why the applicant provided one.

Commissioner Ford said that the Commission was concerned with the accuracy of the parking study provided, noting that they were very concerned about the impact on the neighborhood. Mr. Schrader noted there would be 73 spaces, including those on the street, 14 unassigned spaces, and two independent parking studies which were done independently from each other and agreed with the recommendation. He also added that it is not his responsibility to make sure the La Salle residents park where they are supposed to, and he cannot fix that.

Commissioner Marchiano said that he thought the applicant had addressed the parking issue adequately. He commented on the difficulties with traffic accessing Shell Avenue, noting that the number of accidents occurring does not substantiate the concerns that have been expressed. He acknowledged there are some traffic issues with traffic at 3:00 pm and in the morning. He also noted that the parking ratio has increased from the previous proposal, adding that 1-bedroom apartments don't usually have a high number of residents.

Commissioner Kelly admitted that he was surprised by the low number of actual accidents on the street.

Chair Burt noted there is a difference between the parking statistical analysis and the perception of those who actually drive and park in the area. Her concern was with adding a large number of units with the large number of residents and cars on that particular street. She acknowledged that the City has little control over the use of assigned parking, so the impact on Shell Avenue does have to be considered. She stated that she thought 1.5 spaces per unit would be workable, though there was still a great deal of concern, and she also expressed concern about overflow parking onto Shell Avenue.

Commissioner Keller agreed with Commissioner Marchiano's comments regarding parking and traffic issues, but he added that he was not sure the tandem spaces would be efficient for 1-bedroom units and suggested that they be assigned to 2-bedroom units only.

Chair Burt asked about staff's progress dealing with the traffic problems on Shell Avenue.

City Engineer Tim Tucker discussed the proposed traffic improvements and reviewed the traffic accident statistics in the area (1 in 6 years). He noted that the City Council has a Traffic Safety Committee and that no complaints have been made recently about Shell Avenue, but because of comments regarding this project the Committee did consider the conditions and make recommendations. He discussed the signage and road conditions, and the need to work with the neighbors to address concerns such as the LaSalle residents' parking. He acknowledged that the signage recommended by Mr. Cochrane is good, but he was not sure that it was the highest priority.

Chair Burt asked what could be done about the pedestrians, as mentioned by Ms. Cochrane. Mr. Tucker said that putting in a painted crosswalk gives pedestrians a false sense of security. He

acknowledged that Shell Avenue is not safe for pedestrians.

Chair Burt asked about the City's definite plans to address some of the issues and to meet with the neighbors to discuss them further. Mr. Tucker reviewed the progress the Committee had made so far, and said that he would be glad to meet with the neighbors next week. He instructed any concerned residents to contact him to arrange a meeting (372-3562).

Commissioner Marchiano said he was happy with the earlier iteration of the project and even happier with the improvements. He thought it was a good infill project for Martinez, and the traffic conditions are not the responsibility of the applicant. He was supportive of the project.

Commissioner Ford said she was not opposed to developments, even infill projects, but in this instance her concerns had not been addressed. She was not supportive of the project, but she expressed hope that Mr. Schrader will keep his word about Section 8. She was concerned about including on-street parking as part of the available parking spaces. She also expressed disappointment with Mr. Schrader's attitude, especially when dealing with the neighbors.

Commissioner Keller said he thought the design of the project is high-quality, which is difficult to find in these economic times. He thought the applicant had done a good job of meeting the environmental requirements. He also said he would hate to see the project turn into Section 8, but it may not be possible to prevent that. He was supportive of the project, especially as opposed to the vacant lot currently there.

Commissioner Kelly commented that it was a nice project, but he agreed the potential conversion to Section 8 units is a concern for him. He asked if a moratorium could be put on apartment buildings in the City. He expressed his support for family-friendly projects and the increased financial benefit to the City. Mr. Blount said he didn't think it would be possible for the City to limit apartment projects, but he would confirm it with the City Attorney.

Chair Burt commented on her mixed feelings, acknowledging the City's need for infill projects and that it could improve the livability of the City. She also noted that infill projects are often proposed for the last lot on the block, and exceptions to the requirements are sometimes needed. She expressed disappointment that the issues were not addressed in a study session first. She indicated she disagreed with the zoning change that resulted, and she did not think the traffic and parking impacts had been allayed. She noted that the economics of a project or a developer are not the guiding principle for the Planning Commission, but consideration of what is best for the citizenry. She stated she could not support the project, as she felt it was too big for the location.

Commissioner Keller asked if the Commission could add another condition requiring the tandem spaces to be used only for 2-bedroom units. Commissioner Kelly agreed. Mr. Blount agreed it would make sense.

Mr. Schrader said two of the tandem spaces were assigned to one-bedroom units, including a handicapped accessible one. He also noted that two spaces have been assigned for every 2 bedroom unit. Mr. Simon said maybe the conditions can say tandem is for a 2-bedroom unit or

for a handicapped accessible unit.

Mr. Schrader also indicated he will add a deed restriction against any storage in the garages. Mr. Simon said it was included in the conditions.

Mr. Simon mentioned the three changes recommended by staff.

Mr. Blount explained the appeal process.

On motion by Michael Marchiano, Commissioner, seconded by Jeffrey Keller, Commissioner, to approve construction of a 42 unit multi-family project on a 1.6 acre parcel adjacent to Shell Avenue and one custom home on a 4 acre (approximate) parcel (¼ acre building site with the balance to be within an open space easement): a) approval of a two-lot Minor Subdivision; and b) approval of Use Permit and Design Review for a Planned Unit Development, which includes exceptions to the normally required development standards of the R-1.5 (Multi-Family Residential) Zoning District, modifying the conditions of approval, adding the restriction that 2-car garages will only be rented to either two bedroom apartments or handicapped accessible units. The changes to architectural decorative paving and street width requirements recommended by staff

Motion passed 3 - 2. (Yes: Jeffrey Keller, Commissioner Paul Kelly, Commissioner Michael Marchiano, Commissioner, No: Harriett Burt, Commissioner Rachael Ford, Commissioner, Absent: Chair Busby, Commissioners Avila and Allen.)

4. General Plan Map Revisions Public hearing to consider and make a recommendation to the City Council on adoption of a General Plan Land Use Map memorializing changes to said Map by the City from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010. Applicant: City of Martinez (TB)

On motion by Michael Marchiano, Commissioner, seconded by Paul Kelly, Commissioner, the Commission voted to continue the item to a date certain, June 22, 2010. Motion unanimously passed (Chair Busby and Commissioners Avila and Allen were excused).

COMMISSION ITEMS

Chair Burt asked about the status the General Plan update, which Planning Manager Terry Blount provided. Mr. Blount also updated the Commission on the status of the Housing Element.

Chair Burt asked if the needed postponements have created a significant problem for the schedule. Mr. Blount said that since Ms. Majors is leaving City employment, the 2-year timeline may not be doable; but he could not say whether it might be 2.5 years or 3 years.

Mr. Blount announced that he had applied and the City had been awarded a California Common Cause grant for \$10,000.

Mr. Blount also congratulated Chair Burt on her Citizen of the Year award. Chair Burt commented on the well-done ceremony and complete event, as well as the venue.

Commissioner Ford commended City Engineer Tim Tucker for his great report; she also noted that many members of the public have told her what a great job Mr. Simon is doing, and she agreed.

STAFF ITEMS

Planning Manager Terry Blount announced there will be two meetings in May on the 11th and the 25th, and one in June (on the 22nd). He noted, however, that an additional June meeting might be necessary.

COMMUNICATIONS

None.

On motion by Michael Marchiano, Commissioner, the Commission voted to adjourn at 8:38 p.m.

Respectfully submitted,

Approved by the Acting Planning Commission
Chairperson

Transcribed by Mary Hougey

Harriett Burt