

Planning Commission Minutes  
Regular Meeting  
October 23, 2012

**CALL TO ORDER**

The meeting was called to order by Chair Rachael Ford at 7:05 p.m. with all members present except alternate James Blair.

Staff present: Contract Planner Dina Tasini and Senior Planner Corey Simon.

**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: James Blair, Commissioner (Alternate).

**AGENDA CHANGES**

None.

**PUBLIC COMMENT**

None.

**CONSENT ITEMS**

1. [Minutes of August 14, 2012, meeting.](#)

[August 14, 2012, minutes](#)

Commissioner Burt corrected the spelling of Donaleen Court on page 1C. Vice Chair Keller noted that page 3 should say Chair Keller, not Chair Kelly.

On motion by Donna Allen, Commissioner, seconded by Paul Kelly, Commissioner, to approve the Minutes of August 14, 2012, as corrected. Motion unanimously passed 6 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner, Abstain: Rachael Ford, Commissioner.

**REGULAR ITEMS**

2. [Laurel Knoll Sub 9263, PUD 09-01, GPA 09-01, REZ 09-01, DR 09-22 Public hearing to consider the following action to allow the construction of 79 townhomes and two single](#)

family homes on a 6.83 acre site: a) adoption of a Mitigated Negative Declaration; b) General Plan Amendment from Residential 7-12 units per acre and Open Space to Residential 7-12 units per acre; c) Rezoning from R-40 (One Family residential, 40,000 sq.ft. to R-3.5/PUD (Residential, 3,500 sq.ft. per unit/Planned Unit Development Overlay; d) Approval of a 82 unit Major Subdivision; e) Approval for a Planned Development; and f) Approval of preliminary design review for site layout. This project is located at 370 Muir Station Road. (Continued from August 14, 2012, meeting) Applicant: Discovery Builders (DT)

Contract Planner Dina Tasini presented the staff report. She reviewed the requested approvals and responses to the issues raised by the Planning Commission at the August meeting. She noted that staff recommends approval of the item. She also reminded the Chair that the public hearing was closed, but the Planning Commission could decide to re-open it.

Commissioner Waggener asked about massing and the number of units. Ms. Tasini said they remained the same as before.

Commissioner Allen asked about a possible right turn only lane. Ms. Tasini stated that Steve Abrams, Abrams and Associates did not recommend one. Commissioner Allen asked about the possibility of a bike lane. Ms. Tasini said one has been recommended for the road. Commissioner Allen also asked about secondary emergency vehicle access, and Ms. Tasini said the applicant provided letters in the file and are part of package stating neither agency required one.

Chair Ford asked about public outreach. Ms. Tasini said she could not confirm, but Discovery Homes said they were making an effort. She also discussed the numerous changes recommended by staff, a Design Review Committee member and the Planning Commission to change the site layout, but she indicated the applicant is reluctant to make any more changes to the layout.

Commissioner Waggener asked about the suggestion made at the last hearing that building 6C and 7 be removed to allow a better transition between rural and large-lot residential use.

Commissioner Allen commented on the suggestion that Buildings 8, 9, and 10 be pulled back to reduce the visual impact, a better distribution of guest parking. Ms. Tasini showed the location of the units on the map – none of which had been relocated, removed or reduced.

Commissioner Allen also commented on the suggestion by a Design Review Committee member for a reduction in the height of the building ends. Ms. Tasini said it was added to the Mitigated Measures in the Initial Study and then as part of the Conditions of Approval.

Chair Ford recommended, and the Planning Commission agreed by consensus to re-open the public hearing.

Chair Ford opened the public hearing.

LOUIS PARSONS, Discovery Builders, reviewed studies done and changes made to the project from the original submittal to the current version. He indicated their willingness to consider other suggestions if there is consensus among the Planning Commission in support. He also discussed public outreach made by the principals to those who have expressed concerns.

Commissioner Burt reviewed Design Review Committee (DRC) comments and questions, particularly related to landscaping. Mr. Parsons said the level of detail requested by the one DRC member was not usually given at the preliminary stage of the process but usually happens in the design level. In response to another comment by Commissioner Burt, he clarified that the comments at the first two meetings of the DRC were listened to and addressed. He confirmed that the remaining comments would be considered at the appropriate time. Chair Ford summarized his position.

Commissioner Allen said she was concerned because once a PUD is approved it does not come back to the Planning Commission again. If the applicant would limit their project to a General Plan change and rezone at this point, rather than PUD, she would be more supportive.

In response to a request by Chair Ford, Ms. Tasini discussed the process and changes that have been made to the project in response to issues raised by staff and the Design Review Committee. She clarified that even though the applicant is at this point reluctant to make further changes, they have made many changes throughout the process thus far.

Commissioner Allen discussed PUD requirements, including the necessary finding that the proposed project is "superior". She was especially concerned about open space issues, as well as clarification of the property line with the church. Mr. Parsons said the actual issue is related to 10,000 sf. in dispute between the two property owners, but that will not affect the southern property line.

Mr. Parsons reiterated willingness to hear and consider additional recommendations of the Planning Commission.

Ms. Tasini also noted that the City Council will make the final decision, with the Planning Commission making recommendation to them.

BOB KNOTT discussed issues with the steepness of the grade, ingress/egress to the site, and traffic on Muir Station Road.

RICHARD EVANS, Grace Episcopal Church, reviewed issues with the property line, placement of Buildings 8, 9, 10, water line service through the church property, and the limited contact with the church thus far.

JEFF PASCOE mentioned his concerns with the changes to the open space, elevation of lots 81

and 82. He questioned whether the benefits to the community will outweigh the negatives.

ANGIE SILVIA, 21-year Martinez resident, asked whether any Commissioners had visited the site. She had concerns about current open space on one of the lots and what will happen to it. She noted as well that lots 81 and 82, the single family homes, would be out of proportion with the others, and she discussed issues with the proposed density, the overall quality of the project and the lack of "community" gathering places. She was also concerned that Discovery Builders does not identify itself as Seeno, since Seeno does not have a good reputation.

JOSEPH ZICHICHI, Grace Episcopal, discussed the property line issue and mistakes made in recording of the property sold by Grace Episcopal in 1978, when one directional line was identified as "west" instead of "east". Regarding outreach to the church, he indicated it has only been when they need something from the church. He expressed extreme concern that the property line issue has not been resolved, and he asked that the CCRs be made aware that a church is there to forestall future complaints about traffic for special events.

Commissioner Burt asked why it took so long to discover the error, and Mr. Zichichi discussed the property conveyance history and the obvious typographical error in the property description.

BOB CERRI said there had been no public outreach yet to anyone on his street. He was also concerned about traffic and impacts from a gated community. He questioned how drainage will be handled, and he discussed parking issues. He noted that Shell Avenue had a similar project with a great deal of discussion regarding street parking.

DON MAIETO said he owns property directly next to this development, and he expressed concern about privacy issues, noise, the lack of sidewalks, safety issues, slope issues, the lack of room for a bike lane and the narrowness of street, water line, property line, and the density of the project. Commissioner Burt asked, and Mr. Simon showed on the map the area that is under dispute with the Church and where Mr. Maieto's property is located.

KEVIN VAN BUSKIRK, a Sheet metal union representative, spoke about the current economic situation and impacts on construction employees. He said he thought the applicant has done what was required for this stage of the process. He discussed benefits to the community from having a residential use at the site rather than an RV parking lot. He noted he has been visiting the area and has not observed the traffic conditions cited by other speakers. He suggested project be moved forward to the City Council.

JOHN PRATZ discussed his concerns with the traffic study and density, and he suggested the units be moved further in and have more open space between the project and neighboring development. He asked whether Muir Station Road would be widened. Ms. Tasini said no; Mr. Pratz questioned whether a bike lane would be possible if it is not widened. He also asked about the proposed easements, and he confirmed someone did visit him at his home, but she was unable to answer many of his questions. He thought the proposal seems to be overbuilt for the size of the property.

LINDA FLUHRER said Muir Station Road needs to be widened all along, not just where this

project is. As a cyclist, she would ride on it if a bike lane were available. She also was concerned about density, and she commented on the profit that will be realized from buying the property with the current zoning and changing it to allow this project to be built.

JON BECKER said he is not aware of anyone on his street being contacted by the applicant. He was concerned about traffic safety for cars, cyclists and pedestrians. He thought the project was inappropriate for the area.

ED HAMILTON said it is deceptive to not show neighboring properties on the notice so the public will know where it is. He asked how many of the Commissioners had been on Muir Station Road. He discussed traffic issues, and he suggested routing access through the development to the shopping center.

LINDA PASCOE discussed traffic concerns, density, safety, and the ignoring of the public's wishes.

GREG POPE said the proposal is out of character for the neighborhood. He commented on other Seeno projects, the density, EIR issues, and traffic. He urged the Planning Commission to recommend denial.

VAL CASTELLANI agreed with most of the other public comment. While he acknowledged this project could bring needed economic benefit to the City, he thought it was too large and does not fit the neighborhood. He was also concerned about drainage. He noted it seems clear that the developer is not going to make any more changes and wants to pack as many units as possible for maximum profit.

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

Rebuttal:

Mr. Parsons responded to the public comment by discussing the traffic study, mitigation measures, site plan considerations with infill projects, new regulations applying to townhomes and the demand for them, the title transfer and property line issue that still to be resolved. He noted that the site plan was largely based on the topography of the lot, and he reiterated the applicant's willingness to hear suggestions agreed to by consensus of the Planning Commissioner. He expressed the hope the application will ultimately be approved by the Planning Commission and the City Council.

Commissioner Glover asked about traffic impacts due to the gate, and Mr. Parsons said the turnout would allow for 3 cars to wait. Commissioner Burt asked about the possibility of having the gate remain open for large groups. Mr. Parsons said yes, if it is agreeable to the Homeowners Association (HOA) members. Commissioner Burt asked if the gate is essential, and Mr. Parsons said they recommend it but the timing and management of it would be by the HOA.

Vice Chair Keller asked if there is a plan for some units to have tandem parking in the

garage. Mr. Parsons said some will, to accommodate two cars.

Chair Ford asked how long the project has been in the application process. Mr. Parsons said about three years.

Chair Ford asked about the public outreach issues. Mr. Parsons said no public meeting has been scheduled yet, but some in the neighborhood have been personally contacted. He indicated a neighborhood meeting could be done. Chair Ford asked why no meeting has happened yet; Mr. Parsons said he was not sure the traffic issues can be resolved to the satisfaction of the neighbors. Chair Ford asked whether Seeno typically has public outreach in the application process. Mr. Parsons discussed the usual process, confirming it is not typical to have public meetings other than those held by the approving jurisdiction.

Chair Ford asked about open space proposed for the development, which Mr. Simon and Mr. Parsons reviewed on the map.

Chair Ford asked for clarification as to whether Seeno is open to making additional changes. Mr. Parsons discussed changes made thus far, but acknowledged they would want Planning Commission consensus on any changes to be made.

Vice Chair Keller asked about the building heights shown in the simulations at the last meeting. Mr. Parsons said they were 37' high, but it was not the final design. Ms. Tasini noted the proposed COAs included in the staff report limited the building height to 32'.

Commission Comment:

Commissioner Burt asked about the status of the General Plan update process, and Ms. Tasini said it is being reviewed and edited by staff. She noted that it would probably be another year before the General Plan update is complete, and it would not be possible to delay action on this proposal that long. She confirmed no changes were proposed for neighboring properties. She also discussed the General Plan designation and the need for rezoning of this property and others eventually to be consistent.

Staff discussed with the Commission details of this rezoning request and the General Plan designation request. Commissioner Allen mentioned some areas where the road could be widened by using portions of the church property and the Maieto property. Mr. Simon discussed the reasonable requirement of the applicant related to the street widening, bike lane, traffic, storm drain and topography of the lot. Commissioner Allen commented on the possibility of some land from this property being dedicated for future widening. Commissioner Burt commented on physical limitations along the roadway that would prevent the entire length of the road from being widened.

Commissioner Waggener thanked the applicant for the additional peer review and recommendations, as well as the willingness to consider other recommendations. She expressed support for COA #6, requirement for a storm drain, and recommended that a 4' bike path could be built on top of the underground storm drain. She recommended that the Planning

Commission approve the proposal, provided that Building 6C and 7 are removed from the plan, Buildings 8,9,10 have greater setbacks and easement/title and boundary issues with the church are resolved.

Vice Chair Keller discussed his recommendations for heights of Buildings 8,9 and 10 be reduced to 25', addition of a right turn only lane coming out of the project, and addition of a bike/pedestrian path.

Commissioner Allen agreed this is a perfect infill site and that something should be built there. She discussed the findings needed for the zoning change to Planned Unit Development, which she did not think have been met. She requested increased setbacks for Building 8,9, and 10. She also indicated that if additional grading were done, the number of units could even be increased, with improved drainage and building heights, resulting in a superior project. She agreed that a bike lane is important, and she recommended increased spaces between the buildings.

Commissioner Burt asked how the determination was made for 80 units, and staff said it was based on the existing and proposed 7-12 dwelling units per acre general plan designation zoning. Ms. Tasini agreed that the layout of the site is more of an issue than the number of units.

Commissioner Glover acknowledged the benefits to the City from some development on the site. She was not sure the issues had been resolved yet to make it a better project and whether Building 6C and 7 will make enough of a difference. She agreed a bike lane would be good also.

Commissioner Burt acknowledged that the type of development is not an issue for her, but she agreed with Commissioner Allen that this is not a superior project. She thought Commissioner Waggener's recommendations should be considered. She agreed infill projects are difficult, but impacts on the neighbors need to be considered. She indicated she also supported Vice Chair Keller's suggestion for a right-turn only lane when exiting the development. She was confident a good project at this location is possible, but she was unsure the current project was the best one.

Chair Ford discussed difficulties with infill projects and the neighborhood concerns. Although this project meets the letter of the law, she was not sure the spirit of the law was met. She was also unsure whether this site plan is appropriate for the site, but she was equally unsure it would be profitable for the owner to change it nor whether the recommendations of Commissioner Waggener and Vice Chair Keller would meet the needs of the owner/developer. She acknowledged there are limits to what the Commission can require regarding existing traffic issues, and she was skeptical about the addition of a bike lane with any degree of safety. She also reiterated concerns about the lack of public outreach.

Commissioner Burt commented on her serious concern with how the property issue with Grace Episcopal has been handled, adding that it needs to be resolved NOW.

Commissioner Allen noted her concern with the placement of Building 3 and her desire for a more equitable distribution of guest parking.

Ms. Tasini reviewed possible action that the Planning Commission could take. She suggested the Planning Commission direct staff to bring the item back at next meeting with a resolution to recommend for denial.

Chair Ford polled the Commission, and all but Commissioner Kelly indicated they could not support the project as currently proposed.

The Commission listed for staff issues they thought relevant to the findings for denial: applicants refused to remove units due to visual impacts from building heights around the perimeter (particularly south and west), inadequacy of pedestrian and bicycle facilities, inadequate guest parking, inability to make the necessary findings for approval that the PUD project is superior to one consistent with conditional zoning, traffic safety without a right-turn only lane, and inadequate private and common open space.

Commissioner Burt confirmed that property line issues with the church could not be included at this stage.

On motion by Donna Allen, Commissioner, seconded by Harriett Burt, Commissioner, continue to a date certain, November 13th, at 7:00 p.m. and direct staff to draw up a resolution to recommend that the City Council deny the proposal. Motion passed 6 - 2. Yes: Harriett Burt, Commissioner Donna Allen, Commissioner Kimberley Glover, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner , James Blair, Commissioner (Alternate), No: Sigrid Waggener, Commissioner, Paul Kelly, Commissioner, Absent: .

#### COMMISSION ITEMS

None.

#### STAFF ITEMS

None.

#### COMMUNICATIONS

Chair Ford congratulated Main Street Martinez for the successful Zombie Brew Crawl.

The meeting was adjourned at 9:58 p.m. to the next meeting, November 13, 2012 at 7:00 p.m.

Respectfully submitted

Approved by the Planning Commission  
Acting Chairperson

Mary Hougey

Jeffrey Keller