

Planning Commission
Regular Meeting
March 12, 2013
Martinez, CA

CALL TO ORDER

The meeting was called to order at 7:05 p.m. with all members present except Commissioners Glover, Keller, and Waggener, who were excused.

Staff present: Senior Planner Corey Simon

ROLL CALL

PRESENT: Donna Allen, Commissioner, Harriett Burt, Commissioner, Rachael Ford, Chair, and Paul Kelly, Commissioner.

EXCUSED: Jeff Keller, Commissioner, Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner and James Blair, Commissioner (Alternate)

ABSENT:

AGENDA CHANGES

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of January 22, 2013, meeting.*

On motion by Donna Allen, Commissioner, seconded by Rachael Ford, Chair, to approve the Minutes of the meeting of January 22, 2013. Motion unanimously passed 4 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Chair, Paul Kelly, Commissioner.

REGULAR ITEMS

2. *Kramer Residence 12PLN-0010 Public hearing on an appeal of the approval decision of the Zoning Administrator to grant Use Permit, Variance and Design Review approvals to expand an existing 2-car garage structure within the front yard, adding parking for 2 additional cars and an approximate 800 sq. ft. studio above. Use Permit approval is required to allow an Accessory Structure over 1,000 square feet, in size, with a height of approximately 18 feet when a maximum of 15 feet is normally allowed. Variance approval is required to allow new construction without a front yard, where a minimum 20' yard is normally required to be located at 1020 W. Arlington Way. (Continued from the January 22, 2013, meeting)*
Applicant: Gus Kramer (CS)

Senior Planner Corey Simon presented the staff report, discussing the reason for the use permit requirement and a variance for reduced yard setbacks and design review for a hillside structure.

He reviewed the history of the application, approval of the Zoning Administrator and subsequent appeal by the neighbors. He also discussed the decision before the Commission tonight, context of the lot, existing structures, elevations, surrounding uses, constraints of the site's steep uphill topography, applicable zoning regulations and the staff recommendation for approval.

Commissioner Burt discussed the possibility that the structure could eventually become another living unit in the future, and she asked what regulations would apply in that circumstance. Mr. Simon reviewed the state requirements related to secondary units, and he confirmed it was primarily a question of the fees involved, should the property owner wish to install a kitchen to make the proposed accessory structure a secondary unit in the future.

Chair Ford asked about issues raised by some of the Commissioners to staff prior to the meeting, which Mr. Simon discussed.

Mr. Simon also discussed other building additions in the neighborhood and what variances or exceptions were requested and approved, in response to the contention by some that special consideration is being given to Mr. Kramer.

Commissioner Burt asked for an explanation of F.A.R. (Floor Area Ratio), and Mr. Simon reviewed the definition and implications for development applications on hillsides where a maximum permitted F.A.R. is prescribed. Simon explained that because of the relatively large size of the applicant's lot, the proposal will have a F.A.R. that is both below the allowed maximum of .20 and below the average of the neighbors.

On behalf of the applicant, architect Bill Wood reviewed the history of the application, changes made in response to staff requests, results of a public meeting held to hear concerns of the neighbors, and details of the final project design.

Commissioner Burt commented on the lack of a rendering showing the current building plus the proposed new building. Mr. Wood discussed how it could be accomplished, either through a photo montage or imposing a visual simulation onto a picture of the current building.

Chair Ford opened the public hearing.

GEORGENE ROSKOWSKI spoke on behalf of some neighbors. She discussed attachment C, an email from Mr. Kramer to Mr. Simon that said he had been unable to find any neighbors who wanted to come to a public meeting. She indicated that was not true. She asked that the Commission overturn the Zoning Administrator's approval, citing a petition from the neighbors, and she discussed the reasons for the appeal. She was concerned about a second living unit onsite, inadequate setbacks, parking, and inconsistency with surrounding uses. She also cited sections of the accessory structure ordinance that would limit the size and placement of such accessory structures.

MARTA VAN LOAN expressed concern about the lack of a front setback and how it will affect parking/traffic safety in the neighborhood.

LEIGH PRASSE, neighbor across the street, questioned why a second garage is needed. She saw no need since there is already one onsite. She also questioned why a looming building is proposed, when 5 years ago a similar structure proposed for a nearby residence was required to be set further back.

PAUL MARIANO asked, and Mr. Simon confirmed that the requirements and process would be the same if this accessory structure were proposed for a secondary housing unit. Mr. Mariano was concerned that the building could be used as a housing unit even though approved as an accessory structure. He also commented on the precedent that could be set if this is approved, and could change the character of the neighborhood forever.

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

Mr. Wood responded to issues raised by the public, specifically how many cars can realistically park in the driveway currently, the reason for an additional garage to get more off-street parking, improved emergency vehicle access that will result, the unique eclectic nature of the neighborhood, and the size of the structure in relation to total lot area as compared to other lots in the neighborhood.

Commissioner Kelly asked, and Mr. Wood confirmed that the beginning of the proposed stairs is approximately 10 feet from the street. Chair Ford asked about the location of the current garage and that it will remain; she also confirmed that the new garage will be further back from the current one.

Commissioner Allen asked if placing the new garage even further back was considered, and Mr. Wood said yes, but he explained it was not feasible due to the slope of the hill. He noted that a retaining wall was planned, which should stabilize the hill in the long run.

Chair Ford asked about the anticipated use for the area over the garage; Mr. Wood indicated possibly it would be used for a guest room.

Commissioner Burt discussed the addition at the Fortenberry house, noting she had voted against it when it came before the Planning Commission, primarily because of drainage and hydrology issues. Commissioner Burt asked what was meant by a closed drainage system, which Mr. Wood explained, including the advantages.

Commission Comment:

Commissioner Allen said she saw the large size of the lot as an advantage rather than a constraint. She acknowledged that the owners have a right to build an accessory structure or secondary unit, but her concern was the proposed setback of the new building and whether it was consistent with the character of the neighborhood. She noted that there are specific findings that have to be made in order to approve the variance, and she also expressed concern about the size and massing of the structure. She thought that story poles would be helpful in order to fully understand the size and placement.

Commissioner Burt commented on the historic nature of the area, with narrow streets and unique

eclectic older homes. She acknowledged there is often some conflict between long-time residents and owners of newer or remodeled homes. She agreed with Commissioner Allen that the width of the lot should result in greater flexibility. She also observed that many of the homes in the downtown neighborhoods could not meet current standards regarding setbacks, parking, etc., and she discussed the City's regulations about accessory structures, noting that this application does meet those standards.

Commissioner Burt agreed with Commissioner Allen that the larger lot size would allow for more possible layouts, rather than fewer. She also agreed that story poles or a visual simulation would be helpful and indicated she could not make a decision before that is done.

Commissioner Kelly indicated he had visited the area, and his impression was that the proposed structure will blend with the existing home and would not block any views. He thought the applicant had met the standards required for the application and that it might help existing hydrology issues.

Chair Ford acknowledged that parking can be an issue, as it is in her neighborhood in downtown Martinez, where streets are narrow and lot sizes small. She expressed support for the rights of private property owners to develop their sites in accordance with the applicable F.A.R. zoning regulations, which this one does. She did not think the Commission would be out of line in supporting the Zoning Administrator's decision and denying the appeal. Ultimately, she did not think any planning decisions should be made for subjective reasons. Commissioner Burt indicated she would be willing to make a decision without story poles, but she would like to see photo simulations at least.

Commissioner Allen asked staff about the slope of the hill on the lot, and whether there had been an earlier slide. Mr. Simon discussed impacts on the hill from other developments, which would indicate against pushing further back into the hill.

Chair Ford asked how Commissioner Burt would want to proceed if she doesn't like the photo simulation. Commissioner Burt said she would not support the project then.

Commissioner Allen indicated she would be okay with a photo simulation too, not requiring story poles.

On motion by Paul Kelly, Commissioner, seconded by Donna Allen, Commissioner, continue the item to the next meeting, April 9, 2013, and to ask the applicant to provide a photo simulation of the accessory structure. Motion unanimously passed 4 - 0. Yes: Donna Allen, Commissioner Harriett Burt, Commissioner Rachael Ford, Commissioner, Paul Kelly, Commissioner.

COMMISSION ITEMS

Chair Ford requested a subcommittee be created to update the Policy & Procedures for the Planning Commission. She asked that the issue be added to a future agenda.

STAFF ITEMS

Mr. Simon updated the Commission regarding potential agenda items, and he informed the Commission that the only thing ready for the next meeting, April 9th would be the Kramer application coming back.

Commissioner Allen asked about the General Plan Update and whether the Commission would see the Draft before the EIR is posted. Mr. Simon updated the Commission on the status.

COMMUNICATIONS

Chair Ford adjourned the meeting at 8:46 p.m., to the next Regular Meeting, April 9, 2013 at 7:00 p.m. in the Council Chambers at City Hall, 525 Henrietta Street, Martinez, California.

Respectfully submitted

Approved by the Planning Commission
Chairperson

Mary Hougey

Rachael Ford