

Planning Commission  
Regular Meeting  
October 25, 2011  
Martinez, CA

**CALL TO ORDER**

The meeting was called to order by Chair Rachael Ford at 7:01 p.m. with all members present.

Staff present: Corey Simon, Senior Planner; Dina Tasini, Contract Planner.

**ROLL CALL**

PRESENT: Rachael Ford, Chair, Jeffrey Keller, Vice Chair, Donna Allen, Commissioner, Harriett Burt, Commissioner, Kimberley Glover, Commissioner, Paul Kelly, Commissioner, Sigrid Waggener, Commissioner, and James Blair, Commissioner (Alternate).

EXCUSED: None.

ABSENT: None.

**AGENDA CHANGES**

**Items to be continued or withdrawn, corrections, etc.**

Staff noted the addition of one item, the Swearing in of James Blair, new Planning Commission Alternate.

City Clerk Gary Hernandez performed the swearing in of Mr. Blair.

**PUBLIC COMMENT**

**On items not on the agenda.**

None.

**CONSENT ITEMS**

1. [\*Minutes of August 23, 2011, meeting.\*](#)

On motion by Donna Allen, Commissioner, seconded by Jeffrey Keller, Vice Chair, to approve Minutes of August 23, 2011, meeting. Motion unanimously passed 8 - 0. Yes: Donna Allen, Commissioner; Harriett Burt, Commissioner; Rachael Ford, Commissioner; Jeffrey Keller, Commissioner ; Paul Kelly, Commissioner; Michael Marchiano, Commissioner; Kimberley Glover, Commissioner (alternate); Sigrid Waggener, Commissioner.

**REGULAR ITEMS**

2. [\*The Center Martinez UP #02-14 Public hearing to consider a request to amend conditions\*](#)

of approval for a 2002 Use Permit requiring an agreement for the provision of additional parking spaces to serve Home Depot garden center located at 1047 Arnold Drive, were such found to be needed. Approval of this request would remove the condition requiring additional parking on an adjacent lot (1037 Arnold Drive), as existing parking has been found to be adequate. Applicant: The Center Martinez (DT)

Contract Planner Dina Tasini presented the staff report, including background on the area previously assigned to the neighboring business, the parking and traffic study completed recently by Abrams & Associates, and a brief explanation regarding why a resolution by the Commission will not be required for the Commission to remove this condition of approval from the previously approved Home Depot garden center project.

Commissioner Kelly asked about the existing lease agreement. Ms. Tasini said that approving this condition will allow the lessor and lessee to renegotiate the lease and remove the required 80 parking spaces that Home Depot is currently leasing from the adjacent property owner.

Commissioner Allen said the only reason she thought a resolution would help because it will clarify the action for posterity.

As the only Commissioner who was also present when the conditions of approval were adopted, Commissioner Burt said she supported removal of the parking condition.

On motion by Harriett Burt, Commissioner, seconded by Donna Allen, Commissioner, to approve amendment of the conditions of approval for a 2002 Use Permit to remove condition requiring additional parking on an adjacent lot (1037 Arnold Drive), as existing parking has been found to be adequate. Motion unanimously passed 7 - 0. Yes: Donna Allen, Commissioner; Harriett Burt, Commissioner; Rachael Ford, Commissioner; Jeffrey Keller, Commissioner ; Paul Kelly, Commissioner; Kimberley Glover, Commissioner (alternate); Sigrid Waggener, Commissioner.

3. Indoor Recreation Facilities Public hearing on a request to; a) Adoption of a mitigated negative declaration; b) General Plan consistency finding that use of City property for recreation use is consistent with the General Plan; c) Request to add Indoor Field and Court Sports Facility to Section 22.18.030A LI Light Industrial - Permitted Uses pursuant to Section 22.34.100, allowing the opening of Universal Sports Academy and Norcal Sports LLC, subject to lease approval by the City Council at 330 and 360 North Ferry Street. The Planning Commission will make its recommendation to the City Council, which is tentatively scheduled to consider the lease and adopt the Negative Declaration on November 16, 2011. Applicant: Universal Sports Academy and Norcal Sports Facility (MC/DT)

Contract Planner Dina Tasini presented the staff report, noting the actions before the planning commission are the recommendation of adoption of the mitigated negative declaration by the City Council the addition of indoor field and court sports to permitted uses within the Light Industrial Zoning District and a finding of General Plan consistency. She offered to answer any questions from the Commission.

Chair Ford expressed concern that this should be discussed by the General Plan Task Force first. Ms. Tasini disagreed, explaining that the General Plan sets policies to guide future development. Chair Ford said it was exactly what the Task Force should be involved in, because this site is among those being considered for a change in General Plan designation. She noted there has been a lot of debate about the site already, with several possibilities being considered. Ms. Tasini pointed out that this recommendation will not change the zoning or General Plan designation for the site.

Chair Ford felt that approving this change will circumvent the General Plan process and disregard public input. Commissioner Kelly and Vice Chair Keller felt that since there was a project pending for the site, it would be best to let it move forward by approving the addition of this district to those approved for an indoor field and court sports facility.

Commissioner Burt acknowledged some validity in what Chair Ford was saying, however, she commented on the site constraints and issues with the railroad proximity. Since the building is already there, she thought this was a reasonable use.

Commissioner Allen agreed with Chair Ford to some degree, and she thought there should be a second amendment to the Zoning Ordinance later giving a definition of the use to avoid future misunderstandings. She did not think that a 15-year lease for the existing structure would preclude the Task Force making changes to apply to future uses. She also thought that this project will help meet the goal of connecting this site to the downtown area. She acknowledged traffic congestion issues; she expressed concern about emergency vehicle access, but she noted that Shell has agreed to allow access through their property.

Vice Chair Keller agreed this is a good project for the site and will match neighboring uses. He reiterated that it would be unfair to delay approval of a use that's ready to go and wait to see what the General Plan Task Force will do.

Commissioner Glover asked how long it might take for the Task Force to decide what use and what type of use they might eventually decide on. Commissioner Allen said it was impossible to say because there are many issues to resolve before a new use could be decided.

Chair Ford said her objection was not to the project itself, but only that the public input was being ignored and the Task Force process circumvented.

Chair Ford opened the public hearing.

DAN MIDDLETON, applicant, discussed the lengthy process thus far. He talked about the site & the project and how the use will benefit the community. He disagreed about traffic impacts, noting the traffic study said there will be no additional congestion. He thought the public will be disappointed if this is not approved tonight, given the time that has already been spent on the process.

Commissioner Allen asked if there will be evening programs for adults. Mr. Middleton said yes. Commissioner Allen asked about traffic improvements, and Ms. Tasini said the City will be

doing that.

JANE P. said she thought a recreational use would suit the site, given the nearby bocce courts. She asked, and the applicant confirmed again that there will be activities for adults at the facility.

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

Commissioner Allen noted that there has been much publicity about this project, and yet not many have attended this hearing - she did not think the public will object to the proposed change.

Commissioner Burt said she understood Chair Ford's concerns, but she was prepared to make an exception in this case. She thought the proposed use would bring more interest to the waterfront area.

Commissioner Allen reiterated her desire for a definition, thus making it site specific to preserve other light industrial uses. Ms. Tasini stated that a more descriptive list, making it only allowed in areas north of the tracks.

Commissioner Wagener asked whether that would be considered "spot zoning." Ms. Tasini said specifying north of the tracks would make the designation more global - not spot zoning.

Chair Ford repeated that her objections to the amendment have nothing to do with the project, only the General Plan update process.

On motion by Donna Allen, Commissioner, seconded by Kimberley Glover, Commissioner, to approve recommendation that the City Council adopt a mitigated negative declaration; and that the Planning Commission: a) finds that the use of City property for recreation use is consistent with the General Plan; and b) Adds Indoor Field and Court Sports Facility to Section 22.18.030A LI Light Industrial - Permitted Uses pursuant to Section 22.34.100, allowing the opening of Universal Sports Academy and Norcal Sports LLC, subject to lease approval by the City Council. Motion unanimously passed 7 - 0. Yes: Rachael Ford, Chair; Jeffrey Keller, Vice Chair; Donna Allen, Commissioner; Harriett Burt, Commissioner; Kimberley Glover, Commissioner; Paul Kelly, Commissioner; Sigrid Waggener, Commissioner.

### COMMISSION ITEMS

Senior Planner Corey Simon asked about attendance at the upcoming joint meeting with the City Council regarding the General Plan update and Downtown Matters. Chair Ford said she would be unable. Others gave their information, and it was determined that there would be a quorum.

Chair Ford asked about future meetings, and staff indicated there were no upcoming items. Commissioner Allen asked about any pending projects. Ms. Tasini discussed a proposed development on Muir Station Road.

Commissioner Kelly asked about the RCD project, and Ms. Tasini noted that the biggest issue right now is financing. She confirmed the developers prevailed in court.

Commissioner Allen asked if the Planning Commission would see the initial study, and Ms. Tasini said staff could provide it - it was circulated at the end of September.

Chair Ford asked if some of the Commission packet material could be sent electronically, to save paper. Ms. Tasini said it should be possible, for those that prefer. Commissioner Burt asked if it will add too much extra work for staff, and they indicated it would not.

### STAFF ITEMS

None.

### COMMUNICATIONS

None.

Chair Ford adjourned the meeting at 7:54 p.m., to the next regularly scheduled meeting at 7:00 p.m. on November 8, 2011, in the City Council chambers.

Respectfully Submitted,

Approved by the Planning Commission  
Chairperson

Transcribed by Mary Hougey

Rachael Ford