

PLANNING COMMISSION REGULAR AGENDA

DATE: July 23, 2024 7:00 PM

PLACE: Council Chamber and Zoom

INFORMATION FOR THE PUBLIC

Information regarding meetings, including agenda materials, schedules and more, please visit the City's Meetings & Agendas webpage: https://www.cityofmartinez.org/government/meetings-and-agendas.

REMOTE PARTICIPATION

This meeting will be conducted in-person in the City Hall Council Chamber and shall be aired in real time via Zoom. The City cannot guarantee the public's access to teleconferencing technology, nor guarantee uninterrupted access as technical difficulties may occur from time to time. If attending via Zoom, please join us by choosing any of the following options:

Via Mobile Phone or Desktop, using the Zoom App direct link: https://cityofmartinez-org.zoom.us/j/95400423258

1. Via Web Browser, from https://zoom.us/join

a. Webinar ID: 954 0042 3258

b. Passcode: 871769

2. Via Phone by calling (669) 900-6833 and enter the provided meeting details above.

PUBLIC COMMENTS

Public comments can be made in person at the meeting or submitted in writing. Written comments must be received by 12pm, the day of the meeting. For information on how to submit written comments, please visit the City's Meetings & Agendas webpage linked above.

ADA ACCOMODATIONS

In accordance with the Americans with Disabilities Act and California law, the Council Chamber is wheelchair accessible and disabled parking is available at City Hall. If you are a person with a disability and require modifications or accommodation to attend and/or participate in this meeting, please contact the City Clerk's Office at (925) 372-3512. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

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PLANNING COMMISSION REGULAR AGENDA

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL - Commissioners Joseph Evans, Susan Gustofson, Rochelle Johnson, Jason Martin, John Klopp; Vice Chair Tracey Casella; and Chair Sean Trambley

CIVILITY STATEMENT - As your appointed Governing Board, we will treat each other and the public with patience, civility, and courtesy as a model of the same behavior we wish to reflect in Martinez for the conduct of all City business and community participation. This includes respect for everyone's First Amendment Right to voice their opinion on matters within the City's subject matter jurisdiction, even if that opinion is different from our own. The decisions made tonight will be for the benefit of the Martinez community and not for personal gain.

PUBLIC COMMENT - For items not on the agenda. Non-agenda public comment is limited to matters which are within the subject matter jurisdiction of the Commission, and which are not action items listed elsewhere on the agenda.

CONSENT

1. Approve the Planning Commission Meeting Action Minutes, dated June 25, 2024. Action Minutes, dated June 25, 2024

REGULAR

2. Conduct a public hearing and adopt Resolution No. 24-06, approving a request for a condominium conversion / minor subdivision of a 5,000 square foot parcel into two parcels (with a common area parcel), located at 1735 Castro Street in the Residential 3.5 ("R-3.5") zoning district, Assessor's Parcel Number 372-276-005-9, subject to conditions of approval.

Staff Report - 1735 Castro Street

Attachment A - Draft Planning Commission Resolution No. 24-06

COMMISSION ITEMS

PLANNING MANAGER UPDATES

COMMUNICATIONS

ADJOURNMENT - Adjourn to a Planning Commission Regular Meeting on Tuesday, August 13, 2024, at 7:00 p.m.

By July 19, 2024, a true and correct copy of this agenda was posted on the City Hall Kiosk, located at 525 Henrietta Street, Martinez, CA 94553, and on the City website at www.cityofmartinez.org.

aleedlee Fendley, Administrative Aide III



https://martinez.granicus.com/MediaPlayer.php?view_id=7&clip_id=1590&meta_id=124002*

Full details are available via audio/video recording on our <u>website</u>. *Microsoft Internet Explorer browser is recommended for video-viewing compatibility or enable Adobe Flash on your default browser*.

Commissioners on Video Conference		City Staff on Video Conference
Chair Sean Trambley	Present	Michael P. Cass, Planning Manager
Vice Chair Tracey Casella	Present	Brandon Northart, Associate Planner
Commissioner Jonathan Bash	Present	Dee Dee Fendley, Administrative Aide III
Commissioner Joseph Evans	Present	-
Commissioner Susan Gustofson	Present	
Commissioner Rochelle Johnson	Present	
Commissioner Jason Martin	Present	
Commissioner John Klopp	Present	
(Alternate)		

Call to Order	
Meeting called to order at 7:00 p.m.	

	Public Comment (02:31 in video)	
None		

Consent Calendar (03:51 in video)				
1. Approval of	the May 14, 2024, Pl	anning Co	mmission Action Minutes	
Speakers:	None			
Public	None			
Comment:				
Closing	None			
Comments:				
Motion to:	Approve			
Motion by:	Vice-Chair Casella Seconded By: Commissioner Gustofson			Sustofson
Motion	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Aye	Rochelle Johnson	Late
passed 7-0	Jonathan Bash	Aye	Jason Martin	Aye
7-0	Joseph Evans	Aye	John Klopp (Alternate)	Aye

Regular Items (04:32 in video)		
2. Determine who shall serve as Chair and Vice Chair of the Planning Commission from July 1, 2024 through June 30, 2025.		
Speakers:	 Chair Trambley stated that 2024/25 is the last year of his term and he would like to remain as Chair of the Planning 	

	 Commission for the upcoming year with Tracey Casella as Vice-Chair. Commissioner Gustofson supports the continuation of Sean Trambley as Chair and Tracey Casella as Vice-Chair for the upcoming year. Commissioner Evans indicated he had intended to nominate Susan Gustofson for Planning Commission Chair. However, he supports the continuation of Sean Trambley as Chair and Tracey Casella as Vice-Chair for the upcoming year. 			
Public	None			
Comment:				
Closing	None			
Comments:				
Motion to:	Elect Sean Trambley as Chair and Tracey Casella as Vice-Chair			
	of the Planning Co. 2025.	mmission	from July 1, 2024 through	June 30,
Motion by:	Commissioner Evan	S	Seconded By: Commissioner	Bash
_	Sean Trambley	Aye	Susan Gustofson	Aye
Motion	Tracey Casella	Aye	Rochelle Johnson	Late
passed 7-0	Jonathan Bash	Aye	Jason Martin	Aye
7-0	Joseph Evans	Aye	John Klopp (Alternate)	Aye

3. Conduct a public hearing and adopt Planning Commission Resolution No. 24-04, approving the Design Review application for a new 3,779 square foot single-family dwelling, located at 140 Glendora Drive, Assessor's Parcel Number 370-140-003-2, subject to conditions of approval.

	ubject to conditions of approval.
Speakers	 Associate Planner Brandon Northart gave a presentation outlining the project. Commissioner Gustofson asked if the City received any responses to the notifications that were sent out to the public. She inquired as to where the mailbox and garbage pickup would be located on the property. She asked if the condition of approval involving weed abatement would be only during the construction, or for the duration of the home. She stated the Contra Costa County Fire Protection District had a long list of requirements for fire mitigation. She is glad to see that in the conditions of approval. Commissioner Gustofson asked the applicant what the specific plan is for fire mitigation on the property in terms of building and vent design. Commissioner Evans inquired about solar requirements on this project. He asked the applicant what type of equipment is stored on the property. Applicant Joel Diaz addressed the previous questions. He stated he meets regularly with the Fire Department regarding weed abatement and fire mitigation. The noises the neighbors are hearing are from a woodchipper used to dispose of fallen trees.

Public Comment: Closing Comments:	possibly caus excessive con past regarding morning. • Florie Robine unacceptable. is not being do getting their with enearby Sallowed to buil • Commissioner equipment store equipment will	ing landslice struction not loud constitt, neighbor She stated one. She is rater from a unrise Coud on the eart Evans asked one the locontinue to	as concerns about grading les. She is also worried a sise. She has made complain ruction noise in the early hore, complained the existing that weed abatement on the concerned about where the is low water pressure is an int. She asked where the sement located on the property deposition of the property. He wants to know the stored on the property perps regarding the dual use property.	noise is property owner is issue on owner is erty. ent for the ow if the after the
	property. Vice-Chair Casproject. Chair Tramble noise complain Commissioner Commission comments. Commissioner law enforcements	sella asked y asked whants. · Martin ask can and ca · Johnson a ent and co	if the trees are being remove at the general process is for aced for a general outline of annot address regarding the asked what the interface is de enforcement and how act code enforcement.	ed for the enforcing what the ne public between
Motion to:	Adopt Planning Co the Design Review family dwelling, lo	ommission applicatior ocated at	Resolution No. 24-04, ap for a new 3,779 square for 140 Glendora Drive, As subject to conditions of a	ot single- sessor's
Motion by:	Vice-Chair Casella		Seconded By: Commissioner	
Motion	Sean Trambley	Aye	Susan Gustofson	Aye
MOUOTI	Tracey Casella	Aye	Rochelle Johnson	Aye
passed	Jonathan Bash	Aye	Jason Martin	Aye
7-0	Joseph Evans	Aye	John Klopp (Alternate)	
			ng Commission Resolution	
,		-	ouncil to approve amendm	nents to
	nagement Element o			
Speakers:			ael P. Cass gave a pre	sentation
	outlining the project.			
	Chair Trambley stated there were questions regarding a			
	•	ion of the A	lhambra Valley.	
Public	None			
Comment:				

Closing	None			
Comments:				
Motion to:	Adopt Planning Commission Resolution No. 24-04, forwarding a			
	recommendation to	recommendation to the City Council to approve amendments to		
	the Growth Management Element of the General Plan.			
Motion by:	Commissioner Bash		Seconded By: Commissioner Evans	
Motion	Sean Trambley	Aye	Susan Gustofson	Aye
passed	Tracey Casella	Aye	Rochelle Johnson	Aye
7-0	Jonathan Bash	Aye	Jason Martin	Aye
7-0	Joseph Evans	Aye	John Klopp (Alternate)	

Commission Items (46:24 in video)		
Comments/	Chair Trambley acknowledged that this will be Commissioner	
Updates	Bash's final meeting with the Planning Commission.	

	Planning Manager Items (48:150n video)
Comments/ Updates	 Planning Manager Michael P. Cass provided the following updates: The City Council introduced density bonus regulations, which are scheduled to be adopted at tomorrow night's meeting. There were no changes made to the version forwarded by the Planning Commission. Tomorrow evening, the City Council will consider adoption of the budget for the next fiscal year. The Planning Division had a recent study session before the City Council on development incentives and a Community Benefit Program. The Planning Division has a study session tomorrow evening to receive direction from the City Council on lot consolidation and project phasing. The City's Waterfront Marina Trust Lands Use Plan has been approved by the State Lands Commission.

	Communications (51:0 in video)
Comments/	None
Updates	

Adjournment (51:420n video)
Chair Trambley adjourned the meeting at 7:51 p.m.

Planning Comm	nission	Action	Mir	าutes
Tu	iesday,	June 2	25,	2024

Sean Trambley, Chair

Dee Dee Fendley, Administrative Aide III



STAFF REPORT

Planning Commission

Date: July 23, 2024

To: Planning Commission

From: Michael P. Cass, Planning Manager

Prepared By: Imanol Tovar, Planning Technician

Subject: 1735 Castro Street Condominium Conversion / Minor Subdivision

Planning Application No. 2024PLN-0014 and MS511-24

Recommendation

Conduct a public hearing and adopt Resolution No. 24-06, approving a request for a condominium conversion / minor subdivision of a 5,000 square foot parcel into two parcels (with a common area parcel), located at 1735 Castro Street in the Residential 3.5 ("R-3.5") zoning district, Assessor's Parcel Number 372-276-005-9 (the "subject site"), subject to conditions of approval.

Background

Site Description

The subject site is a 5,000 square foot lot with two existing dwelling units, including a primary dwelling and an accessory dwelling unit ("ADU"). The existing primary unit is a single-story, 1,130-square-foot residence fronting Castro Street and the existing ADU is 911 square feet fronting Robinson Street. The subject site has a General Plan land use designation of Central Residential Low - C ("CRL-C") and is in the R-3.5 zoning district. See Figure 1 for an aerial photo of the subject site and surrounding properties.

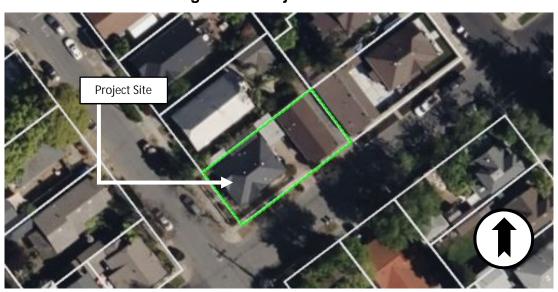


Figure 1 – Project Location

Surrounding Land Uses

The subject site is surrounded by the following land uses:

North: Residential (R-3.5)
East: Residential (R-3.5)
South: Residential (R-3.5)
West: Residential (R-3.5)

Project Description

The Applicant proposes to subdivide the existing 5,000 square foot parcel into two parcels for the purposes of a condominium conversion separating ownership of the primary dwelling from the ADU. The subject site would maintain the same square footage and existing layout of both homes. The two parcels would have a common shared parcel, as shown in Exhibit C of Attachment A, but would maintain separate utilities and driveway access.

Discussion

General Plan Consistency

On November 2, 2022, the City Council adopted General Plan 2035, which was subsequently amended on December 20, 2023. The subject property has a General Plan land use designation of Central Residential Low-C, which allows for Mixed Single Family and Multifamily low-density residential development. Approval of this condominium conversion / minor subdivision would be consistent with the General Plan's goals, such as Goal LU-G-1 to "encourage land use development to occur in an orderly fashion" and Goal LU-G-2 "to create development that enhances existing character and preserves the...residential neighborhoods...to the maximum extent feasible." The condominium conversion / minor subdivision would be consistent with these goals as it would result in appropriately sized parcels for the existing residential development, consistent with the surrounding neighborhood.

Zoning Compliance

The subject site is located within the R-3.5 zoning district. As demonstrated below in Table 1, the proposed project complies with all the relevant development standards for this district. A preliminary title report, project summary, vesting tentative map and Condominium Declaration of Covenants, Conditions and Restrictions, was submitted and deemed complete on July 15, 2024.

The newly created parcel does not conform to the City's minimum lot size standards and setback requirements; however, consistent with the Subdivision Map Act, because the project involves the creation of a condominium map, these minimum standards are not applicable for the new parcels as the condominium conversion relates to "air" rights.

Table 1 – R-3.5 Development Standards

Criteria	Requirement	Existing	Conformance
Lot Size	Minimum 3,500 sq. ft.	5,000 sq. ft.	Υ
Street	Minimum 40 ft.	50 ft.	Υ
Frontage			

Lot Width	Minimum 40 ft.	50 ft.	Υ
Lot Depth	Minimum 50 ft.	100 ft.	Υ

Assembly Bill 1033 ("AB 1033") went into effect on January 1, 2024, and allowed cities and counties the discretion to let property owners sell and convey their ADUs separately from a primary residence. Prior to this law, the City generally prohibited these actions; however, on May 15, 2024, the City adopted revised regulations allowing property owners to do so.

Environmental Review

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15315, Minor Land Divisions, as the project is consistent with the applicable General Plan and zoning designation and regulations, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel is not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Noticing Requirements/Public Outreach

In accordance with Government Code Sections 65090 and 65091, on July 12, 2024, the City published a "Notice of Public Hearing" in the *Contra Costa News Register*, was posted at City Hall, and was mailed to all property owners within 300 feet of the subject property. No public comments were received at the time this staff report was prepared.

Attachments

- Attachment A Draft Planning Commission Resolution No. 24-06
 - Exhibit A Minor Subdivision Findings
 - Exhibit B Conditions of Approval
 - Exhibit C Project Plans

RESOLUTION NO. 24-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ APPROVING A REQUEST FOR CONDOMINIUM CONVERSION / MINOR SUBDIVISION OF A 5,000 SQUARE FOOT PARCEL INTO TWO PARCELS (WITH A COMMON AREA PARCEL), LOCATED AT 1735 CASTRO STREET IN THE RESIDENTIAL 3.5 ("R-3.5") ZONING DISTRCT, ASSESSOR'S PARCEL NUMBER 372-276-005-9, AND FINDING PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") UNDER CALIFORNIA GOVERNMENT CODE REGULATIONS, TITLE 14, SECTION 15315, SUBJECT TO CONDITIONS OF APPROVAL

WHEREAS, on April 18, 2024, Scott Kim ("the Applicant") submitted Planning Application No. 2024PLN-0014 / MS511-24, requesting approval of a Condominium Conversion / Minor Subdivision of an existing 5,000 square foot parcel into two lots (with a common area parcel), located at 1735 Castro Street, APN 372-276-005-9; and

WHEREAS, the proposed project is regulated as set forth in the Martinez Municipal Code ("MMC") Title 22 "Zoning," and Title 21 "Subdivisions", establishing subdivision requirements; and

WHEREAS, the proposed project site is a developed parcel with an existing primary dwelling and an existing Accessory Dwelling Unit ("ADU"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 23, 2024 to consider the application, receive public testimony, and consider all other substantial evidence in the record; and

WHEREAS, the California Environmental Quality Act ("CEQA"), together with State Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission determined the project is categorically exempt from the requirements of CEQA pursuant to Section 15315 of the CEQA Guidelines, as the project is consistent with the applicable General Plan and zoning designation and regulations, no variances or exceptions are required, all services and access to the

proposed parcels to local standards are available, the parcel is not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent; and

WHEREAS, the Record of Proceedings ("Record") upon which the Planning Commission bases its decision regarding the planning application includes, but is not limited to: (1) all staff reports, City files and records, and other documents prepared for and/or submitted to the City relating to the application; (2) the evidence, facts, findings, and other determinations set forth in this resolution; (3) the Martinez General Plan 2035 and the MMC; (4) all designs, plans, studies, data, and correspondence submitted by the Applicant in connection with the planning application; (5) all documentary and oral evidence received at public hearings or submitted to the City relating to the planning application; and (6) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records, and projections related to development within the City and its surrounding areas; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations; and testimony herein above set forth and used its independent judgement to evaluate the project.

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

- 1. The above recitals are found to be true and constitute part of the findings upon which this resolution is based.
- 2. The Planning Commission hereby makes the findings in Exhibit A with respect to minor subdivision and variance approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED based on the findings set forth in the Record as a whole, the Planning Commission hereby adopts this Resolution, approving the minor subdivision/condominium conversion (Planning Application No. 2024PLN-0014), subject to conditions of approval and the project plans, attached hereto as Exhibits

B respectively, and incorporated herein by this reference.
* * * *
I HEREBY CERTIFY 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 Administrator held on the 23 rd day of July, 2024, by the following vote:
AYES:
NOES:
ABSTAIN:
ABSENT:
Sean Trambley, Planning Commission Chair
ATTEST:
Michael P. Cass, Planning Manager

EXHIBIT A

MINOR SUBDIVISION STANDARDS

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

As described in the Staff Report, the proposed project is consistent with the General Plan 2035 and there are no applicable specific plans.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

As described in the Staff Report, the proposed project is consistent with the General Plan 2035 and there are no applicable specific plans.

C. That the site is not physically suitable for the type of development.

The project site is already developed with a primary dwelling and an accessory dwelling unit ("ADU"), and no new development is proposed.

D. That the site is not physically suitable for the proposed density of development.

The subject site is already developed with a primary dwelling and an ADU and no new development is proposed.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The subject site is already developed with a primary dwelling and an ADU and no new development proposed. The subdivision of these two units (with a common area parcel), along with proposed improvements, would not result in substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat as there is no sensitive habitat at the project site.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The subject site is already developed with a primary dwelling and an ADU and no new development proposed. The subdivision of these existing structures would not cause serious public health problems. Further, it could allow new property ownership opportunities for those who otherwise could not afford to do so.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The project does not propose to modify any existing easements and would not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision due to the nature of the project.

Exhibit B

CONDITIONS OF APPROVAL

These conditions apply to and constitute approval for the subdivision of one parcel into two resulting parcels, located at 1735 Castro Street.

- <u>Duplicate Conditions in Project Plans</u>: The Conditions of Approval will be incorporated as the first or second sheet in the plan set submitted for building permit(s) application.
- Substantial Conformance: The project shall be constructed substantially in conformance with the plans presented to the Planning Commission on July 23, 2024. Minor changes may be approved by the Planning Manager or designee. All improvements shall be constructed and installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.
- 3. Failure to Conform to Conditions: If the Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City, then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
- 4. <u>Successors in Interest</u>: These Conditions of Approval shall apply to any successor in interest in the property and the Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
- 5. Expiration of Approval: The tentative map shall expire 24 months after its approval or conditional approval. The Planning Commission may, in its discretion, extend the time at which the tentative map expires for a period or periods not exceeding a total of 36 months. Applications for extensions must be filed no later than 45 days prior to the expiration of the tentative map. Upon such application, the tentative map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. Failure to record a final map prior to the expiration of the tentative map (including any extensions thereof) shall terminate all proceedings. Before a final map may thereafter be recorded or any lots sold, a new tentative map shall be filed in accordance with the provisions of MMC Title 21. The effective date of this planning approval is July 23, 2024.
- 6. Extension of Approval: Extension of the expiration date of a permit or approval can be considered if the Applicant files an application 45 days prior to the expiration date. Extensions are not automatically approved; the Planning Commission may consider changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law when evaluating the continuation

request.

- 7. <u>Relevant Ordinances and Regulations</u>: Nothing contained herein shall be construed to permit any violation of relevant regulations of the City, or other public agency having jurisdiction.
- 8. Fees and Deposits: All fees, bonds, and deposits required by City and other agencies having jurisdiction shall be paid prior to City approval of the Building Permit. Prior to approval of the plans and issuance of permits, the Applicant shall pay all applicable fees and deposits including, but not limited to, plan check, inspection, drainage, and development impact mitigation fees. The actual fees shall be in accordance with the City's fee schedule in effect at the time of payment.
- 9. <u>Indemnification</u>: The Applicant shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees to attack, set aside, void, or annul the Planning Commission's decision to approve the applications and any environmental document approved in connection therewith. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by the Applicant, the City, and/or the parties initiating or bringing such action.
- 10. Notification Claims/Actions: The City shall promptly notify the Applicant of any claim, action, or proceeding, which may be filed and shall cooperate fully in the defense, as provided for in Government Code Section 66474.9. In the event the Applicant is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to: (i) approve the counsel to so defend the City; (ii) approve all significant decisions concerning the manner in which the defense is conducted; and (iii) approve any and all settlements, which approval shall not unreasonably be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the Applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action, or proceeding, and the Applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the Applicant.
- 11. Notification of Fees, Dedications, Reservations, and Exactions: The Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirement, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions which may or may not be subject to the Mitigation Fee Act (Government Code Section 6000, et seq.). The Applicant is hereby further notified of the 90-day approval period in which the Applicant may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section

- 66020(a), has begun. If the Applicant fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the Applicant will be legally barred from later challenging such exactions.
- 12. <u>Electrical and Mechanical Equipment</u>: The Applicant shall submit plans for added electrical and mechanical equipment to the Building Division prior to commencement of work.
- 13. <u>Building Codes</u>: Construction shall comply with all applicable City and state building codes and requirements.
- 14. Fees, Bonds, Deposits, and Agreements:
 - a. <u>Subdivision Improvement Agreement</u>: The Applicant shall enter into the City's standard subdivision improvement agreement to secure performance of all improvements in accordance with the approved improvement plans. All required faithful performance bond(s) and labor materials bond(s) in penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by the City, and other agencies having jurisdiction, prior to City approval of the Parcel Map or issuance of the Building Permit, Site Development Permit, and/or Encroachment Permit, whichever comes first. The Applicant shall submit a maintenance bond of 10 percent the full value of all subdivision improvements. The bonds shall be in a standard form approved by the City Attorney and the City Engineer or designee(s).
 - b. In Lieu of the Subdivision Agreement stated in Paragraph "a" above, the Developer/applicant may choose obtained a permit(s) and complete the construction of all the required subdivision improvements, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map.
 - c. <u>Fees and Security Deposit</u>: The Applicant shall pay all applicable fees and security deposit (for a condominium conversion / minor subdivision) including, but not limited to, plan check, inspection, drainage impact fee (DA# 5), CCC Mapping fee, and recordation fees. The actual fees shall be in accordance with the City's fee schedule in effect at the time of payment.

Time of payment for fees and security deposit:

- All fees and security deposits shall be paid prior to the approval of the plans and issuance of the Site Development and Encroachment permit.
- d. <u>School Fee</u>: The Applicant shall pay all school impact fees required by State and local laws in effect at the time of issuance of building permits.
- e. Covenants, Conditions, and Restrictions (CC&R): A comprehensive CC& R for the two condominiums subdivision shall be submitted to the City for

review and approval. The CC& R shall be recorded with the Parcel Map.

- f. <u>City Attorney's Fees</u>: The Applicant shall be responsible for City Attorney's fees associated with the review and implementation of this project.
- g. Other Agencies Fees: All fees and deposits required by other agencies having jurisdiction shall be paid prior to City approval of the Plans or issuance of the Site Development Permit, Encroachment Permit, and/or Building Permit, whichever comes first. The Applicant at their sole expense shall be responsible for all other agency review and permit fees and expenses.
- 15. <u>Full Set of Plans</u>: Complete sets of grading plans, improvement plans, landscape plans, and utility composite plans, prepared by a registered civil engineer, shall be submitted to the City Engineer or designee for review and approval.
- 16. <u>Castro Street and Robinson Street Frontage Improvements</u>: In accordance with Martinez Municipal Code Chapter 12.30 (Street Frontage Improvements), frontage improvements are required. Damaged curbs, gutter, sidewalk, driveways, and pavement (to center line of the street) shall be re- constructed, or repaired, to the satisfaction of the City Engineer or designee.
 - ADA Ramps: Applicant shall construct an ADA access ramp to be installed at the curb return of Castro Street and Robinson Street per Caltrans Standard Details to the satisfaction of the City Engineer.
 - ii. <u>Driveways</u>: Replace the existing driveway approaches for units one and two.
 - Unless otherwise approved by the City Engineer, use Contra Costa County standard driveway detail for driveway profile to maintain 2% cross slope at the sidewalk. The minimum driveway width of driveway, within the right of way, shall be 12 feet. maintain 6-inch concrete depth at sidewalk. Existing driveway(s) no longer in use or no longer needed shall be removed and replaced with curb, gutter and sidewalk.
 - iii. <u>Sidewalk</u>: Replaced damaged sidewalk along the entire frontage to the satisfaction of the City Engineer. The sidewalk width shall be constructed per City Standard Details or matching the existing section.
 - iv. <u>Street Trees:</u> Applicant shall plant street trees along the frontage of Castro Street and Robinson Street in accordance with City standards. The species of tree shall be approved by the Community and Economic Development Director and the City Engineer or designee(s).

- 17. Work on Adjacent Properties: A right-of-entry permit(s) is required for any grading or work on adjacent properties. No permits shall be issued until the Applicant provides the City with the right-of-entry from all affected property owners. Right-of-entry permit(s) form shall be in a form acceptable to the City Engineer or designee.
- 18. <u>Cultural Resources</u>: If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and shall implement the recommendations and mitigation measured suggested by a qualified archeologist prior to continuing excavation or grading activities.
- 19. <u>Boundary Treatment</u>: The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing, and drainage.

20. Utilities Services:

- a. <u>Undergrounding</u>: All new utility distribution services on-site and off-site shall be installed underground. All underground utilities shall be installed prior to frontage improvements unless otherwise approved by the City Engineer, or designee.
- b. <u>Water System</u>: The site is located withing the City of Martinez water service area (Zone 1). The existing site has two water services (one for each unit). Upgrades to the existing the water services (if necessary) shall be designed and constructed to meet the requirements of City's Water Regulations, City Standard Details and Specifications, and the fire flow requirements of the Contra Costa County Fire Protection District.

c. Sanitary Sewer:

- The site is within the Central Contra Costa Sanitary District (CCCSD) service area. The sewer system shall be designed and constructed in accordance with CCCSD standard details, specifications, and requirements.
- ii. Each unit shall have its separate sewer service
- iii. No private sewer lateral cleanouts shall be installed along the street right-of-way.
- iv. CCCSD approval is required prior to the City issuing a Site Development and/or Encroachment Permit.
- 21. <u>Weed Abatement</u>: The Applicant shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property to the satisfaction of the City Engineer or designee and the Fire Department.
- 22. Fencing: No fencing shall be installed in the common areas of parcel A and B.

23. Conditions for Construction Activity:

- a. Noise Control and Work Hours: All construction activities shall conform to the Martinez Municipal Code Chapter 8.34 (Noise Control). Construction activities on private property are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m. Saturday and Sunday. The permittee shall post a sign on the site notifying all workers of these restrictions.
 - Construction activities on public property shall be limited to the hours stipulated in the encroachment permit, if required.
- b. <u>Quiet Equipment</u>: Contractor shall be required to employ the quietest construction equipment available, and to muffle noise from construction equipment and to keep all mufflers in good working order in accordance with State law.
- c. Dust Control: Adequate dust control measures shall always be employed, including weekends and holidays, and throughout all grading and construction periods, subject to the satisfaction of the City Engineer or designee. The Applicant shall regularly water areas that are exposed for extended periods to reduce wind erosion. Measures to be incorporated may include, but are not limited to, the following: keeping dust on the site, use of water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after the completion of each day's activities, use of water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site, wetting down the construction area after work is completed for the day and whenever winds exceed 15 miles per hour ("mph"), having site watered at least once each day including weekends and/or holidays when winds exceed 15 mph, and covering soil stockpiled for more than two days or treating with soil binders to prevent dust generation. The Applicant shall consider using recycled water for dust control, soil compaction, and plant establishment, as part of the CCCSD's Commercial Recycled Water Truck Fill Program, which is free of charge for the first 100,000 gallons. The automated commercial truck fill station is located off Imhoff Drive in Martinez, on the opposite side of the street from 5501 Imhoff Drive.
- d. <u>Streets Clear of Debris</u>: The Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, and similar materials coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
- Equipment Speed: Speeds of construction equipment shall be limited to 10 miles per hour on site and 15 miles per hour on adjacent public right-of-way(s). This includes equipment traveling on local streets to and from the

site.

- f. Driveway Access: Access shall always be maintained to all driveways.
- g. <u>Parking on Surrounding Streets</u>: There shall be no construction vehicles or equipment parking on the surrounding residential streets, including all workers vehicles, except if an encroachment permit is issued by the City.
- h. <u>Truck Routes</u>: Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer or designee prior to the issuance of any permits.
- i. <u>Property Damage</u>: The Applicant shall be responsible for the repair of any damage to public streets or other public property and caused by the import or export of soils materials necessary for the project.

23. General Requirements:

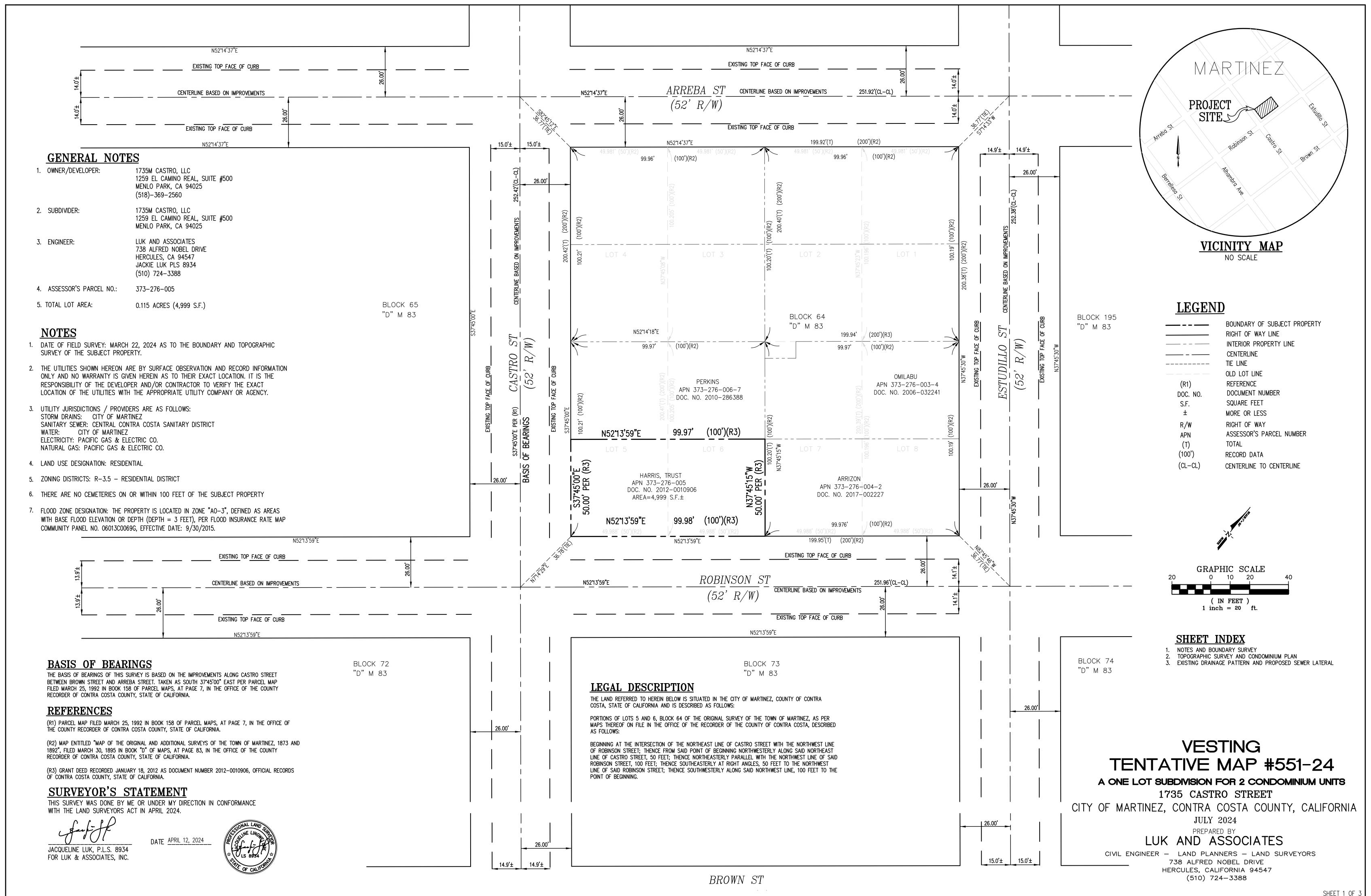
- a. <u>Building Codes</u>: Construction shall comply with all applicable City and State building codes and requirements including handicapped requirements, energy conservation requirements, grading regulations, and erosion control regulations.
- b. <u>Design Standards and Specifications:</u> Design of all public improvements shall conform to the City's Design Guidelines, Standard Special Provisions, and Standard Drawings. Prior to preparation of improvement plans, the developer or their representative should contact the Engineering Division.
- c. <u>Fees, Agreements, and Plans</u>: Prior to City approval of the Plans, all required fees and deposits shall be paid, all agreements shall be executed, and all grading and improvement plans shall be approved by the City Engineer and Community and Economic Development Director or designee(s). No construction shall take place until the issuance of the appropriate Encroachment, Site, Grading, and/or Building Permits.
- d. Grading, Site, and Improvement Plans: Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer, Community and Economic Development Director, and/or other agencies having jurisdiction over improvements within the proposed development prior to issuance of a Building, Site, Grading, and/or Encroachment Permit, whichever comes first. Approved plans shall become the property of the City upon being signed by the City Engineer and Community and Economic Development Director or designee(s).
- e. <u>All-Weather Surface and Fire Hydrants</u>: Prior to issuance of the Building Permit, the access to building sites shall be graded and improved to at least

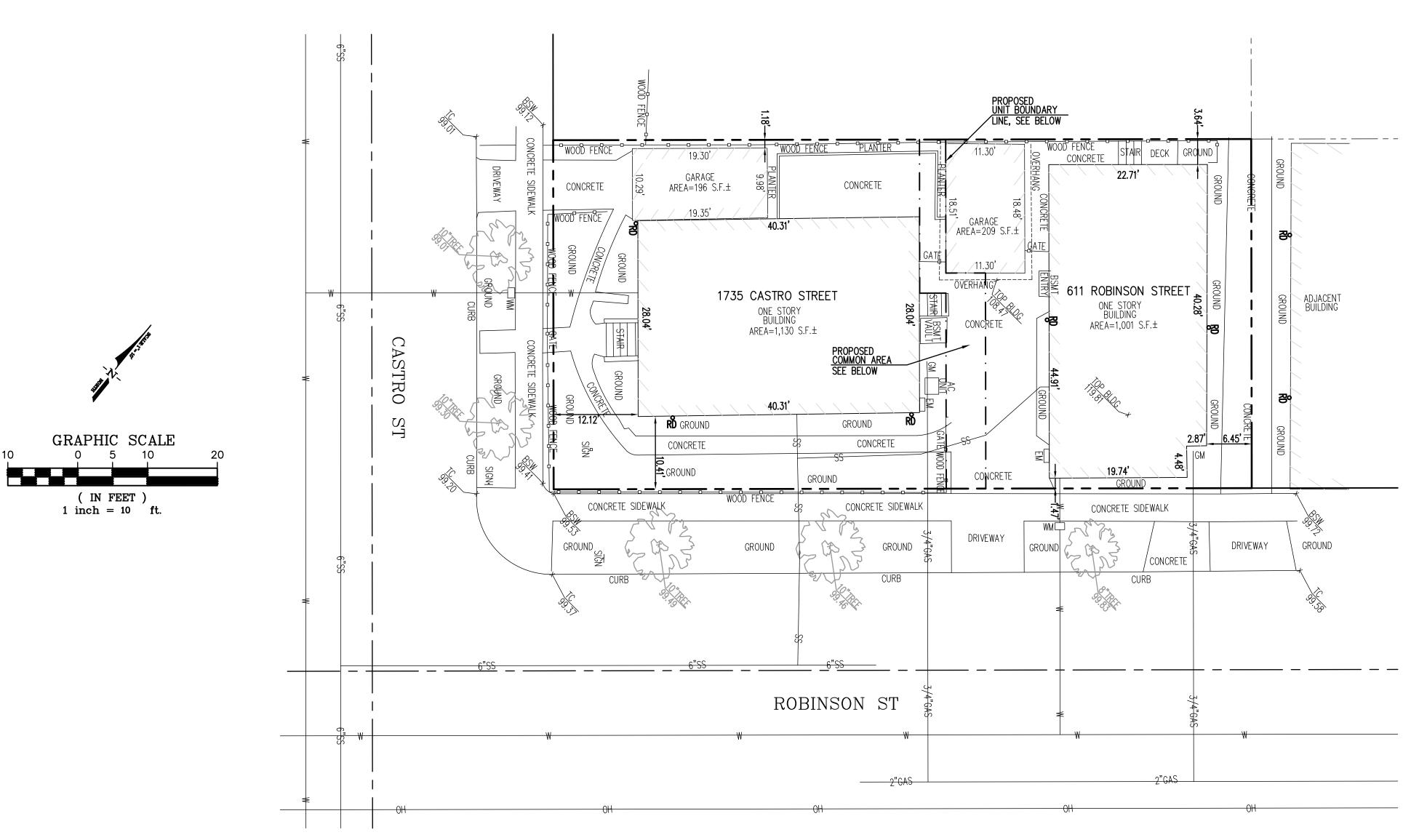
- an all-weather surface condition, and operating fire hydrants shall be in place.
- f. <u>Encroachment Permit and Site Development Permit</u>: The Applicant shall obtain an Encroachment Permit from the Engineering Division for any work within the City right-of-way. The Applicant shall obtain a Site Development Permit from the Engineering Division for work onsite.
- g. <u>Address Assignment</u>: An application for an address assignment shall be required after final inspection and prior to the issuance of any certificate of occupancy.
- h. <u>Other Agencies Approval</u>: Approval by the CCCSD, the Contra Costa County Fire Protection District, and the water agency of all improvements is required prior to City approval of construction plans.
- 23. <u>Approved Plans</u>: Complete grading plan, site development plans, erosion control plan, specifications and calculations shall be submitted to and approved by the City Engineer, the Community and Economic Development Director, and/or other agencies having jurisdiction over all improvements within the proposed development prior to issuance of a Building, Site, Grading, or Encroachment Permit, whichever comes first. Approved plans shall become the property of the City upon being signed by the City Engineer and Community and Economic Development Director or designee(s).
- 24. <u>Planning Final Inspection</u>: A final inspection by the Planning Division is required, prior to the issuance of certificate of occupancy. Contact the Planning Division at least two weeks prior to Occupancy, to request a site inspection of all exterior improvements and conformance with the conditions of approval.

EXHIBIT C

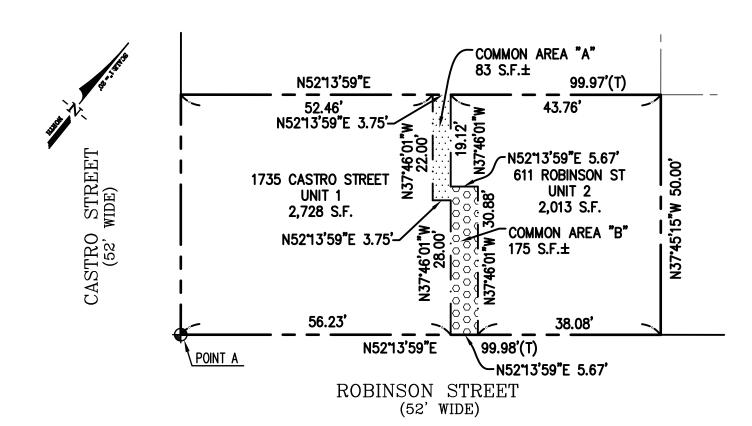
PROJECT PLANS

[See following sheets]





TOPOGRAPHIC SURVEY



CONDOMINIUM PLAN SCALE: 1" = 20'

<u>LEGEND</u>		NOTES
POINT A	PROPERTY LINE REFERENCE POINT	1. ALL DIMENSIONS ARE IN FEET AND
	BOUNDARY	DECIMALS THEREOF.
	ADJOINERS PROPERTY LINE	
	RIGHT OF WAY	
—·—·	UNIT BOUNDARY LINE	
	EASEMENT LINE	
(T)	TOTAL	

LEGEND

SYMBOLS	DESCRIPTION
	BOUNDARY — SUBJECT PROPERTY RIGHT—OF—WAY LINE CENTERLINE SANITARY SEWER LINE GAS LINE
——————————————————————————————————————	OVERHEAD ELECTRIC WIRE
————W	WATER LINE
7//////////////////////////////////////	BUILDING LINE
RD BSMT ENTRY AC UNIT BSMT VAULT GM WM EM	ROOF DRAIN BASEMENT ENTRY AIR CONDITION UNIT BASEMENT VAULT GAS METER WATER METER ELECTRIC METER
X 65.64	TOP OF CURB ELEVATION
X 65.64	BACK OF SIDEWALK ELEVATION
X 65.64	TOP OF BUILDING ELEVATION
	TREE

NOTE

THERE IS NO EXISTING STORM DRAIN SYSTEM NEAR SITE.
 THERE IS 1 PROPOSED SEWER LATERAL; SEE SHEET 3. ALL OTHER EXISTING UTILITIES ARE TO

VESTING TENTATIVE MAP #551-24

A ONE LOT SUBDIVISION FOR 2 CONDOMINIUM UNITS

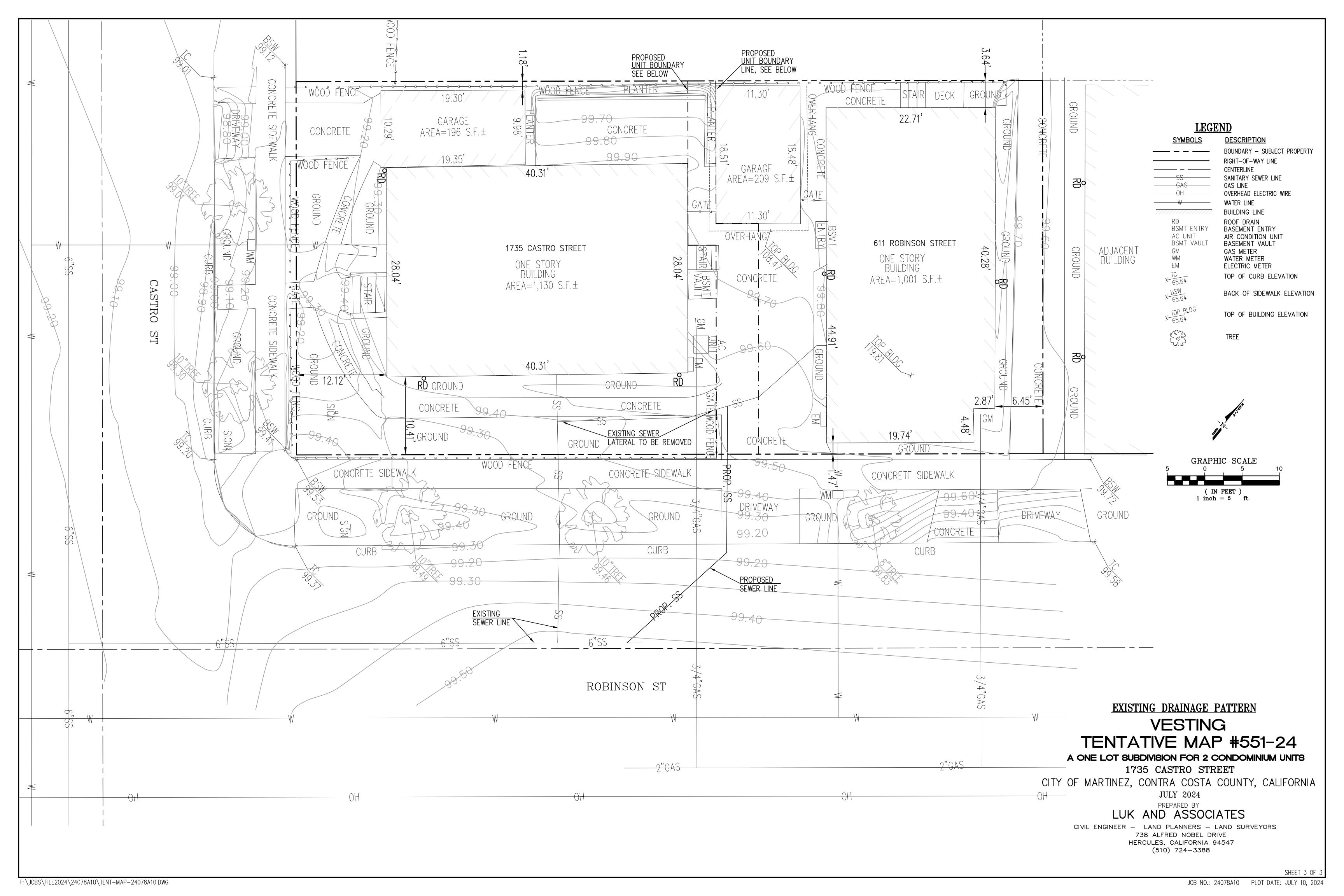
1735 CASTRO STREET

CITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA

JULY 2024

PREPARED BY LUK AND ASSOCIATES

CIVIL ENGINEER — LAND PLANNERS — LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724—3388





City of Martinez Planning Commission

1735 Castro Street – Minor Subdivision / Condominium Conversion

July 24, 2024

Background

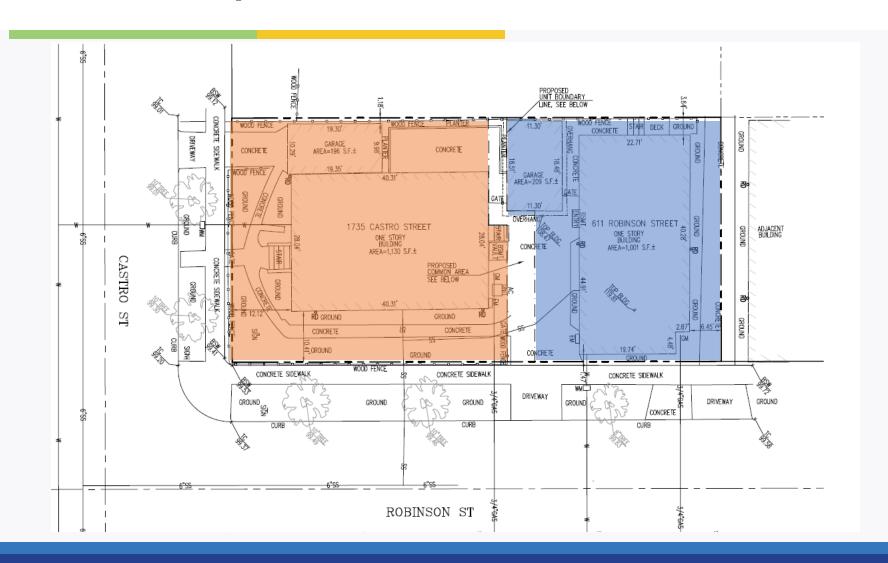
- **Lot Size:** 5,000 square feet
- General Plan Designation: Central Residential Low - C
- **Zoning:** R-3.5
- **Surrounding Land Uses:** Residential (R-3.5)
- Existing Development: Primary Residence and ADU
- Proposed Development: Minor Subdivision / Condominium Conversion. No new development besides frontage improvements and utility enhancements.



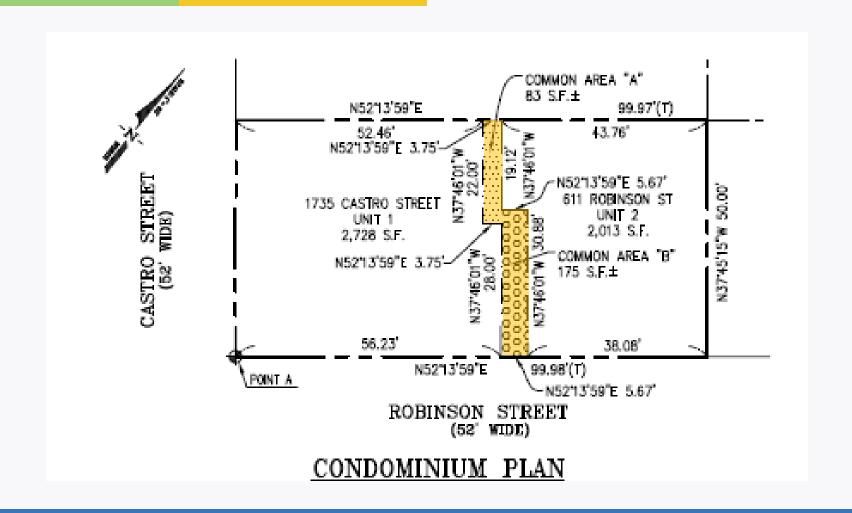
Project Description

- Propose to subdivide the property into two primary lots with a common area parcel.
- Condominium conversion separating ownership of the primary dwelling unit from the Accessory Dwelling Unit (ADU).
- Each dwelling unit shall maintain separate utilities and driveway access.

Tentative Map



Common Area



Recent Legislation

- Assembly Bill 1033 ("AB 1033") went into effect on January 1, 2024.
- Allowed cities and counties the discretion to let property owners sell and convey their ADUs separately from a primary residence.
- May 15, 2024, the City adopted revised regulations allowing property owners to subdivide property to sell ADUs separately from primary residence.

General Plan

- General Plan Designation: Central Residential Low C
- General Plan Consistency:
 - **Goal LU-G-1** "encourage land use development to occur in an orderly fashion"
 - **Goal LU-G-2** "create development that enhances existing character and preserves the...residential neighborhoods...to the maximum extent feasible."
- Proposed Development: Project would not result in any change to the existing residential development.

Recommendation

• Conduct a public hearing and adopt Resolution No. 24-06, approving a request for a condominium conversion / minor subdivision of a 5,000 square foot parcel into two parcels (with a common area parcel), located at 1735 Castro Street in the Residential 3.5 ("R3.5") zoning district, Assessor's Parcel Number 372-276-005-9, subject to conditions of approval.

Questions?





CITY OF MARTINEZ SPEAKER CARD

First & Last Name: Mark Barnes
PRINT CLEARLY
Instructions: Select option 1 or 2 below and fill in the corresponding fields.
I wish to speak on a/an:
Option 1: Agenda Item - Item # Regular Z.
- I am [] In Favor Neutral [] Oppose this item.
[] Option 2: Non-Agenda Item/Topic
- Item/Topic:
BRIEF DESCRIPTION
Turn in completed card to Clerk located at front dias. Thank you!
CITY OF MARTINEZ
SPEAKER CARD
First & Last Name: Jeantle Barnes
PRINT CLEARLY
Instructions: Select option 1 or 2 below and fill in the corresponding fields.
I wish to speak on a/an:
Option 1: Agenda Item
- Item # Degolar
Option 1: Agenda Item - Item # Deg O Neutral [] Oppose this item.
[] Option 2: Non-Agenda Item/Topic
- Item/Topic:
8RISE DESCRIPTION

Turn in completed card to Clerk located at front dias. Thank you!