

Planning Commission
Regular Meeting
July 26, 2011
Martinez, CA

CALL TO ORDER

Chair Allen called the meeting to order at 7:07 p.m. with all members present.

ROLL CALL

PRESENT: Donna Allen, Commissioner, Harriett Burt, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, Sigrid Waggener, Commissioner, and Kimberley Glover, Commissioner.

EXCUSED: None.

ABSENT: None.

Staff present: Planning Manager Terry Blount, Senior Planner Corey Simon, Contract Planner Dina Tasini.

AGENDA CHANGES

Items to be continued or withdrawn, corrections, etc.

None.

PUBLIC COMMENT

On items not on the agenda.

MIKE ALFORD commented on the way the Mayor and City Council are running things; specifically, the selection of Planning Commissioners. He noted that he was going to begin a recall of the current Mayor and Council instead of running against them.

CONSENT ITEMS

1. *Minutes of June 14, 2011, meeting.*

On motion by Jeffrey Keller, Commissioner, seconded by Harriett Burt, Commissioner, to approve the Minutes of June 14, 2011, meeting. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner.

The Commission recessed for ten minutes to address some technical difficulties with the powerpoint projector.

The meeting reconvened at 7:21 p.m. with all members present.

REGULAR ITEMS

2. *The Austin Group Retail Center 11PLN-0021 Public hearing to consider the following permits relating to the construction of a proposed 19,500 square foot commercial center on a 1.5 acre site: a) Use Permit to allow a drive thru facility and sign program including monument signage over 20 square feet in size; b) Variances to permit less than the minimum required front, rear and (internal) side yards, to allow an 8 ft. height fence where a maximum of 6 ft. is normally permitted, to allow less than the 95 parking spaces normally required and to reduce parking lot dimension/loading bay requirements; and c) a Lot Line Adjustment between three existing parcels. This project is located at 1047 Arnold Drive. Applicant: Bill Schrader, The Austin Group (DT)*

Staff Report

Contract Planner Dina Tasini presented the staff report, reviewing the project location, information presented at the dais, air quality analysis, noise analysis, revisions to the resolution, and letter from Sandy Kaya. She also discussed the zoning, General Plan designation, approvals requested (use permit, setback variance, parking variances, lot line adjustment), site plan, signage, design review hearing and approval on July 15th, community meeting held on July 11th and concerns expressed with lighting, fencing, trash enclosure/pickup; as well as the applicant's response to those concerns.

Commissioner Glover asked for clarification about the backyard setback requirement; Ms. Tasini confirmed it is 20 feet within the Residential Zoning District.

Commissioner Burt asked about the monument sign size, etc, and Ms. Tasini shared a drawing showing the dimensions and shape. She confirmed it would be internally illuminated.

Chair Allen asked about the lot line adjustment, questioning why it is a Planning Commission approval rather than an administrative action. She suggested adding a condition of approval requiring staff to review and decide. Mr. Blount said it is not unusual to bring all portions of an application together to the Planning Commission even if not all require Planning Commission approval. Ms. Tasini said the Municipal Code requires approval from the Zoning Administrator. She agreed an additional or alternative condition could be added, and the resolution in turn amended.

Senior Planner Corey Simon clarified that there needs to be confirmation that there are three legal, buildable lots.

Commissioner Kelly asked if plaza area will be used for outdoor seating. Ms. Tasini said it is unknown who the tenant will be, but it is intended for outdoor seating.

Commissioner Ford asked if there was a workshop held in previous years regarding a proposal for this site. Ms. Tasini said yes, there was a study session before the Planning Commission and they considered it an appropriate use, with little or no opposition from the public.

Applicant Bill Schrader introduced the architect and traffic engineer who were present to respond to questions, as well as the property owner. He thanked staff for their assistance. He acknowledged it was a challenging lot and discussed changes made in response to suggestions from staff or the neighbors. He asked for Planning Commission support and approval. Mr. Schrader also discussed placement of the drive-thru order speaker, noise study, lighting impacts, fence heights, traffic issues, and economic benefits.

Commissioner Burt asked why there are fewer parking spaces proposed than seems advisable for a lot of this size. Mr. Schrader discussed different standards for other communities and the recommendations from the traffic engineer. He added that the mix of uses will help balance the number of spaces needed.

Chair Allen asked if the distance from curb to curb is 60 feet. Mr. Schrader said yes.

Commissioner Keller asked if there is a possibility of using some of the excess parking in the Home Depot lot. Mr. Schrader said yes, they have discussed the idea with Home Depot.

Commissioner Kelly asked about the trash enclosures. Mr. Schrader confirmed there will be a temporary one on lot A, and he showed where it would be located on the site map.

Commissioner Ford asked why a wood fence is proposed rather than a masonry wall; she was concerned that wood is not as conducive for sound attenuation, and she thought masonry was more appropriate for retail uses. Mr. Schrader said the sound engineer indicated the sound absorption/deflection capability is the same for masonry walls or fences. He was concerned about the potential for graffiti on a masonry wall.

Commissioner Ford asked about the economic benefits, noting that the sales tax revenue will assist and is essential for maintaining a healthy City budget. Mr. Schrader reviewed the estimated sales tax revenue: \$200,000 per year compared to a yearly current revenue of \$9,700.

Commissioner Glover asked about Home Depot's lease on the property and the second phase of development. Mr. Schrader said the Home Depot lease expires in May of 2014; hopefully, the next phase will be approved to build by then or maybe sooner if Home Depot will allow. He noted he will keep the entire site maintained until the lease changes.

Chair Allen asked if anything needs to be amended by Home Depot. Ms. Tasini said staff is working to amend the use permit condition requiring off-site parking overflow spaces. She confirmed there is still a contractual agreement with Home Depot that needs to be resolved.

Commissioner Kelly said he thought a masonry wall would provide a more permanent barrier. He was concerned about safety issues if a car hits the wood fence.

Commissioner Burt asked if Arnold Drive would be widened to allow a right turn lane and whether a left turn lane would also be appropriate. Mr. Schrader confirmed left and right deceleration lanes will be added.

Chair Allen opened the public hearing.

MARIE KNUTSON, UPS store owner, expressed support for the project as it will create income and jobs for the City. She expressed confidence that traffic will not be a problem for the area. She asked for Planning Commission approval.

DARREN HALL also expressed support for the project. He thought there had been good effort on behalf of the applicant to reduce impacts, and he was appreciative of more local businesses.

JAN BAILINGUI, new property owner adjacent, noted that staff report says siting for the lot will be difficult. She expressed concern about parking challenges and setback issues. She observed that the staff report seems to say that a property owner's privileges are important, but not concerns of the neighbors. She was also unsure whether smaller parking spaces will be sufficient, since not all cars driven today are small. She was concerned as well about traffic safety on Arnold Drive and ingress/egress to Shadow Falls Drive. She disputed Mr. Schrader's statements that Martinez is underdeveloped commercially, and she cited many businesses already along Arnold Drive. She suggested Mr. Schrader look elsewhere for this project, in view of the many challenges of this site.

JULIE HALSNE thanked Ms. Tasini for meeting with the Homeowners Association. She was not aware of the previous development under consideration at the site. She also indicated she was not directly notified of this project, but heard from a friend of a friend. She was concerned that the Planning Commission had already made its decision, and she expressed agreement with Ms. Bailingui's concerns about traffic speeds on Arnold, especially during the school year. She also agreed that a masonry wall is preferable to a wood fence. She acknowledged the economic benefits of the project but asked the Commission to carefully analyze whether the requested variances are necessary.

STEPHEN DEEN agreed with earlier speakers that Mr. Schrader's proposal is excellent. He was appreciative of the potential for additional jobs and improved aesthetics of the lot. He was also confident that additional retail will bring more younger people.

LAWRENCE HUTCHINGS said he was not opposed to the project but he thought additional refinements are needed, especially related to traffic. He discussed some flaws with the traffic study - its timing, the time of year, and potential for drive-thru traffic overflowing onto Arnold. He suggested stop signs or a light at Shadow Falls for greater safety.

MIKE ALFORD agreed traffic in the area is an issue, but it is the City's issue to resolve. He noted that the Haven Street project built by Mr. Schrader was high quality. He expressed some concern that the Planning Commission's conclusion is already set. He agreed the convenience is a key issue but more parking is needed. He also commented on other approved projects that have never been built, and he asked when the City Council and Planning Commission will fulfill those promises.

RICH PAOLI said he is excited to see a new commercial development come to Martinez so he

can shop in his hometown rather than Concord or Pleasant Hill. He expressed confidence that it will be a great project.

DARREN BEBOUTS, Shadowfalls resident, asked about construction of the new fence along the property line and what will happen with the area between the new fence and the existing fence. He was also concerned about a wood fence rather than a masonry wall and maintenance issues; he thought masonry would be better. He noted that graffiti will occur regardless, but good landscaping will help reduce it. If a wood fence is used, he said he would rather have the inside of the fence facing the neighbors' yards.

JOHN SIMONSE expressed support for the project because the City obviously needs more revenue and jobs. He also agreed Mr. Schrader has always done quality work, which has been beneficial to the City.

JERRY KLIMA, property owner, said he will retain a portion of the lot. He expressed confidence in Mr. Schrader's work, adding that this is a good project and will bring value to the community. He noted that adjustment in the fence line will give back property to existing adjacent owners. He also agreed this will bring needed jobs and income to the City. He indicated he has been approached many times regarding use of the property. He noted the earlier proposal for the property was more intrusive to the neighbors.

Commissioner Burt asked what area of the site Mr. Klima will be keeping; Mr. Klima said the furthest west area, parcel A.

RICH VERRILLI said he thought Planning Commission decisions were not predictable in his experience. He expressed concern about the use of straight in parking spaces and suggested slanted spaces instead.

SUZIE RICHARDS, Shadowfalls Drive resident, said she was not opposed to a project on the site, but she was concerned that this is too much for the area. She agreed masonry would be better than wood, and she suggested a stop sign at Arnold and Shadow Falls.

RUSS HOLT commented on the good cement wall behind Lucky, which is more secure than wood. He asked who will be responsible for maintenance. He also questioned whether the traffic study was done at a busy enough time.

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

Mr. Schrader expressed willingness for an additional condition requiring a 6' masonry wall with landscaping, rather than a wood fence. Chair Allen asked about the possibility for additional traffic controls on Arnold. Ms. Tasini said that the traffic did not warrant additional controls. Furthermore, Arnold Drive/Shadowfalls Drive, are not on the City's list for additional signage or a light.

Regarding the existing fencing, Mr. Schrader offered the services of his fence contractor to demolish the old fences and add new rear yard wood fences for the neighboring property owners.

Mr. Schrader also confirmed that the new acceleration lane will help with egress from the lot.

Commissioner Ford discussed the noticing of meetings - in the newspaper, on the website, as well as mailed notices. She discussed the past approval of the Cascara Canyon project (proposed by Mr. Schrader) and her objections regarding its traffic study. She acknowledged traffic issues are common in the City, however, more commercial and retail businesses are needed in Martinez and more revenue. She thought this is a good project and better than what was originally approved - good for the neighborhood and for the City. She also noted she met with the developer prior to this meeting. After hearing from the neighbors at this hearing, she is supportive. She added that many projects need variances, and the ones requested for this project are not substantial.

Commissioner Burt agreed with concerns about noticing, but she commented on postage expenses that inhibit greater mailings than required. She suggested sandwich-board signs to be placed in the neighborhood of proposed projects. Ms. Tasini said staff did extra noticing this time and acknowledged the cost constraints. Planning Manager Terry Blount said staff was not instructed by the Commission in the past to do other than color enhancements of notices posted at project sites.

Chair Allen asked if HOAs are automatically notified. Mr. Blount said it can be done when staff is aware, although it is not required. Commissioner Burt agreed with Commissioner Ford about the residents' responsibility to find out what is happening in the City - from the website, newspaper, etc. She acknowledged traffic is worse during the school year; she asked if a school time traffic study can be done just for information, which could alter the City Engineer's views regarding the need for additional traffic controls.

Steve Abrams, Abrams & Associates, said doing a count when school is not in session is commonplace; estimates are given based on school traffic, and they also analyzed future traffic impacts. He acknowledged there are uniform standards to be applied, and he noted that additional impacts can result if signals are installed where they are not needed.

Commissioner Ford asked how far the intersection is from needing additional controls. Mr. Abrams discussed the criteria and the minimum traffic volume from the side-street. He thought it would be hazardous to add a 4-way stop at that location, and that the level of service and street conditions does not warrant additional controls.

Chair Allen suggested asking the Police Department to park in the neighborhood and issue tickets to speeders.

Commissioner Keller asked whether the same standard applies for traffic lights. He thought an occasional green at Shadow Falls might help. He also asked about costs for operating a light. Mr. Abrams discussed installation costs. He noted that a light there will slow down the traffic flow on Arnold significantly, but might be dangerous since it is not expected. He also discussed criteria for installation of a traffic light.

Commissioner Keller asked if reducing the speed limit would help. Mr. Abrams said there are rules regarding how to set speed limits, based on the average speed drivers expected on a particular street.

Commissioner Burt said she would appreciate staff keeping an eye on the traffic in the neighborhood, particularly vehicles going from Arnold onto Shadow Falls Drive.

Commissioner Keller agreed with Commissioner Ford that this is one of the few remaining retail sites in the City. He also expressed confidence that the project has been well thought out, the setback variances are reasonable, and the size of the parking stalls are reasonable. He indicated his support for the project.

Chair Allen said she also spoke with the developer before this meeting, which was very helpful. She said she thought the parking is very tight, and she asked if it is possible to do parking surveys after the project is built and is occupied, for consideration of future parking standards for the City.

Chair Allen noted it is common practice to assign the number of parking spaces based on the type of business, not the exact business name. She also indicated she had been opposed to Cascara Canyon as well as Commissioner Ford, but she was supportive of this one. She asked if there is a condition requiring release of the drainage and slope easement with Home Depot. Ms. Tasini said yes, prior to issuance of a building permit. She expressed appreciation for the inclusion of bike racks, and she asked that the trash enclosures (even the temporary one) be as attractive as possible, hopefully using the same type of material as the building exterior. She was concerned about the resolution stating the Commission finds the three lots are legal and it is okay to do the lot line adjustment. Mr. Simon said staff would revise the resolution to eliminate the Planning Commission's approval of the lot line adjustment, with the City Engineer to make the administrative approval of either a lot line adjustment or a parcel map at a later time. Mr. Simon clarified that the final configuration proposed for the 3 lots conforms to zoning requirements, so no further public hearing would be required either way the City Engineer decides.

Commissioner Kelly said the sites past use for a pumpkin lot and Christmas tree lot have created traffic impacts; this project will improve that. He was also appreciative of new jobs, new businesses, more aesthetically pleasing appearance and for Mr. Schrader's willingness to use a masonry wall with landscaping. He was supportive of the project.

Commissioner Keller asked about the second garbage enclosure and asked why it could not be put at the back of the lot now. Mr. Schrader said it cannot be put there because of the existing ground lease with Home Depot, but it is needed for use by the tenant. Commissioner Keller said a business owner will not lease a building if it is under parked; since Mr. Schrader has tenants lined up, he was confident the parking would be adequate.

Commissioner Glover expressed appreciation for the input from the public. She acknowledged it is clear that traffic is a major concern here, but she did not think it was at a level to deter her support of the project. She expressed appreciation for the applicant's willingness to use

a masonry wall rather than the wood fence. She was also appreciative of new businesses coming to Martinez.

Commissioner Burt expressed appreciation for the measured comments and discussion this evening, noting it is a good recommendation that some neighbors expressed support for the application. She added that Martinez is the oldest community in the county, and sometimes the growth has been random, with odd-shaped parcels resulting, which requires some variances to enable them to be used. She thought the proposal is appropriate for the site and the area, and skillfully designed; it will be a good addition to Martinez. She expressed her support.

Ms. Tasini reviewed the amended conditions - one presented at the dais regarding the use of Lot Line Adjustment or parcel map, and one requiring a 6' masonry wall with plantings and landscaping along the front.

Chair Allen asked about a condition for later parking analysis. Mr. Blount said there is no nexus to put the requirement on this specific project.

Ms. Tasini also confirmed the lot line adjustment will be removed from the resolution and be added as a condition of approval.

On motion by Paul Kelly, Commissioner, seconded by Rachael Ford, Commissioner, to approve 11PLN-0021, including a) a Use Permit to allow a drive thru facility and sign program including monument signage over 20 square feet in size; b) Variances to permit less than the minimum required front, rear and (internal) side yards, to allow less than the 95 parking spaces normally required and to reduce parking lot dimension/loading bay requirements, with added condition requiring a 6' masonry wall, and amendments addressing the lot line adjustment. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner.

COMMISSION ITEMS

3. *Election of Chair and Vice Chair. (Continued from June 12, 2011, meeting)*

On motion by Donna Allen, Commissioner, seconded by Paul Kelly, Commissioner, nominate Rachael Ford to serve as Chair of the Planning Commission. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner.

On motion by Paul Kelly, Commissioner, seconded by Donna Allen, Commissioner, nominate Jeffrey Keller to serve as vice-chair of the Planning Commission. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner.

STAFF ITEMS

Mr. Blount reviewed his notes from 9-8-09 regarding noticing signage. He also noted that Commissioner Allen was reappointed by the Council to serve on the Planning Commission for four more years.

He noted that the next meeting will be on August 23rd, and he reviewed potential items for the agenda. He also announced the final workshop for Downtown Matters on September 20th. Commissioner Allen encouraged as much participation as possible. Commissioner Burt expressed regret that she has not been able to attend.

Mr. Blount said documentaries will be available for each workshop held.

Mr. Blount also reported that his position is changing to half-time. He lives in West Hollywood and he will be working from home much of the time, primarily on the General Plan update.

Commissioner Allen thanked Mr. Blount for his work thus far, especially on the General Plan. Commissioner Ford echoed her appreciation, as did others.

Commissioner Allen asked if discussion of Design Review notes/function can be placed on a future agenda. Mr. Blount said it could be done, although he acknowledged it will not be possible to go back to the previous practice of providing Design Review notes to the Commission, given reductions in staff.

Commissioner Allen asked who to talk to about the City Channel. Mr. Blount said Mike Chandler is the City contact person.

COMMUNICATIONS

On motion by Rachael Ford, Commissioner, seconded by Paul Kelly, Commissioner, to adjourn the meeting to the next regularly scheduled meeting, August 23, 2011 at 7:00 p.m. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner.

Respectfully Submitted,

Approved by the Planning Commission
Chairperson

Transcribed by Mary Hougey

Donna Allen