MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

September 23, 2008

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 p.m. on Tuesday, September 23, 2008, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Ohlson, Wegerbauer, Chairperson Ramirez

Excused: Commissioner Kelley

Staff: City Manager/Planning Director Marc Grisham, Senior Planner Dana Hoggatt, Associate Planner Kristi Vahl, Assistant Planner Ali Endress, Assistant Planner Jason Burke, Senior Civil Engineer Alfredo Hurtado, Deputy City Attorney Jacob Knapp, Lieutenant Dan Callahan, and Administrative Assistant to Director Kathy Comtois.

POSTING OF AGENDA:

The agenda was posted at City Hall on Thursday, September 18, 2008.

PLEDGE OF ALLEGIANCE:

Orlando Dolojan led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

PETE CARPINO, 151 El Camino Drive, Pittsburg, asked for an update on a number of current City projects.
Given the numerous items on the agenda, City Manager Marc Grisham recommended that an update be given at the end of the meeting or that Mr. Carpino contact him at City Hall at any time.

PRESENTATIONS:

There were no presentations.

CONSENT:

Item 1: Meeting Minutes, September 9, 2008

MOTION:

Motion by Commissioner Diokno to adopt the Consent Calendar, as shown. The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Ohlson
Noes: None
Abstain: Commissioner Wegerbauer, Ramirez
Absent: Commissioner Kelley

PUBLIC HEARINGS:

Item 2: Alves Ranch Development. AP-08-516 (SUB, DR, MP).

An application by Alves Ranch, LLC, for: 1) design review approval of architectural plans for various residential and commercial development; 2) approval of a master plan for a 40.42 acre site; and 3) approval of a vesting tentative subdivision map to subdivide 40.42 acres into four business commercial lots, 170 lots for single-family dwellings, 215 lots for townhomes/condominiums, and a separate three acre lot for the future development of 93 affordable housing units (to be built at a later date). The project site is located on the north side of West Leland Road, immediately north of the existing Vista Del Mar Residential Development, and the site is zoned CO-P (Office Commercial with a Master Plan Overlay, Ord. No. 04-1230) District and RH-P (High-Density Residential with a Master Plan Overlay, Ord. No. 04-1230) District. APNs 097-700-002 and portions of 097-700-001 and -005.

Associate Planner Kristi Vahl presented the staff report dated September 23, 2008 and advised that the Commission had been provided with a memorandum dated September 23, 2008, identifying recommended modifications to the conditions of approval of Resolution No. 9772 along with a revised Resolution No. 9772.
Ms. Vahl recommended that the Planning Commission adopt Resolution No. 9772, as revised, recommending City Council approval of Master Plan Application No. 08-516. She also recommended that the Commission continue the public hearing on Tentative Map and Design Review Application No. 08-516 to November 12, 2008, following the anticipated date of City Council action on the Master Plan and Addendum to the Environmental Impact Report (EIR).

Commissioner Diokno asked about the zoning designation for the parcels to the east and west of the project site, to which Mr. Grisham explained that the property to the west was the residential San Marco PD (Planned Development) District. The BART Station area to the east of the project site was designated M (Mixed Use) District, which allowed a combination of commercial and residential development.

Commissioner Diokno asked if the detention basin, a prominent feature in the project site, would be counted as open space with public access.

Ms. Vahl advised that some areas at the southwest and southeast corners of the basin had been counted as open space, although the basin itself would not be not open to the public.

Mr. Grisham also clarified that grading that had occurred on the site had been completed under a prior Master Plan and grading plan for the site.

Commissioner Diokno suggested that the Addendum to the EIR was vague and used the term “appear” throughout many areas of the document, particularly in the grading portion and which could be open to interpretation.

In response, Mr. Grisham explained that the consultant was making the judgment in the report, based on his [the consultant's] interpretation of the language.

Commissioner Diokno asked for a legal interpretation and identified two specific provisions where the use of the term “appear” had been used.

Ms. Vahl noted that the consultant had offered his interpretation of the applicable General Plan policies, which were not written so as to be specific to either the portion of the project site located north of Leland Road or the portion located south of Leland Road.

Jacob Knapp, representing the City Attorney’s Office, acknowledged the two provisions that had been pointed out in the document and that had represented an interpretation from the consultant.

Mr. Grisham suggested that the consultant be asked to provide clarification on the environmental documents before the documents were forwarded to the City Council.
Commissioner Wegerbauer asked for clarification from staff that the density as presented fit into the General Plan definition of High Density.

Commissioner Wegerbauer also referenced Page 9 of 12 of the staff report and the discussion of affordable housing and the two affordable housing options offered in the Development Agreement (DA). She asked staff whether or not Option 2 could be stipulated in the DA as opposed to Option 1.

Ms. Vahl explained that under the DA, the developer may decide which option to use in terms of the affordable housing component.

Senior Planner Dana Hoggatt explained that the definition of High Density in the General Plan Land Use category allowed residential development at densities ranging from 14 to 25 units per gross acre, up to a maximum of 40 units for certain projects that included affordable housing. A range of housing types from single-family attached to multifamily complexes were permitted. The project would include single family and multifamily units as staff had described in the staff report. She added that the project met the definition of High Density.

Commissioner Ohlson asked about two tank trailers located near a dirt stockpile opposite existing Woodhill Drive. He questioned whether or not the tank trailers would remain or be removed as part of the project.

Senior Civil Engineer Alfredo Hurtado explained that the tank trailers had been used for storage for fuel tanks for the San Marco Villas project and were permitted. He could not indicate now how long they would remain on the property, although he could check and report back to the Commission.

PUBLIC HEARING OPENED

PROONENT:

PETER HELLMAN, 2151 Salvio Street, Suite 301, Concord, introduced his consulting team present in the audience. He stated that he was pleased to bring the project to the Commission, advising that when the DA had been executed in 2004, the site was expected to be subject to a single line of apartments. Through the efforts of City staff, consultants and the design team, there was now a mix of six transit oriented residential and commercial land uses, advancing the General Plan smart growth policies by capitalizing on the site’s proximity to BART and State Route 4 and by maximizing pedestrian and bicycle access to public transit. He suggested that the project would raise the bar for future master plan communities in the City.
Mr. Hellman noted that the Commission had been presented with a brochure of the project details including the site layout, streetscape, floor plans and elevations for Neighborhoods A-1 and A-2 consisting of 215 townhomes, Neighborhood B consisting of 57 alley-loaded single-family homes, Neighborhood C consisting of 113 alley-loaded single-family homes, and a 14 acre business park for small businesses/entrepreneurs. Vehicular circulation would be provided by two new public streets, Streets A and B, and there would be a hierarchy of private residential collectors, roads and alleyways within each residential village. Vehicular access to the business park, which would be comprised of four lots, would be provided by a new private road with access off of West Leland Road through a new signalized intersection. A 10-foot wide Class I trail along the West Leland Road frontage and a multi-modal bicycle/pedestrian connection provided principle components of the transit oriented traditional neighborhood plan.

The plan would facilitate bicycle/pedestrian access to BART and a bus turnout located at the intersection of Street A and West Leland Road. Bicycle/pedestrian access to the Class I trail would be provided at a number of points along the West Leland Road frontage. The access points would connect to each residential village through sidewalks, landscaped paseos, and private open spaces. The paseos and private open spaces were dispersed throughout the property and would be improved with trellises, benches, picnic tables, built-in barbecues, and in some instances, children’s play equipment.

Bicycle/pedestrian access would be provided to the new business park through the extension of a pedestrian trail on the west end of Street B as well as circulation back down through the new Class I trail along West Leland Road following the entire length of the frontage along West Leland Road. The improvements would provide safe and convenient access to public transportation for all future residents.

Mr. Hellman explained that landscaping and architecture were also important components of the traditional neighborhood design with all residential villages featuring homes that would be alley loaded; with garages behind the homes and the fronts of the homes to have front porches and landscaping to emphasize the human scale and pedestrian nature of the neighborhoods; and with the architecture featuring an eclectic mix of neo-traditional, Monterey, Spanish Revival, Craftsman and early California designs. The townhomes would have a more urban vernacular amongst the villages.

Mr. Hellman suggested that the project would be an outstanding example of a transit oriented traditional neighborhood and would not have been possible without the close involvement and cooperation of the City planning and engineering staff. He asked the Commission to approve the applications.

Commissioner Diokno asked for clarification on the use of noise mitigation on the northern portion of the site and the use of greenhouse acoustics.
Mr. Hellman commented that the multifamily buildings proposed along the north edge of the project would provide acoustic attenuation as an alternative to re-orienting the architecture inwards and requiring a monolithic sound wall along the entire frontage of State Route 4 and West Leland Road. The fronts of the units would be visible and the streetscapes would be visible from the highway.

As to the balconies, Mr. Hellman explained that the Noise Element of the General Plan called for limits on certain outdoor noise levels in private open space areas, such as decks. The greenhouse windows would provide that attenuation for some of the units along West Leland Road. The decks along those areas would be on the south side of the buildings away from the noise, although the edge of the buildings would require some acoustic attenuation. He also clarified, when asked, that the mail boxes for the multifamily units would be clustered mail boxes incorporated into a trellis design providing a sense of entry into the paseo. The developer would work with the U.S. Post Office on the placement of the mail boxes during the final map stage of the process. He understood that the project would be conditioned for the mail box locations to be located subject to the approval of City staff and the U.S. Post Office.

Commissioner Diokno commented on the lack of recreational amenities based on the size of the project. Smaller projects that had been approved in the City had included swimming pools, tennis courts or a common community center, as examples. He pointed out that the units would be family oriented and he could see a need for a day care center on the property.

Mr. Hellman stated that based on his experience, facilities with the most use were the public gathering places with picnic tables and barbecues, and in some instances, play equipment for children.

Commissioner Wegenerbauer stated that she had attended a subcommittee meeting with members of the City Council and the developer. She asked why the developer had chosen a lower density project given the lack of land so close to the BART station.

Mr. Hellman explained that Recital H, Section 6.04 of the DA provided the developer with the vested right to develop the property in conformance with the General Plan and the land use designations. The RH designation of the General Plan would provide for a density of 14 to 25 units to the acre. The project fell within that density range, and per the DA, the developer had the right to develop in conformance with that document. He also suggested that it was appropriate to feather transitional densities between High Density projects that would be located close to the BART Station and lower density projects located farther way from the BART Station.

Mr. Hellman noted that the Oak Hills and Vista Del Mar projects had been planned and built at substantially lower densities than the proposed project. He suggested that it made
good planning sense to provide a transition between those projects. He commented that in neighboring jurisdictions such as Pleasant Hill, Walnut Creek and Pleasanton, there were residential densities similar to the proposed project within a half mile or a mile away from the BART stations in those communities. The densities being proposed would allow the opportunity for diversity in the design element with the six distinct villages. It was also important to design a project that would be feasible for development.

In Mr. Hellman’s opinion, even with the current real estate market, parts of the project could be developed today.

Commissioner Wegerbauer commented that she did not want to see a cluster of affordable homes. She understood that the DA had given the developer the option on the design of the affordable housing and the developer had chosen Option 1 with a 93-unit clustered development of affordable housing at the farthest end of the development from BART. She asked the applicant to address the reasoning for that element of the design.

Mr. Hellman explained that when building for Very Low and Low Income units, design and management components had to be addressed and it would not be practical or feasible to design units spread throughout a diverse project. He stated that the affordable housing in Neighborhood E was not the only affordable housing in the development. Another 30 units of Low and Moderate Income units would be dispersed in Neighborhoods A-1 and A-2. The sale of the three-acre site had specifically been provided in the DA and was a provision that had been entered at the City’s request. He added that it was important for the project to be well designed and managed. Architectural review standards would be imposed to ensure a quality design.

Mr. Hellman also clarified, in response to Commissioner Wegerbauer, that based on his experience, it would be difficult to build for sale units for Low Income households, and there would likely be rent subsidized units. The 30 affordable units to be sprinkled throughout Neighborhoods A-1 and A-2 were intended to be for sale units.

Commissioner Wegerbauer asked for the location of the bus routes, to which Mr. Hellman identified multiple points of access on the site plan to West Leland Road for the residential and commercial properties. The bus route towards BART would be on the south side of West Leland Road and would have a fully signalized intersection. That signal currently existed.

Commissioner Garcia spoke to the density calculation and understood it included the 93 affordable units. He commented that it was strange to go less than 14 units to the acre in the remainder of the development. Had the density been reduced and had a swimming pool been included in the design, he suggested that the development may not have reached 14 units to the acre.
Mr. Hellman suggested that the density of 14 units to the acre would have been achieved if the townhome neighborhoods were larger, although that had been plotted at 22 units to the acre. He suggested that there was a nice mix of residential densities throughout the project.

Commissioner Garcia asked how vehicles would exit from Street A in the event of an emergency or how emergency vehicles could enter that area if the street was blocked. He noted that the project had only one street in and one street out, and that nowhere on the drawings were there shown any exits for fire district vehicles to get into and out of the development if there was a fire and that street was blocked.

Mr. Hellman explained that the plans had already been reviewed and approved by the Contra Costa County Fire Protection District (CCCFPD) with emergency vehicle access (EVA) provided through to West Leland Road through each of the single-family detached neighborhoods.

Commissioner Wegerbauer commented that she liked portions of the development, although she did not believe that prospective buyers would prefer such small yards as were proposed in Neighborhood B. She noted that she had raised similar concerns during the subcommittee discussions. Having toured the Stanford Place development in the City, she found the interiors to be nice and spacious, although there was minimum space between neighboring units. She was struggling with the low density being proposed while also providing a product that may have missed opportunities.

Mr. Hellman spoke to Section 3, Sheet L-4 and the layout of the homes. He clarified that the rear home setback to the alleyway would be four feet. Based on those plans, the side yards would be a private open space and the homes would orient out towards the sides. He advised that he had been involved in downtown Pleasant Hill’s Crescent Walk development, the first of its kind with alley-loaded detached products, although that project had not created enough private open space on the sides. That proposal had intended 10 feet between the buildings, although during the design process that space had been squeezed to approximate eight-foot side yards. For the subject plan, there would be a minimum of 14 feet between the buildings. Each of the buildings would have either a four-foot or a five-foot side yard setback to the property line and within the footprint, an additional divert that would provide approximately 14 to 15 feet of depth. The homes would end up with a private yard that would be 14 to 15 feet wide by 14 to 15 feet deep.

Mr. Hellman commented that because of the density, they had the option for the alley-loaded detached homes versus clustered homes. He cited, as an example, the Vista Del Mar development, which had clustered homes with smaller yards that were less private than the subject development proposal. He added that cluster homes had courtyards that could become parking and noise issues. While they looked great on plans, he suggested that the same density could be achieved and private open space could be
provided with other options. He further responded to the lack of recreational facilities and amenities and noted that those amenities increased HOA fees. Based on his experience, homeowners preferred a nice usable, functional, private yard.

Commissioner Garcia asked whether or not each home would have a 14-foot side yard that the property owner would own.

Mr. Hellman noted that homeowners would have an exclusive right to use the sideyard. A fence could not be installed and any conflict between neighbors would be dealt with through the HOA.

Ms. Vahl clarified that was only for the multifamily areas.

Mr. Hellman explained that the homeowner would have fee ownership to seven feet with the exclusive right to use the remainder and would thereby have the exclusive right to use the entire area, a product that had been used throughout Northern California.

Commissioner Garcia questioned the adequacy of parking for Street B given the number of units proposed, the request to reduce the required parking, the fact that many people did not park in their garages and typically used them for storage, and the fact that many homeowners owned multiple vehicles.

Mr. Hellman commented that the single-family residential neighborhoods provided parking in excess of the requirements of the Zoning Ordinance. The DA had envisioned the parking ratios due to the proximity to BART. The parking ratios would be applied more flexibly than elsewhere in the City. He suggested that the City’s parking ratio for current transit oriented development was slightly out of step. He suggested that well-crafted covenants, conditions and restrictions (CC&Rs) could keep garages clear of storage to allow the parking of vehicles in garages. Guest parking in the two residential neighborhoods would be 0.34 and 0.45 guest parking spaces per unit, which compared favorably to the guest parking ratios in other jurisdictions in the Bay Area. When the DA was negotiated, staff had recognized that the parking standards were not up-to-date. He suggested that the parking was appropriate for the townhome portion.

Commissioner Diokno clarified with Mr. Hellman that there would be a wooden fence intended to separate the neighborhoods from Neighborhood E. There would be no wall between the open space and Lot E north of Neighborhood E.

Commissioner Diokno did not want to see Neighborhood E be walled off from the remainder of the neighborhood. He recommended that the circular driveway on the western side connect to a road south to Leland Road, in order to provide the extra access road that, in his opinion, was needed.
Mr. Hellmann advised that EVA roads could be added to the site. He clarified that the ends of each of the courts that provided garage access to the townhome units would have an EVA and garbage truck access roads connecting back to Street D, and it could be simple to add additional EVAs at the end of Streets B and D.

Mr. Hellman clarified that he did not want to wall off any of the neighborhoods other than providing fencing between adjoining uses. Also, the north side of Neighborhood E where it opened up into a private open space and where a tot lot would be located would have to be open and accessible to the residents of Neighborhood E. A portion of the road could carry emergency vehicles.

Ms. Vahl added that the Engineering Department would be considering conditioning the project to provide access from Neighborhood E through to Neighborhood D connecting to the other access point.

Commissioner Wegerbauer questioned the placement of a fence between the two communities and separating the affordable units from the for-sale units.

Mr. Hellman explained that some of the units would have side yards adjoining the neighboring units where homeowners would likely desire a fence on the side yard. Referring to Sheet L-4, he noted that fences defined all of the private open space areas in those neighborhoods. He would like the homeowners on the west side of Neighborhood B to have the same fencing that everyone else in the project would have. He also envisioned a circulation roadway adjacent to that area, which would not be an adjoining unit of Neighborhood E.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Diokno commented that if the project were to move forward, he would like to see a condition added to the project for another access road to West Leland Road to provide EVA access and be added onto Street C or E, or both. He was otherwise disappointed with the lack of community amenities in the design. Based on his experience, people would not meet out in the tot lot area and would need a place for community announcements and the like. Smaller approved projects had included such amenities as a swimming pool or basketball courts. He also questioned whether or not the noise from State Route 4 would be adequately attenuated in that the noise from the freeway was a constant roar not easily masked.

Commissioner Diokno also spoke to the Class I bicycle trail and affirmed with staff that the trail could be used by both bicyclists and pedestrians. He suggested that portion of the project would be conducive as a connection to the Pittsburg/Bay Point BART Station.
Chairperson Ramirez commented that in the City of Pleasanton near its BART Station, a transit village development had recently been approved at 51 units to the acre. He understood that neighboring communities to Pleasanton had also approved similar density developments near transit. He questioned such a low density in this instance and suggested that if neighboring jurisdictions had higher densities, Pittsburg should do the same.

Chairperson Ramirez also questioned why Street A had not been extended into the commercial portion of the project and then into Leland Road for additional access. He would like to see that component addressed in the project.

Mr. Grisham noted that higher density developments were typically around BART Stations. The City had been working on a Pittsburg/Bay Point BART Station Plan, and in that area the density matched the higher densities described. He suggested that the feathering of the densities concept was valid. In the designs for the eBART Railroad Avenue Station, the higher densities were immediately adjacent to that station as reflected in the Railroad Avenue eBART Station Specific Plan.

Chairperson Ramirez questioned whether or not the site was not close enough for a higher density.

Mr. Grisham reiterated that the higher densities were in the area immediately adjacent to the station. In this case, the subject site was a half mile away.

Commissioner Garcia commented that the Association of Bay Area Governments (ABAG) did not consider a half mile away to be too far and considered a transit village with a higher density. He noted that a plan to build around the Pittsburg/Bay Point BART Station in Bay Point down to Willow Pass Road in Bay Point had been approved by the County. That plan had not come before the City Council for years. At the time it had been considered, the subject proposal had come about.

Mr. Grisham recalled that plan had ended at the Seecon property, and the community did not want that plan, which was the reason it had not been approved.

Commissioner Garcia stated that while he liked the project, he envisioned a higher density than what had been proposed. He noted that Seecon had proposed a number of high rise business offices during the discussions of the Pittsburg/Bay Point Specific Plan, which ABAG had supported, although a residential density had been recommended. He had knowledge of the history on that issue and would provide information from those discussions to staff if desired. He found the project to be nice, although he commented that it lacked recreational facilities and was not in the right place.
Commissioner Wegerbauer liked portions of the development, the townhome styles for the units and the unique design. However, she remained concerned with the clustering of Neighborhood E and the fact that it would be completely separated and less than ideal with no exit path from the development. The occupants of those homes would be required to go out to the road. She would rather see some additional considerations for creating more of a community, even if a rental community, to be incorporated into the whole project. She also did not like the reduced setbacks. While she understood the need to be flexible and work with developers, there were many pieces of the development she found to be challenging and questioned if it was really serving the community.

Chairperson Ramirez identified the action being asked of the Commission as outlined by staff.

Mr. Knapp affirmed the staff recommendation and explained that if the Commission did not want to approve the project the applicant had the option to appeal such action to the City Council, in writing, within 10 days.

Ms. Vahl spoke to the September 23, 2008, memorandum with modifications to Resolution No. 9772. Speaking to the last bullet, she noted that condition may cause conflict with the DA. She recommended that the third bullet be revised to read:

- Except as modified by Condition No. 1 above and the provisions of the Development Agreement, the regulations of PMC Chapter 18.50 shall apply to properties located in the RH-P District. The land use and development regulations for the commercial component of the project shall be those of the CO-P District.

Commissioner Garcia made a motion to approve Resolution No. 9772, recommending City Council adoption of ordinance approving a Master Plan for the Alves Ranch Development, “Alves Ranch. AP-08-516 (MP),” as conditioned, and as revised by staff.

Mr. Knapp understood that the motion was to approve Resolution No. 9772.

Commissioner Garcia clarified that his motion was not to approve the Master Plan but to move the item forward before the Commission to make a decision.

Commissioner Wegerbauer seconded the motion.

Chairperson Ramirez clarified that a yes vote would be to recommend that the City Council approve the Master Plan subject to the staff modifications.
MOTION: AP-08-516 (MP) - FAILED

Motion by Commissioner Garcia move on Resolution No. 9772, AP-08-516 (MP). The motion was seconded by Commissioner Wegerbauer and FAILED by the following vote:

Ayes: Commissioner Ohlson
Noes: Commissioners Diokno, Garcia, Wegerbauer, Ramirez
Abstain: None
Absent: Commissioner Kelley

Chairperson Ramirez advised that the motion had failed. He identified the process to appeal the decision of the Planning Commission within 10 days by filing a written appeal with the Planning Department.

Commissioner Diokno left the dais at this time due to a potential conflict of interest with Commission Consideration Item 3, “La Hacienda Bar – Initiation of Use Permit Revocation.”

COMMISSION CONSIDERATIONS:


(Item was continued from August 12, 2008)

A request for the Planning Commission to initiate proceedings for the revocation of a use permit (Planning Commission Resolution No. 1901) allowing a cardroom and full alcoholic beverage service for the La Hacienda Bar, located at 301 East Tenth Street in the CSD (Downtown Service Commercial) District. APN 085-182-009.

Associate Planner Vahl presented the staff report dated September 23, 2008. She recommended that the Planning Commission initiate proceedings for the revocation of a use permit (Planning Commission Resolution No. 1901) allowing a cardroom (which is obsolete) and full alcoholic beverage service for the La Hacienda Bar.

PROPOONENT:

JOSE RODRIGUEZ, Pittsburg, stated that he had no questions at this time. He emphasized that they were trying to do the best possible, although the business was closed and no money was being generated.

Commissioner Garcia understood that the City had not closed the business, since the use permit had not been revoked at this time.

Mr. Grisham explained that there were health, building and significant abatement actions involved on the property, and the business was not in operation at this time because of
the actions taken by the Building Department, separate from the current proceeding on the use permit.

Mr. Knapp added that the abatement procedures were not before the Commission.

A.J. FARDELLA, Director of the Oak Hills Community Group, Pittsburg, advised that he had reviewed the legal and law enforcement background on the item. He suggested that there were substantial reasons for a variety of causes to revoke the use permit. He supported the process before the Commission.

OPPONENTS: None

MOTION:

Motion by Commissioner Wegerbauer to adopt Resolution No. 9765, initiating revocation of a use permit allowing a cardroom and full alcoholic beverage service at the La Hacienda Bar, "La Hacienda Bar – Initiation of Use Permit Revocation, U-83-27". The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Garcia, Ohlson, Wegerbauer, Ramirez
Noes: None
Abstain: None
Absent: Commissioners Diokno, Kelley

Commissioner Diokno returned to the dais at this time.

Item 4: One Industry Road. AP-08-529 (DR).

An application by Garry Baker of GLB Architects requesting design review approval to construct a new, 6,500 square foot building on a 16,645 square foot lot at 1 Industry Road. The site is in the CW (Waterfront Commercial) District. APN 073-042 024.

Assistant Planner Jason Burke presented the staff report dated September 23, 2008. He recommended that the Planning Commission approve Design Review Application No. 08-529, subject to conditions requiring a roof on the trash enclosure, additional windows on the southern elevations, relocation of the fence to the property line, reconfiguration of the parking lot, and installation of a five foot wide asphalt sidewalk and curb along the frontage of the site on Industry Road.

Mr. Burke referred to Resolution No. 9771, Section 3. Decision, Engineering, Condition 35, and recommended that the condition be better clarified and include the following statement:
The trash enclosure shall include a floor drain that shall be connected to the sanitary sewer. Including this clarification would ensure that the project is consistent with the City's storm water requirements for all trash enclosures.

PROONENT:

GARRY BAKER, GLB Architects, 16881 Schiller Court, Sonoma, advised that the building colors would be slate gray with a dark bronze accent. He concurred with the staff comments with the exception of the relocation of the existing fence and the requirement for a sidewalk around the property given that there were no other sidewalks in the area.

Mr. Baker understood that the existing fence was not on the property line, as evidenced on aerial photos of the site. To relocate it to the property line would require a boundary survey he would like to avoid. He preferred to maintain the fencing around the site in its existing configuration.

Commissioner Garcia commented that he had viewed the site. He acknowledged that there were no other sidewalks in the area. The property was not in a location where people, other than employees, would walk. He recognized the City's efforts to improve the area, although he would rather see the street be paved up to the fence than require a sidewalk, unless the City intended to have every property owner install a sidewalk.

Mr. Grisham advised that there were other lots subject to redevelopment and the intent was to condition a sidewalk so that when new projects were developed, the sidewalks would have been constructed. There was residential development located nearby and pedestrians on Industry Road had to walk out in the street. As to the issue of the fence, he supported a boundary survey, since property lines could be wrong and he would like assurance that there was no fencing in the public right-of-way. He suggested that it was in the owner's best interest to learn of the true boundaries for the property.

Commissioner Garcia liked the idea of the crushed rock other than blacktop and suggested that it was a good idea to address C.3 storm water requirements.

Mr. Grisham explained that the City's engineering team was considering creative ways to deal with the C.3 requirements for smaller lots.

Commissioner Wegerbauer asked why a sidewalk had not been required for the recent project for U.S. Glass and Aluminum.

In response, Mr. Burke explained that U.S. Glass had no frontage on a public street.

OPPONENTS: None
MOTION: AP-08-529 (DR)

Motion by Commissioner Wegerbauer to adopt Resolution No. 9771, granting Design Review approval to construct a new 6,500 square foot building on a 16,645 square foot lot at 1 Industry Road, located within the CW (Waterfront Commercial) District, "One Industry Road, AP-08-529, (DR)," as conditioned and as modified. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Ohlson, Wegerbauer, Ramirez
Noes: None
Abstain: None
Absent: Commissioner Kelley

Item 5: Ramar Foods. Request for Amendments to AP-04-164 (DR).

An application by Primo Quesada of Ramar Foods, requesting four modifications to the site plan and elevations for Ramar Foods approved by the Planning Commission on February 23, 2005, under Resolution No. 9555. The property is located at 335 Central Avenue in the CS-O (Service Commercial with a Limited Overlay, Ord. No. 05-1239) District. APN 086-132-022.

Assistant Planner Ali Endress presented the staff report dated September 23, 2008. She recommended that the Planning Commission adopt Resolution No. 9770, amending the approved Design Review Application No. 04-164, subject to conditions. Those conditions would require: 1) that the refrigeration equipment on the western elevation be screened with a 10-foot tall shadowbox fence or metal louvered screen and that the ductwork be painted to match the adjacent building color; 2) that the PG&E equipment on the western elevation be screened with a shadowbox fence or metal louvered screen; 3) that a solid wood screen or metal louvered screen be installed around the rooftop mechanical equipment; and 4) that the residential-style doors on the eastern and western elevations be replaced with commercial-style doors.

Commissioner Wegerbauer spoke to the guidelines used to implement the staff recommendations and asked if the use was an approved use or if it had been allowed an exception to operate.

Ms. Endress noted that the original application was for an overlay district to allow food processing. The originally-approved project had complied with the Zoning Ordinance, City adopted Development and Design Review Guidelines, and with the zoning designation adopted by the City Council. The use had therefore been legally established. She added that the design guidelines would apply regardless of the location.

Mr. Grisham explained that the intent was that the prior conditions imposed by the Commission be carried out. Staff was not adding conditions to the project.
Commissioner Garcia questioned the definition of the building as a commercial building and suggested it was really no different than a cannery with food processing because it accommodated no walk-in customers. He recalled that the overlay district had been imposed since the area had previously been zoned Neighborhood Commercial and the City had lost businesses that could not comply with the zoning regulations. The overlay district had been added to allow the subject business. He pointed out that Ramar Foods had created a lot of jobs for the community.

Mr. Grisham advised that the City was supportive of the business. He noted that if the use was located in a modern industrial park, all conditions identified by staff would have been required. Conditions had been attached to the original approval and the Commission was asked to either impose those conditions or not.

PROPONENT:

PRIMO QUESADA, SR., P.O. Box 111, Pittsburg, explained that the conditions of approval had called for a wood structure to screen the refrigeration equipment and since they needed air flow and wind was a factor, he had used a latticework design. He suggested that the latticework design was adequate, looked okay, and once painted the color of the building, would not be clearly visible. As to the former main entrance and the residential doors that had been installed, he explained that the doors had led to an area that had originally been planned as a reception area but that he had changed to a refrigeration room. The business did not sell retail and had a perimeter fence all around where views from the outside would not readily be visible. Mr. Quesada stated that if glass storefront doors were required in place of the residential doors, then the refrigeration equipment in the interior would be visible. He was not certain whether or not a glass storefront would affect the refrigeration process. He advised that the relocated entrance to the business had storefront aluminum doors and vinyl clad windows.

Mr. Quesada added that the area had experienced vandalism and a glass storefront could be an issue. As to the screening of the refrigeration equipment, he commented that he understood the intent to screen that equipment, although the highest point was 63 inches and the approved plan had shown a 42-inch high concrete masonry unit (CMU) wall. His project engineer had suggested that the CMU wall would not last as long as the equipment, which was intended to last up to 30 years. He suggested that a CMU wall would prevent adequate air circulation and would be less efficient.

Mr. Quesada emphasized his desire to remain within the community for the next 30 years, noting that he had a bond with the City that would be paid off in 30 years. He otherwise identified an ornamental six-foot high wrought iron fence that he proposed to install around all of the refrigeration units on the western elevation. He questioned the assertion that the site appeared too residential and suggested that the screening methods worked and were a practical solution absent the building of foundations and engineering.
Mr. Quesada questioned why the equipment must be hidden and asked the City to show some concern for his business. While he recognized the effort to make the City better, he suggested that he had done his part and had even added landscaping along the rear perimeter fence. If some decoration could easily be afforded, it would be provided. As to the PG&E equipment on the site, he noted that it was on the far side of the coffin-like refrigeration structures, and any screening of the PG&E equipment would already be screened by the refrigeration equipment. PG&E had recommended the placement of bollards to prevent damage from vehicles. He suggested that the area had been kept neat and clean.

PRIMO QUESADA, JR., Pittsburg, added that he had taken pictures of the various views of the property with images of the southern elevation from Central Avenue and views from Railroad Lane. He suggested that it was difficult to see any refrigeration equipment from the public rights-of-way and that the equipment blended in with the cityscape.

Mr. Quesada understood the principle of screening the equipment was to screen it from public view and to allow proper equipment operation and maintenance while maintaining an attractive facade. He suggested that the proposed change to use a vine-covered wrought iron ornamental fence would meet all of those criteria. Existing landscaping would complement the climbing vines on that fence.

Commissioner Diokno verified with the applicant that the landscaping on the site was maintained by a gardener.

Commissioner Ohlson asked about the status of the sign reading Marina Skate, the former occupant of the building.

Mr. Quesada noted that the sign would be replaced and a new sign would be installed under a separate sign application to read Ramar Foods, with a corporate logo on the left side and with the use of the existing sign cabinet.

Commissioner Garcia spoke to the PG&E equipment and suggested that the staff recommendation was really to box a box. In this case, the applicant had provided a neat and clean screening solution that, when painted the same color of the building, would not be visible.

Mr. Grisham clarified that the condition was that the screening be painted the same color as the building.

Commissioner Garcia recommended that the PG&E equipment boxes be painted to match the building.

Commissioner Wegerbauer had concerns when approved conditions were not being met, similar to the discussions and the issues related to the Mehran Restaurant, the Red Door
Lounge, and others. She liked the location of the company and the use of the building and wanted to be fair to the public. She also commented that she found the photographs presented by the applicant to be different from the views contained in the staff report.

Commissioner Wegerbauer commented that conditions imposed on projects worked both ways. She recognized that the applicant was making an investment in the community, and from that perspective, it was great when staff did its job and brought forward conditions that had not been met and which were intended to protect the investment in the property and the surrounding area. She urged consistency.

At this time, the Commission discussed each of the four conditions recommended by staff and with which the applicant did not agree.

1) *The refrigeration equipment on the western elevation be screened with a 10-foot tall shadowbox fence or metal louvered screen and that the ductwork be painted to match the adjacent building color* 

> Commissioner Garcia: A six-foot tall wrought iron fence with landscaping as proposed by the applicant would be sufficient.
> Commissioner Diokno: Agreed that a six-foot tall wrought iron fence with landscaping would be acceptable. He found the chrome colored pipes to be attractive and should not be disguised.
> Commissioner Wegerbauer: Concerned with relying on landscaping.
> Commissioner Ohlson: Supported the staff recommendations and suggested that the equipment should be fully screened from view.
> Chairperson Ramirez: Pointed out that this was a small business, not Winco Foods, and suggested that the applicant’s recommendation to use a wrought iron fence with latticework was adequate.

2) *The PG&E equipment on the western elevation be screened with a shadowbox fence or metal louvered screen.* 

> By consensus, the Commission agreed that the PG&E equipment boxes should be painted to match the color of the building.

3) *A solid wood screen, or metal louvered screen be installed around all rooftop mechanical equipment.* 

> Commissioner Garcia: Paint the latticework or the equipment behind to match the latticework.
> Commissioner Diokno: Expressed concern with a wooden material where weathering could change the color and which would then have to be repainted, but if the wood were painted to match the color of the rooftop mechanical equipment, would be satisfied.
> Commissioner Wegerbauer: Supported the staff recommendation for full coverage screening.
> Commissioner Ohlson: Supported the staff recommendation for full coverage screening.
> Chairperson Ramirez: Recommended that the latticework be painted to match the equipment.

4) Residential-style doors on the eastern and western elevations to be replaced with commercial-style doors

> Commissioner Garcia: Acknowledged that the single hung door appeared residential in character, although the other two doors were acceptable.
> Commissioner Diokno: Suggested that commercial doors would be a better choice than residential since it was a working building and would provide better insulation for the interior support staff.
> Commissioner Wegerbauer: Did not support residential doors on a commercial building.
> Commissioner Ohlson: The doors were not a concern, were far enough away from the public right-of-way, had been installed and would be acceptable.
> Chairperson Ramirez: Supported the staff recommendation.

Based on the discussion, Mr. Grisham recommended that the item be continued to allow staff to return with a new resolution addressing the Commission’s comments.

Chairperson Ramirez advised that the item would be continued to the next meeting of the Planning Commission scheduled for October 14 in order to allow staff to return with a revised resolution for consideration.

**ZONING ADMINISTRATOR REPORTS:**

There were no Zoning Administrator reports.

**PLANNING DIRECTOR / STAFF COMMUNICATIONS:**

There were no Planning Director or staff communications.

**COMMITTEE REPORTS:**

Commissioner Ohlson noted that TRANSPLAN had met on September 11.

**PLANNING COMMISSIONERS’ COMMENTS:**

In response to Commissioner Ohlson, Mr. Grisham explained that when a document was introduced and read into the record, as had correspondence submitted by A.J. Fardella during the September 9 meeting in response to the resignation of Commissioner Harris, the minutes need not reflect the content of the document other than to acknowledge it for the public record. He stated that Commissioners should otherwise be provided with a copy of that document.
Mr. Knapp added that a copy of that document should be retained in the event that a Commissioner or a member of the public wished to view that document at a later date. He also clarified in response to Commissioner Wegerbauer that the prior discussion on Ramar Foods would return with a revised resolution. He acknowledged that it may be possible that a Commissioner may vote no on the item if that Commissioner was not in agreement with some of the condition modifications, or the Commission may amend whatever was before the body at that time.

Mr. Grisham commented that staff had heard the comments from the Commission. Based on those comments, he was confident staff could come close to crafting a resolution that would represent the majority opinion on each of the individual items. A Commissioner may still vote against something if that was the desire. He encouraged Commissioners to drive past the property to view some of the mechanical equipment that had been discussed.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:45 p.m. to a Regular Meeting scheduled on October 14, 2008, in the City Council Chamber at 65 Civic Avenue, Pittsburg, CA.

[Signature]

MARC GRISHAM, AICP, Secretary
Pittsburg Planning Commission