

RESOLUTION NO. PC 12-04 [DRAFT]

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING DENIAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE
GENERAL PLAN AND ZONING MAP, ADOPTION OF A PLANNED UNIT
DEVELOPMENT (PUD) OVERLAY DISTRICT, AND APPROVAL OF A PUD PLAN
AND VESTING TENTATIVE MAP FOR THE DEVELOPMENT OF UP TO 80
ATTACHED SINGLE FAMILY AND 2 SINGLE FAMILY HOMES (PLANNED UNIT
DEVELOPMENT (“LAUREL KNOLLS”) ON 6.83 ACRE, PARCEL LOCATED AT 370
MUIR STATION ROAD
(APN: 162-263-006 & 009)
GPA #09-01, REZ #09-01, PUD #09-01, SUB#9263)**

WHEREAS, the City of Martinez has received a request for a General Plan Amendment for approximately 2 acres of the project site from the (John Muir Parkway Specific Area Plan) designation of “Open Space” to “Residential: 7-12 Units/Gross Acre”; and to rezone the entire 6.83 acre site from R-40; (Single family residential, 40,000 sq. ft. minimum site area) to R-3.5/PUD overly (Family Residential, minimum 3,500 square feet per dwelling unit) Planned Unit Development Overlay; and PUD plan/Vesting Tentative Map for the construction of up to 80 attached single family development and 2 single family homes;

WHEREAS, pursuant to Section 15270 of the California Environmental Quality Act (CEQA) this project is exempt for the purpose of denial; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noted public hearing on August 14, 2012 and October 23, 2012, and listened to testimony from the public.

NOW, THEREFORE, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. That the City Council deny the requested General Plan Amendment 09-01 to replace the current General Plan designation of Open Space to Residential 7-12 Units/Gross Acres as such density as shown on the site plan would not be compatible with the surrounding neighborhood and therefore not in the public interest.
3. That the City Council deny Rezone 09-01 as the density permitted under the requested R3.5/PUD because the project as proposed would not be consistent with the surrounding neighborhood and its site plan is not of superior.
4. That in order to recommend deny of the Planned Unit Development (PUD) Overlay District and PUD plan, with the requested exceptions to the R-3.5 Zoning District that are being proposed with Subdivision #9263, the Planning Commission must make the following findings, which it hereby does:

- a. **The proposed PUD Plan development is in conformance with the applicable goals and policies of the general plan and any applicable specific plan;**

The John Muir Parkway Specific Area Plan (SAP) was adopted in the 1970's; the southerly portion of the site was designated as "open space." The SAP includes specific policy direction in regards to fitting higher density development into areas where there are existing single-family neighborhoods as follows: "When a proposed multiple family residential development is near an existing single family or lower density multiple family development, the Planning Commission shall require appropriate transition elements in the approved development plan, such as landscape buffers, building setbacks equal to or larger than those required in a adjacent zone district, minimization of grade differences to avoid visual impact and loss of privacy, different types of units which are more compatible with those existing on adjacent property, lower density assembly of small parcels into one large design flexibility, provision of project access from collector streets rather than existing residential streets."

The two-acre parcel that is designated open space is partially graded and is part of the existing storage facility. The open space designated was intended to provide a buffer between development and the hiking trail. Placement of units along and down the hill is not in keeping with policy of preserving open space areas as buffers. The volume and location of the proposed structures is not in keeping with the SAP in that the area is to serve as a buffer between the hiking trail and the surrounding lower density development.

- b. **The proposed PUD Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities;**

The proposed plan development is immediately adjacent to a shopping centers and in walking distance to existing restaurants, a movie theater and bus routes. In addition the area is largely developed except for this site, therefore all utilities are existing. However the project did not include adequate connection between the project and the commercial shopping center since there are no sidewalks on both sides of the street due to site plan constraints. There is no internal connection between the development and the shopping center requiring residents in the uppermost portion of the site to walk a great distance down or uphill to reach Muir Road or their residence after visiting the shopping center. As proposed the Plan Development cannot be adequately, conveniently or reasonably be served by public services because of the topography and layout of the site as well as distance for residents on a limited pathway that is not directly connected to the shopping center.

- c. **Streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development;**

While the existing streets are improved to carry vehicular traffic from this site, there is no on-street guest parking and the allocation of guest parking is

unevenly distributed.

- d. **The proposed PUD Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title;**

The site is a 6.8 acre site and is well suited for development of this type. The property is largely vacant with no permanent structures. Although it has been improved with some utilities and graded to accommodate the existing RV storage that occupies the site. The layout as proposed creates a development built along the edges of the site with three story structures, high retaining walls and narrow streets. The applicant proposes a dense development laid out in a fashion that results in limited private open space, visual impacts along the property line and long cavernous streets leading to limited opportunities for pedestrians and therefore as proposed is not suitable to the site.

- e. **The proposed PUD Plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications;**

The project site plan is not appropriate in that the site has been laid out with no proposed changes to the topography of the site. The end result is a long snaking street with units placed along the edges of the street and along property lines. The applicant has requested exceptions to the height limitation and setbacks to accommodate this design. The applicant proposes a development with three story structures and "tuck under" parking which is appropriate design for infill developments and could be achieved by proposing a site plan that included grading of the site to accommodate more units in the center of the site and buffers for the adjacent properties and the hiking trail. As proposed the site is designed in a manner that is not sensitive to the adjacent properties, due to the placement of units along property lines, building of retaining walls along property lines with little or no landscape buffers and lack of private and public open space this project cannot be considered of superior quality.

- f. **The location, access, density/building intensity, size and type of uses proposed in the PUD Plan are compatible with the existing and future land uses in the surrounding neighborhood.**

This infill site and its location would be appropriate for this building type and density. The development proposal is not compatible with existing development in the area because it proposes structures along property boundaries with large retaining walls, no buffer and limited to no landscaping in addition there is no

private open space except for small balconies and public open space is provided along the hillside. There will be a long term impact on existing and future land uses in the surrounding neighborhood because of the visual impacts and inadequate private and public open space on the site.

5. All the findings contained above are part and parcel of this Resolution and are incorporated herein by this reference.

NOW, BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council the exemption of the proposed Mitigated Negative Declaration for the purposes of denial and recommends denial of an amendment to the General Plan and Zoning Map, adoption of a Planned Unit Development (PUD) overlay district, and approval of a PUD plan and vesting tentative map for the development of a up to 80 attached single family and 2 single family homes.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 13 of November 2012:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: _____
Corey M. Simon
Senior Planner/Clerk Pro Tem