

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:45 p.m. with all members present except for Councilmember Kennedy who arrived after roll call.

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.

Agency Designated Representatives: Philip Vince, City Manager; Veronica Nebb, Sr. City Attorney; Tim Sullivan, Special Advisor, Management Partners, Inc; Tom Simonetti, Chief of Police.

Employee Organization: Martinez Police Officers Association.

PUBLIC COMMENT (Limited to Closed Session Items)

There being no comments made, the Council adjourned to the City Manager's Office.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting to order at 7:05 p.m. and reported that a closed session was held and that direction was given to the City's negotiator.

PRESENT: Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

- A. Presentation to Lauren Koontzy for her volunteerism and civic participation.

Mayor Schroder presented Ms. Koontzy RN, and a Martinez resident, a Presidential letter and the President's Volunteer Service Award with Gold Medallion for the year 2009. Ms. Koontzy devoted volunteer service to the American Red Cross, Adult Literacy Project, 2nd Chance, to a faith based mission, aiding in land development, and to Habitat-for-Humanity.

A surprise Proclamation and Service Award was presented to Assistant City Manager of Community and Economic Development Karen Majors on her retirement from the City of Martinez.

- B. Grad Night donations for College Park High and Alhambra High.

A \$500 donation was presented to Henry Fockler for Alhambra High School; and Karen Goldman from College Park. They thanked the Council for their support.

C. Quarterly Report from the Martinez Chamber of Commerce.

Continued to June 2nd in order to provide information on the Martini Fest.

D. Property Assessed Clean Energy presentation.

Mike Marcus, Regional Program Manager of Renewable Funding, LLC provided information and benefits for residential and commercial property owners on different green energy programs. Mr. Marcus provided an overview of CaliforniaFirst, administration, legal process, financial, local (City/County) responsibilities, City/County program fees, and timelines.

Mayor Schroder asked what type of energy projects would be included, and Mr. Marcus listed several of the possibilities. Mr. Marcus also clarified the process from the individual homeowner's perspective.

Vice Mayor DeLaney stated that the program was excellent and suggested the Council join as soon as possible. She added that underground utility projects might be useful as well.

Councilmember Kennedy asked about the amount of the initial bonds that would be issued. Mr. Marcus stated that it would be one billion for each county, but it could increase if the county wanted. Councilmember Kennedy also asked about the process of paying back the loans, and Mr. Marcus explained two different possible processes. He also clarified the fees that would have to be paid by the City itself.

Councilmember Menesini stated that the project seemed very innovative and helpful. He asked what would happen if the residents were unable to continue to pay the tax bill, and Mr. Marcus explained the process. Councilmember Menesini added that the use of bonds made him nervous, but that he appreciated the presentation.

Councilmember Ross agreed that it was a good program, even though the financing was complicated. He asked about quality assurance and specifications for the projects and equipment, and Mr. Marcus explained some of the standards.

Council directed staff to place this item on a future agenda so that the City can join the program.

Item #18 pulled out of order:

Consideration of and possible action in establishing a Council Medical Marijuana Ad Hoc Committee to study and make recommendations on medical marijuana ordinance and regulations; and motion approving appointments to the Medical Marijuana Ad Hoc Committee.

Councilmember Menesini stated that the Public Safety Subcommittee has held their meetings in an open forum exploring options for access to medical marijuana, and understands why staff would want to move expeditiously on this item and continue researching as an ad hoc committee.

However, he and Vice Mayor DeLaney are comfortable with holding open meetings and believe this issue should not be taken out of a public forum. He and Vice Mayor DeLaney requested this item be removed from the agenda.

City Attorney Walter advised that a motion needed to be made to remove the item and approve the agenda as amended.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, remove Item #18 approving creation of a Medical Marijuana Ad Hoc Committee and making appointments thereto; and approving the agenda as amended. Motion unanimously passed 5 - 0.

PUBLIC COMMENT

(COMPLETE SPEAKER CARD AND GIVE TO CLERK) Reserved only for those requesting to speak on items not listed on the Agenda.

Tim Platt invited the Council and the public to the first information forum regarding redevelopment agencies, Redevelopment Agency 101; on Tuesday, May 25th at USW, Local Hall, 1333 Pine Street at 7:00 p.m.

Phillip Ciaramitaro read a letter into the record dated May 10, 2010, opposing the formation of a Martinez redevelopment agency from Marko Mlikotin of the California Alliance to Protect Private Property Rights based in Sacramento, and a Martinez resident; and a letter dated May 12, 2010, regarding opposition to the formation of a redevelopment agency, from Larry Gilbert, Mission Viejo, California.

Unidentified speaker read a letter dated May 10, 2010, into the record regarding opposition to the formation of a Martinez redevelopment agency from Brian Peterson, Grantville Action Group of San Diego, California.

Mike Alford wanted to know why the City had not brought Talbart Howard of Enforsa to Martinez. He requested the Mayor to direct staff to contact him to do a presentation regarding his project. Mayor Schroder directed staff to contact Mr. Howard for a future presentation.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of April 21, 2010. [M.Cabral]
2. Motion accepting Check Reconciliation Register dated 05/06/10 and 05/13/10. [C.Spinella/02.01.01]
3. Resolution No. 043-10 adopting the City's 2010-11 Fiscal Year Appropriations Limit.[C.Spinella/02.01.00]

4. Resolution No. 044-10 authorizing the City Manager to sign an Agreement for Public Digital Initiative (Wi-Fi) with AirCloud Communications. [M.Chandler/19.03.20]
5. Resolution No. 045-10 authorizing the City Manager to execute a Joint Project Agreement with the Central Contra Costa Sanitary District regarding the City's 2010 Storm Drain Replacement Project.[T.Tucker/12.07.00&30.05.02]
6. Resolution No. 046-10 authorizing staff to apply for a grant for the ~~California Center for Education and Research~~ California Center for Delta Research and Education (CCDRE). [P.Vince& M.Wiershem/5.23.00]
7. Resolution No. 047-10 allocating \$40,000 from Water Surplus Funds to draft the City of Martinez's 2010 Urban Water Management Plan. [T.Tucker/15.01.06]
8. Motion directing staff to proceed with authorizing a contract with Seifel Consulting in the amount of \$45,000 to complete a feasibility study and update the blight findings and tax allocation methodology completed in 2006. [P.Vince/2.13.01&23.00.00]

Vice Mayor DeLaney requested that Item #4 and #6 be pulled from the agenda; Councilmember Kennedy noted that she too had a comment on Item #6.

Mayor Schroder opened Items #1 through #3, #5, #7, and #8 for public comment.

Phillip Ciaramitaro spoke on Item #1, asking about the destruction of City files and a particular file, *People v. Philip Ciaramitaro* (1971), which had been mentioned by Vice Mayor DeLaney. Mr. Ciaramitaro asked if the file had been destroyed. Mayor Schroder requested he speak to the City Attorney after the meeting, and Mr. Ciaramitaro requested that the minutes be altered so that the decision made was clarified.

Tim Platt spoke on Item #6, requesting that it be pulled from the Consent Calendar for further public discussion. Mayor Schroder explained that it could not be. Mr. Platt described his visit to the Rogers Environmental Education Center in New York, and stated that he had spoken to the East Bay Regional Park District, requesting that a similar center be created for the Bay Area. EBRPD had informed him of the Delta Science Center, which had been under development since 1995. Mr. Platt asked why the CCDRE was being constructed in competition with this effort. He stated that some people were wondering whether or not this project was being favored by the City.

Mike Alford spoke on Item #6, expressing frustration that the property now being used for CCDRE was purchased for a parking lot, especially when it had been purchased for so much money. He suggested that the Council's actions were deceptive. Mayor Schroder clarified that the City was working on providing parking for that site.

Gay Gerlack, a member of the PRMCC, spoke on Item #6, expressing concerns with the City spending money on this center when the Delta Science Center was also requesting a Prop. 84 grant and is farther along in its development.

An unidentified speaker spoke on Item #8, asking if the ordinance creating a redevelopment agency needed to happen first. Mayor Schroder clarified that this study was updating a study that had been done several years ago.

Seeing no further speakers, Mayor Schroder closed public comment on these items.

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Items #1 through #3, #5, #7 and #8 of the Consent Calendar. Motion unanimously passed 5 - 0.

Vice Mayor DeLaney spoke on Item# 4, explaining why the Council was adopting the resolution. She noted that the program would not only benefit the City's residents and businesses, but also bring money and attention to the City. She thanked staff for their work on the project.

Mike Alford asked Mr. Chandler why the previous meeting had not been aired on TV as usual the Friday after, and Mr. Chandler explained that it had been due to a programming error, and the meeting was aired a week later; and he confirmed that this meeting will air at the usual time.

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 044-10 authorizing the City Manager to sign an Agreement for Public Digital Initiative (Wi-Fi) with AirCloud Communications. Motion unanimously passed 5 - 0.

Rachael Ford spoke on Item #6. She thanked the Council for putting the Item on the agenda. She responded to earlier questions about the Delta Science Center, noting that there would not be too much competition and they would be able to help the environment more having both centers in a thirty-mile radius. Ms. Ford added that the Delta Science Center had a different objective than the CCDRE, and reviewed some of CCDRE's goals. She stated that she hoped East Bay Regional Parks would also support the CCDRE.

Vice Mayor DeLaney asked for a clarification on the name and a correction of the name on the staff report and agenda. She expressed her support of the project and her opinion that the City needed a project of this kind, reiterating that the City would also be providing the parking lot that had been promised.

Councilmember Kennedy noted that the City had been successful in obtaining grants in recent years, and stated that the City should not ignore this opportunity.

Councilmember Menesini agreed that it was a good project and a good opportunity to get funds without having to spend anything from the General Fund. He stated his opinion that Martinez, as a waterfront city, had a good chance of receiving the grant, and he wished Ms. Ford and the Center good luck with the grant process.

Councilmember Ross stated that although he had previously been more hesitant about the project, hearing more details had given him more confidence in it. He said that the project was very viable compared to other projects that had come before the Council, and he added that this was a good way to improve the City without using redevelopment.

Mayor Schroder agreed with the rest of the Council, and noted that the Council had not given the building to Ms. Ford or to the project, but had only signed a letter of intent. He added that Ms. Ford had been a good appointment to the Planning Commission and complimented her on her service.

On motion by Lara DeLaney, Vice Mayor, seconded by Mark Ross, Councilmember, to approve Item #8, Resolution No. 046-10 authorizing staff to apply for a grant for the *California Center for Delta Research and Education* (CCDRE). Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

9. CONTINUED TO JUNE 2, 2010: Introduce an ordinance amending Martinez Municipal Code, Chapter 22.04 (Definitions) and Section 22.12.250 (Usable Open Space), amending the requirements for the provision of common and private open space in single-family residential subdivisions and all multi-family development on any property within the City. The proposed requirements for each unit's Private Usable Open Space and for Common Usable Open Space are based on the type and size of the proposed development. Minimum dimensional requirements for Open Space areas are also proposed. [9.4.4.13]

Mayor Schroder continued the Public Hearing to the meeting of July 7, 2010.

10. CONTINUED TO JUNE 2, 2010: Introduce an ordinance amending Martinez Municipal Code, Chapter 22.36 (Off-Street Parking). Proposed changes include: adjusting the minimum required parking for multi-family residential development; establishing a city-wide requirement for guest parking in multi-family residential development; and modifying the design standards and use restrictions of driveways and garages that are used for required parking. [9.4.4.28]

Mayor Schroder continued the Public Hearing to the meeting of July 7, 2010.

11. CONTINUED TO JUNE 2, 2010: Introduce an ordinance amending the Martinez Municipal Code, replacing the current Chapter 22.42; Planned Unit Development. Proposed changes include: a) replacing the current process of allowing a Planned Unit Development (PUD) as a conditional use, subject to Use Permit approval by the Planning Commission, with one defining a PUD as a specific Overlay Zoning District, subject to approval of a Zoning Map Amendment by the City Council; and b) for projects within either the Downtown Specific Plan or Downtown Overlay District areas, reducing the minimum size for a PUD from 1 acre (43,560 square feet) to 7,000 square feet areas, reducing the minimum size for a PUD from 1 acre (43,560 square feet) to 7,000 square feet. [9.4.4.29]

Mayor Schroder continued the Public Hearing to the meeting of July 7, 2010.

12. Consider an appeal of the Planning Commission's decision to approve Use Permit #10-01 and Variance #10-01, for reconstruction and renovation of a vacant single-family residence and garage at 208 Arreba Street. [A.Mepani/09.06.01.41]

Karen Majors, Assistant City Manager, provided information on the revised staff report. Anjana Mepani, Associate Planner presented the staff report. She reviewed the zoning, history, and other information on the subject property; the applicant request and the variances needed; the circumstances needed to grant variances; some of the nearby nonconforming residences; and the existing nonconformities in the subject property. She discussed the Zoning Administrator's decision to deny the Applicant's request, the Applicant's appeal, the Planning Commission meeting, and the changes agreed upon at that meeting. She reviewed the appeal and issues currently before the Council:

Issue #1 stated that the proposed two-story structures are not compatible with the rest of the neighborhood and would negatively impact the adjacent neighbors, so close to the property line. The response stated that the proposal is within the maximum zoned height, there are other two-story homes in the neighborhood, and the Applicant had offered compromises to mitigate the negative impacts.

Issue #2 stated that allowing the project to cover 100% of the subject property is more appropriate than allowing a two-story structure. The response stated that the maximum zoned lot coverage is 40%, 100% lot coverage would cause problems for line of sight and safety requirements, the proposed 53% lot coverage is near the higher limits of lot coverage in the neighborhood, and useable open space is an important amenity for all lots in residential districts.

Issue #3 described negative impacts on sunlight, privacy, use of the Appellants' backyard, view, air, quality of life, property value, and ability to sell their house. The response stated that the Appellants would still have views in other directions, that the Applicant's proposed window size was reduced to protect privacy, that the second story elevation is stepped in to protect view, light, and air, that the proposed structure would not cast shadows on the Appellants' property, and that the renovation would increase property values in the area.

Issue #4 stated that the majority of lots in Martinez are nonconforming, so the Applicant does not have a disadvantage that would allow an approval for 2 two-story structures. The response stated that the subject property is unusually small, wide and shallow, making conformance to zoning standards difficult and depriving the property owner of privileges enjoyed by others.

Ms. Mepani described the Conditions of Approval recommended by staff, requiring that the rear portion of the second story be stepped back four feet and that the roofs of the step back and the first floor mimic the existing roofs. The Council was requested to provide direction to staff to prepare documents for formal action at the next Council meeting.

Councilmember Ross asked for clarification on the recommendations for the roof, and Mayor Schroder asked if the requirement was different from what the Applicant had already planned. Ms. Mepani clarified that the change would mimic the existing structure and move the second story farther away from the rear property line.

Vice Mayor DeLaney asked why the Zoning Administrator had denied the request initially. Planning Manager Terry Blount explained that at the ZA meeting, there had been a great deal of public opposition and no support, and based on the information available, not all the findings could be made, so he had felt that the application should be denied. Vice Mayor DeLaney asked

for an elaboration of the evidence, and Mr. Blount stated that the major concerns were the detriment from the height and the setback so close to the property line. He added that there was much less opposition at the Planning Commission meeting, and there had been modifications to the plan reducing the impacts to the privacy of the Applicant's neighbors.

Vice Mayor DeLaney asked about the City's regulations for the protection of views. Mr. Blount stated that, typically of cities in California, individuals do not have protected rights to views, except when purchased by individuals from their neighbors in the form of easements. Vice Mayor DeLaney also asked about the conflicting claims regarding the impact on property values, and the evidence for the claim that property values would improve. Ms. Majors stated that the Applicant's property is currently unattractive and in need of repair, and high-quality improvements to existing structures typically improve property values in the entire neighborhood.

Luke and Bianca McCann, Appellants, thanked Councilmember Kennedy, Vice Mayor DeLaney, and Mayor Schroder for visiting their property to understand the issues more clearly. Mrs. McCann noted that their opposition was not to the remodel in general but to the two-story structures. She stated that all the other two-story residences in the neighborhood were on larger lots and were not as detrimental to their neighbors. She stated that although she understood the disadvantages facing the Applicant, the majority of the lots in the neighborhood were also nonconforming. She stated that a two-story structure was legal as long as it was 25 feet from the property line. She stated that they were supportive of improving the property, as long as the remodel did not negatively impact their home. She also said that although the Applicant had been advised in past conversations with City staff that a two-story remodel was more appropriate, these conversations were not on record and it was not the Appellants' responsibility to accept the burden this remodel would place on their home. Ms. McCann stated that she and her husband were willing to financially help the Applicant to obtain new plans for a larger one-story structure. She stated that she did not see how a two-story structure four feet from the property line could possibly not have negative impacts on their light, view, air, and privacy, and that the concessions such as moving back the second story four feet were not enough to correct all the negative impacts. She stated that the Zoning Administrator's decision had found that there was not enough evidence to state that the remodel would not be detrimental, and since the plans had gone forward to the Planning Commission unchanged, the Appellants were holding that there was still not enough evidence for these findings. She stated that a real estate broker who had assessed their property indicated that it would be more difficult to sell with a two-story behind it. She added that their home had been purchased for \$400,000 with the Applicant's unattractive home behind it, so its unattractiveness had not had a negative impact and the remodel would not have a positive impact. She stated that the remodel would increase the residence's size by 125% and the accessory structure's size by 275% larger, and the Appellants' opinion was that the magnitude of this request was atrocious.

Mrs. McCann reiterated that the size of this project did not fit in with the character and appearance of the nearby one-story houses. She stated that it was the Applicant's decision to purchase a lot that was difficult to build on, and this was not the Appellants' responsibility. She stated that she and her husband, along with other property owners, were in support of the Applicant's decision to remodel, but that their property would be most negatively impacted by the proposed structure and so their opinion deserved a little more weight. She reiterated that the

findings needed for the variance had not been established, there had been no Design Review, and that no one had been out to the property to determine what the impact on the neighborhood would be. She stated that the Applicant's offer to step in the second story by four feet did not address the privacy and line-of-sight concerns. She stated they understood that most of the time the Council upholds the Commission's decision, but expressed hope that their concerns would be important to the Council. She stated that she hoped the Council would judge the case based on the facts and not on relationships with the Applicant. She stated that the Applicant met only 3 of the 11 code requirements for zoning compliances needed for approval.

Ms. McCann showed pictures of the Applicant's home currently, the view from the Appellant's home, and the Applicant's property showing the space that was left to build on. She concluded by reiterating that she and her husband wanted the property remodeled but were concerned that the two-story structure was too close to the property line, and she proposed a few other options for the Applicant that they would support, including a one-story structure covering more of the property, a one-story residence with the proposed two-story accessory structure, or a two-story structure meeting the City's setback requirements.

Richard Stahlberg, Applicant, described the support he had from other neighbors who were close to the property. Mike Malani, his engineer, discussed the history of the project. He stated that there had been problems at the ZA meeting regarding notice, and that most of those who had been in opposition were confused about what the project actually was. He noted that the staff report for the ZA meeting had recommended approval of the project, that the project had been approved by the Planning Commission, and that Mr. Stahlberg had met with the McCann's in order to come to a compromise, but they had been unable to do so. Mr. Malani noted several points in the staff report, including that a variance can be granted if there is evidence that a property suffers from circumstances that warrant exceptions from the zoning code, and that nearby properties enjoy privileges that the subject property does not have. Mr. Malani also noted that Mr. Stahlberg was attempting to preserve the architecture of the original bungalows that had been built in the area, and that the lots were much shallower than others in the neighborhood. He stated that Mr. Stahlberg had been advised by City staff to build a second story because of the concerns about lot coverage. He stated that the other bungalow units are two-bedroom, one-bathroom buildings, which is why there is a desire to expand them, and why the zoning requirements allow a second story. He added that the other ones would in the future likely bring applications before the Commission for a second story. He showed from the dimensions of the lot why it would be difficult to build a second story that met the setback requirements, so the zoning requirements unduly disadvantaged the bungalow units. He added that with the current appearance of the lot, any improvement would be sure to raise property values in the area.

Mr. Malani showed pictures of the Appellants' property, the current view of the hill, and the view that would remain with the two-story structure in place. He noted that another neighboring property already negatively impacts privacy, and described several concessions the Applicant was willing to make to protect privacy. He also described the concessions the Applicant had made in meeting with the Appellants.

Mayor Schroder asked if those concessions were included in the plans in the staff report, and Ms. Mepani responded that they were not. Mr. Malani clarified that the second story was being pushed back, and the first story would still exist.

Mayor Schroder asked if the second-story windows were low enough to see out of, and Mr. Malani stated that they were not, for a person of average height, and they were mainly there for light and to improve the appearance of the back wall.

Mrs. McCann reiterated that they would support a second story at a 25-foot setback, which was the usual requirement. She also criticized the photos that Mr. Stahlberg showed, stating that because he was a professional photographer he was able to choose the best angles to show what he wanted. She stated that the second-story window would have a direct look into their yard and their bedroom, and they did not want to lose any more privacy than what they had already lost. She also reiterated that they had a great deal of sunlight coming from that direction which they did not wish to lose. She sympathized with the Applicant's difficulties living in a small home but stated they were difficulties that were shared with everyone on the block, and added that most of the residents in the other small units were renters and not attempting to improve the lots. She agreed that there were other two-story houses in the neighborhood that appeared to affect the privacy of other homes, but stated that she could only speak for her and her husband, not others, and that they want to protect their own privacy. She reiterated that they wanted to keep the view of the hill that they had. Regarding revitalization of the neighborhood, she agreed that it was important but stated that she hoped they could find a workable solution and alternative to this project.

Mr. McCann asked why there was such an urgent need to approve the plan as it was without making changes. He stated that the changes that were presented were not actually agreed upon and that the plan was still as it was originally. He reiterated that they were willing to financially help Mr. Stahlberg to get a new plan if he would agree. Mr. McCann stated that he and his wife had intentionally bought a one-story home in a neighborhood with small house. He reiterated that the neighbors who were providing support to the Applicant lived farther away and would not have to deal with the negative consequences of living next door to the two-story house.

Mr. Stahlberg stated that the pictures of the Appellants' view were taken just from the back of his yard, with no doctoring. He added that the shadow of his house fell on the house next door to his, not the one behind. He also noted that his neighbors next door and directly across the street were supportive of his project.

Mr. Malani showed a picture that showed the shadow cast by the Applicant's house. He stated that the Applicant's plan proposed a height of 22 feet, and many of the houses in the neighborhood have raised foundations and roofs that go as high as 19 feet. He added that the proposed structure is well under the limit of 25 feet. He reiterated that Mr. Stahlberg's property is unique to the neighborhood and is under circumstances that warrant exceptions, as required for the variance. Mr. Malani stated that he thought the Applicant had presented enough evidence to support the Commission's decision and to earn the Council's approval of the project and denial of the appeal. He pointed out several people in the audience who had come in support of the project and asked them to raise their hands. He stated that Mr. Stahlberg wants to be a good neighbor and is willing to make concessions in support of staff's recommendations.

Mayor Schroder opened the Item for public comment.

Jim Flatt expressed surprise that Mr. Stahlberg had been attempting to build for so long and that he had been unable to start. He stated that he lived a block away, and he and all of his neighbors are in support of the project. He suggested that since all of the houses in the neighborhood are noncompliant, the City should come up with zoning requirements that address that.

Susan Isola stated that she and her husband were originally not in support of the project, but once they had seen the proposal and the design, they were in support. She stated that she thought it would be good for the neighborhood.

Rachael Ford stated that she thought it would set an unfortunate precedent if one person's or a few people's opinion was more important than what was best for the City or for the neighborhood. She stated that she thought the Applicant had done a great deal to listen to all his neighbors and try to compromise with them, and added that in these difficult economic times it was good to see someone trying to improve his property.

Jim O'Neal remarked on the difficulty of living in an older home and an older neighborhood, and noted that people would continue to try to improve and increase the size of their homes, so that in many places a four-foot setback would become unavoidable.

An unidentified speaker stated his mother lived on Arreba Street, and expressed concern about the precedent set by allowing this size building to be built.

Seeing no further speakers, Mayor Schroder closed public comment on the Item.

Councilmember Menesini stated that he wished the neighbors could come to a compromise, but clearly this was not the case. He said that the Planning Commission had vetted the project and unanimously approved it, and that he approved of the Applicant's willingness to compromise and move the second story back. Councilmember Menesini also agreed with staff's recommendation regarding the roof. He expressed his belief that the project would improve the neighborhood, and noted that the neighborhood supports it. He added that the evidence shows that approval would not grant a special privilege to the Applicant, but was a reasonable exception. He concluded that he supported the Planning Commission's decision and staff's recommendations regarding the changes.

Councilmember Kennedy agreed that the current structure was already very close to the property line, and asked Mr. Stahlberg if he had considered the Appellants' offer to help him design new plans. Mr. Stahlberg stated that he did not want to start the process over, and have to return to the Planning Commission for a different variance, with opposition from different neighbors. He added that he had done everything City staff had requested in order to try to be a good neighbor. Councilmember Kennedy expressed appreciation of the Appellants and stated that they were the kind of people the City wanted to come in and buy homes, but she also supported the right of property owners to develop their properties. She stated that if there would be no further mediation, she would support the project as it was.

Vice Mayor DeLaney agreed that this was a difficult decision for the Council to make, and that the Appellants were an asset to the City. She stated that she would support a larger single-story residence, but agreed that it was not feasible on the property. She also stated that she wished the

City would be able to help design new structures with an economic stimulus plan. She remarked that she did not see why the accessory structure had to be so big, but noted that the Appellants' main problem is with the house's second story. Vice Mayor DeLaney said that the additional setback and window changes could alleviate the privacy concerns, but the view would be impacted, and that was unfortunate, and added that the project would raise property values in the neighborhood. She concluded that she wished there was a better solution, but would approve the project.

Councilmember Ross stated that he had been concerned about the view, and that he was relieved to see the sunlight would not be as impacted as he had thought. He said that he had not made up his mind as to whether or not to grant the appeal. He agreed that the wall would have a negative impact so close to the property line even with the set back. He suggested that some kind of vegetation be planted to reduce the impact. Mr. Stahlberg stated that he was open to the suggestion, but could do either a trellis or a hip roof, but not both. Councilmember Ross stated that he hoped the Applicant could agree with the Appellants on something to do to reduce the impact of the back wall. Mr. Malani agreed that Mr. Stahlberg wanted to make the wall visually appealing, although there were architectural concerns. Councilmember Ross concluded that although he was sympathetic to the Appellants' concerns, he would be voting in favor of the Applicant.

Mayor Schroder agreed that this was a difficult decision because it was impossible to please everyone. He stated that after visiting the Appellants' home and listening to all the arguments, he was inclined to support staff's recommendations. He stated that he had gone through the same process when remodeling his garage, in trying to compromise with all his neighbors. He agreed that the wall should be made visually appealing and that the windows should be placed high enough that no one could see through them.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, uphold the Planning Commission's decision to approve Use Permit #10-01 and Variance #10-01 for construction and renovation of a vacant single-family residence and garage at 208 Arreba Street, subject to (i) the conditions of approval identified in the staff report made part of the record of proceedings and (ii) the following additional conditions:

1. The rear portion of the second story located above the existing first floor kitchen shall be stepped back four feet from the existing first floor kitchen, so that it is eight feet from the rear property line and that the step back and existing first floor roofs shall have hip roofs with mission tile that mimic the existing roof; and
2. The second floor, rear elevation shall be changed to reduce the size of windows facing the neighbor to the rear, to five small windows that shall not be at eye level and the sill of each window shall be higher than 6 feet above the finished, interior flooring to provide ambient light; and
3. To soften the massing effect of the rear elevation edifice the applicant shall a) add plants such as tall Cyprus trees to the rear yard along the property line for a vegetative screen, or b) add a vertical espalier, consistent with the design of the project, for plants such as ivy (to be planted in the rear yard) to the rear elevation. Irrigation shall be installed and the approved plants/trees shall be maintained to assure that the plants/trees required by this condition live and thrive for at least 5 years after the date of final inspection. The type, number and size of the plants/trees

required by this section C, as well as the locations where they shall be planted and the irrigation system shall be subject to the approval of the Planning Division.

Staff is directed to prepare findings and conditions consistent with this motion and return same to the Council for adoption at a future date.

Motion unanimously passed 5 - 0.

The Council recessed at 10:13 p.m. and returned at 10:16 p.m. with all members present as indicated.

CITY MANAGER

13. Provide direction to staff on the Reuse of the Zocchi Property. [K.Majors\5.23.00]

Karen Majors, Assistant City Manager, presented the staff report. She described the opportunity that had been presented for the use of the property, and discussed the questions that the Council needed to answer.

Does the Council want to see a private recreation facility on a small or large scale?

Councilmember Menesini stated that because of the parking difficulties, planning for the property would probably be a long-term process. He added that the building provides a unique opportunity, and would support a viable proposal if it was well-funded. Councilmember Ross commented on the long process of acquiring the property and stated that it was important to keep within the requirements that were set when the property was purchased, such as the parking needs. He also stated that he would support the project if it benefited the City's youth and kept within those requirements. Vice Mayor DeLaney discussed with Ms. Majors the timeline, funding and layout of the parking design. She also commented on the need for recreational facilities and expressed her support for the project.

Ms. Majors clarified that the CCTA and the CalTrans Rail Division supported a mixed-use arrangement for the property. Councilmember Ross clarified with Ms. Majors that the revenue from the use of the property would be used for transportation funds, including property tax revenue.

Councilmember Kennedy agreed with the comments of her fellow Councilmembers.

Mayor Schroder agreed that it was a good idea but expressed hesitation to tie up the property in a long-term lease at this point in time, and commented on some other options that would be possible in the future. Councilmember Menesini agreed but noted that there are few developers interested at this point in time, and the City should put the site to short-term use to benefit the community. City Manager Vince stated that a shorter term lease would be possible if the City invested money for the improvement of the building, and asked the Council to consider what would be an acceptable break-even point. Councilmember Menesini commented on the complexity of the issues and proposed that staff explore options and present them to the Council. The Council discussed possible issues to investigate. Councilmember Kennedy suggested that the Council make a request for proposals.

Mayor Schroder opened public comment on the item.

Mike Alford suggested that the City construct a multilevel facility with a parking garage, a restaurant or a cocktail lounge, and possibly a sports facility, noting that a hotel would be difficult because of the noise of the trains.

Seeing no further speakers, Mayor Schroder closed public comment on the item.

Council directed staff to explore options and present it to Council; and request Seifel Consulting to do the study and simultaneously do a request for proposal with options that include issues, i.e., what will attract you to the property, how much money/how many years, how much money would the city need to put in, etc.

14. City Manager Comment(s)/Update(s)/Report(s).

City Manager Phil Vince updated the Council on the revised State's budget, which did not seem to impact local government at this point.

CHIEF OF POLICE

15. Chief of Police Comment(s)/Update(s)/Report(s).

No comments made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

16. Motion approving appointment of Beverli Marshall to the Central Contra Costa Transit Authority Citizens Advisory Committee for a two-year term. [M.Cabral/6.7.01&16.32.01]

On motion by Rob Schroder, Mayor, no second required to approve appointment of Beverli Marshall to the Central Contra Costa Transit Authority Citizens Advisory Committee for a two-year term. Motion unanimously passed 5 - 0.

17. Motion approving appointments to the General Plan Update Task Force. [T.Blount/16.17.18]

Terry Blount, Planning Manager, presented the staff report.

Vice Mayor DeLaney asked if there should be an alternate Task Force member, and she suggested Donna Allen. Councilmember Menesini said he thought they should add her as a full member, not an alternate, as long as there would be no conflict since she is already on the Planning Commission. Mayor Schroder noted there is already one Planning Commissioner on the Task Force list, Jeff Keller.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve appointments to the General Plan Update Task Force, with the addition of Donna Allen. Motion unanimously passed 5 - 0.

18. A. Consideration of and possible action in establishing a Council Medical Marijuana Ad Hoc Committee to study and make recommendations on medical marijuana ordinance and regulations; and [41.06.01]

B. Motion approving appointments to the Medical Marijuana Ad Hoc Committee.

Item removed from the agenda.

CITY COUNCIL

19. City Council Comments.

Councilmember Janet Kennedy congratulated the Martinez Chamber and all those who were involved in the Martini Festival, which was a great event. She announced that on Friday she will be attending and facilitating "Ethics Day" at the Vicente Briones High School.

Vice Mayor Lara DeLaney stated she will also be attending Ethics Day. She announced the Spring Cemetery Clean Up on Saturday, May 22 at 10:00 a.m. at the Alhambra Cemetery.

Councilmember Michael Menesini stated that he and Mayor Schroder met with Mike McGill and Mario Menesini of the Central Sanitary District Board. The District expressed willingness to work with the City in helping businesses in Martinez with sewer connections.

Councilmember Mark Ross thanked staff for the repaving of Marina Vista and for the copy of the City Redevelopment Ordinance.

Mayor Schroder reported that the Willows Theatre showed four free performances of "You're a Good Man Charlie Brown" for 3000 school children. It was aired on Channel 7 news on Monday night.

ADJOURNMENT

Adjourned at 10:57 p.m. to a Regular City Council Meeting on June 2, 2010 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 06/16/10