A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Ohlson at 7:02 P.M. on Tuesday, June 26, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Harris, Ramirez, Vice Chairperson Ohlson

Absent: Commissioner Thomas

Staff: Planning Director Melissa Ayres, Assistant Planner Leigha Schmidt, Assistant Planner Kristi Vahl, Assistant Planner Jason Burke, Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, June 22, 2007.

PLEDGE OF ALLEGIANCE:

Commissioner Harris led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Planning Director Melissa Ayres reported that agenda Item No. 1, Foods CO Expansion, AP-07-433 (UP), would be continued to a date uncertain in response to a written request from the applicant to allow more time to review the project conditions of approval with the tenant.

COMMENTS FROM THE AUDIENCE:

LARRY WIRICK, Pittsburg, representing the Community Advisory Commission (CAC) advised of the CAC’s involvement with the Community Emergency Response Program.
Mr. Wirick stated that the purpose of that effort was to provide for the safety and security of citizens. He expressed a desire to recruit citizens to obtain certified training in the program. He advised that the CAC had secured a booth at the upcoming Seafood Festival in September. He sought volunteers from the Planning Commission to man the booth and to hand out literature during that event.

Vice Chairperson Ohlson stated that he had received the certified training in Bay Point which he had found to be a good experience. He was pleased that the CAC was being proactive. He expressed the willingness to help man the CAC booth at the Seafood Festival.

PRESENTATIONS:

There were no presentations.

CONSENT:

   May 29, 2007 – Special Meeting
b. Initiation of Ambrose Park Pre-Zoning

MOTION:

Motion by Commissioner to Garcia to adopt the Consent Calendar, as shown. The motion was seconded by Commissioner Harris and carried by a roll call vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ramirez, Ohlson
Noes: None
Abstain: None
Absent: Commissioner Thomas

PUBLIC HEARINGS:

Item 1: Foods CO Expansion. AP-07-433 (UP)

A public hearing on a request for a use permit to expand an existing grocery store in the Atlantic Plaza Shopping Center at the corner of Harbor Street and Atlantic Avenue. The project site is zoned CC (Community Commercial) District. APN 088-121-028.

As earlier reported, Item 1, Foods CO Expansion, AP-07-433 (UP), was continued to a date uncertain at the written request of the applicant.

An application by Chris Valeriote of Terra Nova Development requesting that the Planning Commission rescind Planning Commission Resolution No. 9635 adopted on September 26, 2006 approving a Tentative Map for condominium purposes for the Creekside Senior Apartments located at 30 Castlewood Drive in a PD (Planned Development, Ord. 1185) District. APN 089-060-008.

Assistant Planner Leigha Schmidt presented the staff report dated June 26, 2007. She recommended that the Planning Commission rescind Resolution No. 9635 approving a Tentative Map for condominium purposes for the Creekside Senior Apartments.

Ms. Ayres added that the applicant had submitted a letter stating that he would not be able to attend the public hearing but was in support of the staff recommendation.

PROPONENT: Chris Valeriote, Terra Nova Development (Not present)

The Vice Chair recognized speaker cards from residents of the Creekside Village Senior Apartments, RICHARD BROWN and HARRY SCHNEIDER, who upon review of the staff report and speaking from the audience did not wish to speak to the item at this time.

OPPONENTS: None

MOTION:

Motion by Commissioner Ramirez to adopt Resolution No. 9722, Rescinding Planning Commission Approval of a Tentative Map for Condominium Purposes for Creekside Senior Apartments at 30 Castlewood Drive, AP-07-451, APN 089-060-008, with the conditions as shown. The motion was seconded by Commissioner Diokno and carried by a roll call vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ramirez, Ohlson
Noes: None
Abstain: None
Absent: Commissioner Thomas

CONTINUED PUBLIC HEARING:

Item 3: City-Initiated Hillside Development Performance Standards/Guidelines

A City-initiated proposal to amend Title 18 (Zoning Ordinance) of the Pittsburg Municipal Code to establish new Hillside Development Performance Standards and amend the HPD (Hillside Planned) District regulations, and to adopt new Hillside Development Guidelines.
Ms. Ayres reported that the Planning Commission had been provided with copies of letters of correspondence including a letter from Friends of Mount Diablo Creek dated received June 22, 2007; an e-mail from resident Victoria Micu dated June 21, 2007; an e-mail from resident David Campos dated June 22, 2007; an e-mail dated June 25, 2007 from residents Charles and Annette Jenkins; a letter from A.J. Fardella; and a four page document entitled Questions, Comments and Proposals On the Hillside Development Standards from Planning Commissioner Diokno.

Assistant Planner Kristi Vahl presented the staff report dated June 26, 2007. She recommended that the Planning Commission provide direction on each of the issues identified in the staff report and continue the public hearing to July 26, 2007.

PUBLIC HEARING CONTINUED

PROponent: City of Pittsburg

OPponents:

MICHAEL SARABIA, Bay Point, recognized that there had been aesthetic objections to hillside development as well as objections to Low Density development which could be a symbol of unity or division. He recognized that the hillsides had value for a sense of peace, which he acknowledged was a matter of judgment. He expressed his trust that the Planning Commission had the expertise and staff to make the right decision. He further commented on the matter of global warming where Low Density development on hillsides could be bad for pollution given that vehicles were designed for horizontal roadways.

Mr. Sarabia read into the record comments from a Pittsburg resident, which comments had been printed in a recent issue of the Contra Costa Times Letter to the Editor, as related to the passage of Measure P, development in the hillsides, preference for open space and a reduction of traffic.

RAY O'BRIEN, Bay Point, suggested that the Hillside Performance Standards and Design Guidelines were flawed and that the ordinance, as proposed, had no respect for the hillsides in the City. He suggested that the ordinance had not shown the hills to be an attribute but only to be used for development. He questioned who would respect the hills, nature and the environment. He sought the consideration of a Hillside Protection Ordinance without destroying the hillsides. He opposed grading the hills into lifeless plateaus and asked for an ordinance that would protect the scenic hillsides of the City.

MIKE LENGYEL, Pittsburg, commended the Vice Chair on his reappointment to the Planning Commission. He commented that he had been pleased to see that the ordinance had been posted on the City's website. He agreed with the comments made by the prior speaker. While he recognized that Planning staff had done a good deal of work, Mr.
Lengyel asked the Commission to consider a 200 foot vertical setback, eliminate the density bonus option, consider the maximum density/base density of Option 1C, and consider an amendment to the General Plan and the draft document to allow only a maximum base density of 2 dwelling units per acre (no slope/density calculation), as the most restrictive choice.

Mr. Lengyel also spoke to the recent landslides which had occurred on Santa Lucia Dive which had severely affected property owners. He questioned permitting development in a steeper territory. He cited a property owner on Santa Lucia Drive who had spoken during a past City Council meeting and who had informed the Council that she had a heart attack, that a neighbor had lost their home and that another neighbor had died, suggesting it had been a result of improper grading which had led to the landslides.

Mr. Lengyel pointed out that the staff report had included no grading information. He wanted to see a soils stability study prepared before any development was permitted. He sought the most restrictive regulations.

Mr. Lengyel added that the Buchanan Road Bypass (BRB) had a gap in funding and he did not want to see residents be stuck with the funding of that road. He asked the Commission to make the best decision possible.

JUNE FORSYTH, Pittsburg, asked developers and the City to consider green building practices in the future. She noted that the planting of large trees would hold the soil on the sloping hills and the large tree canopies could reduce pollution. She recommended that no density bonus be allowed and that the General Plan be amended to remove that policy. She also sought ridge preservation, preferably 300 feet or 200 feet if that was the choice of the Commission. She noted that grading was vital and she did not want to see any of the ridges taken down. She preferred to see nice round hills, not square ones.

LOUIS PARSONS, representing Discovery Builders, acknowledged that the developer had requested at the last meeting additional time to meet with staff to discuss their concerns about the draft ordinance and options presented, but had in fact not met with staff nor provided staff any new written comments on the information presented to the Commission at the last meeting on this item. He noted that Discovery Builder’s Land Planning Consultant had, however, made a prior presentation to the Planning Commission, also identifying many of those issues. The developer had requested that certain portions of the guidelines be amended or deleted, although most of those changes had not been reflected in the proposed ordinance currently under consideration.

Speaking to the options contained in the June 26 staff report for Commission consideration, Mr. Parsons stated that none of the options included the developer’s recommendations, nor had those options addressed the developer’s previously stated concerns. He suggested that the ordinance, as written, would not provide a means for development of the hillsides. Mr. Parsons commented that the developer had concerns
with the density restrictions, ridge preservations, density calculations, the HPD submittal requirement, and the performance standards which they found to be contrary to General Plan goals and polices. While the developer had submitted several letters indicating flaws in the ordinance and had requested changes to the document, that had not been done. He requested consideration of an ordinance providing for reasonable development.

A.J. FARDELLA, Pittsburg, Director of the Oak Hills Community Group, suggested that the standards in the proposed document did not go high enough. He advised that he had campaigned against Measure P, although the voters had approved the expansion of the City limit lines. He saw no legal or fair reason to apply anything that was not being applied elsewhere in the City. He was aware of no development submission from the property owner and he suggested they would be happy with slope density development.

Mr. Fardella commented that there were other communities in the area with the same opposition to similar guidelines, and he suggested that those communities be used as a visual example of what was or was not acceptable. He suggested that the cities of San Ramon and Dublin were acceptable examples of appropriate hillside development. He also spoke to cluster housing as a mitigation option. While he had opposed the developer on many other projects, he suggested that staff had not been fair to the developer by not including the options the developer had presented to the City, which options should have been included for Commission consideration.

ANNETTE JENKINS, Pittsburg, submitted a letter dated June 23, 2007, which she read into the record at this time. She sought an ordinance that would protect the City’s hillsides.

RANDY HERNANDEZ, Pittsburg, expressed concern that in order to buffer unsightly development or homes on the hillsides, vegetation would have to be planted although it would take years to mature enough to buffer any development. In that regard, he questioned what homeowner would allow trees to fully mature since they may impact views. He was also concerned with the additional traffic that could be generated with more development and the current lack of infrastructure to accommodate more development.

MICHAEL KERR, Bay Point, opposed development on the hillsides. He was concerned with the developer’s representative’s comments that the City should be concerned with their comments. He pointed out that the developers would make money from their homes and the homes would likely be purchased by those from outside the City and not existing residents. In the meantime, current residents would be impacted with increased traffic, pollution and negative impacts while possibly losing the hillsides and possible recreational opportunities. He commented that the City of Concord had a Reuse Plan for the Concord Naval Weapons Station and homes, if allowed on the City’s hillsides, may be visible on the Concord side, which he found to be disrespectful to Concord’s plans.

ROBERT GREEN, Pittsburg, emphasized that the developer had been working with staff
for the past year and a half. He questioned the developer’s assertion that they had not been able to have their comments heard. If the developer was not happy with the guidelines, he suggested that possibly no building should be allowed in the hillsides without the infrastructure in place, particularly since existing residents would end up paying for any new infrastructure. He opposed a density bonus noting the poor soil conditions with no protection for the ridgelines. He asked the Commission to do what was best for Pittsburg, not the developer.

LECH NAUMOVICH, Oakland, commented that he had been working with an environmental group on the proposal. He acknowledged that staff had considered many of their comments. He understood the cities of Fremont and Pinole had Hillside Protection Ordinances in place. He suggested that Pittsburg had the opportunity to do something great and not conduct business as usual. In his opinion, development should not be permitted in the proposed areas due to existing slopes, soils and viewsheds. He asked the Commission to consider larger open space parcels, soil based performance standards, and the prohibition of development in biologically sensitive areas, such as creeks and streams.

MRYDELL DYBDAL, Pittsburg, commented that during a prior meeting of the Commission comments had been made that any development on the hillsides would not likely be able to be hidden from view. As someone who worked in the City of Berkeley, which had hillside development, she recognized in that instance given the volume of vegetation and age of many of those homes, many of the Berkeley homes were not clearly visible. She suggested that would not happen in Pittsburg given that it would take many years for any vegetation to mature enough to screen any development from view.

DAVID CAMPOS, Pittsburg did not wish to speak but offered the following written comments: “The applicable elevation for the Hillside Development Guidelines should be lowered from 500 ft. to 200 or 300 ft. The Thomas Ranch and Montreux properties do not have features that exceed 500 ft. and therefore the ordinance would not apply appropriately. These two properties are major concerns for many long-time residents. The hillside ordinance is meant to protect what is seen of them. Do not arbitrarily exclude these prime visual peaks from our guidelines.”

Ms. Ayres referred the Commission to Attachment 1, Planning Commissioner Options (Voting Sheet), which outlined the various options the Commission was requested to consider and provide staff direction on. She noted she disagreed with Mr. Parson’s assertion that none of Discovery Builder’s previously stated options in each of these option topic areas was covered and then identified those options she believed covered their previous publicly stated preferences. These included Base Density options 1.A.1 and 1.B, and Elevations Below Visible Ridgelines Option 5.D. She noted that Discovery Builder’s representatives had noted they had no interest in density bonuses or building clustered developments in the hillsides preferring to build estate lots instead. She stated that Option 4.A (removing the density bonus provisions from the General Plan) would be consistent
with recommendations the Commission had received from both Discovery Builder’s representatives and the general public. She confirmed that Discovery Builder’s preferred option with respect to how many units could be built in visually sensitive areas (3/ du/ac) was not presented in the option table because it was inconsistent with Chapter 4 of the General Plan, but that the Commission could also consider their request to allow 3 du/ac in visually sensitive areas when providing staff direction, if it chose to.

She asked the Commission to consider the options available as contained in the June 26 staff report, and provide direction to staff on the preferred options. She explained that if there was a consensus on each option, staff would create a full document based on the comments that would be reviewed and considered during the July 24 Planning Commission meeting.

Commissioner Harris pointed out that the Planning Commission was absent two members. Given that those two Commissioners had not been reappointed to the Commission and that two new Commissioners would be seated at the first meeting of July, he recommended that any discussion of the preferred options be deferred to allow those Commissioners an opportunity to study the documentation.

Commissioner Garcia stated that he was proud of his record of building on the hillsides and was proud of many of the approved developments, with the exception of one project that he suggested has been rushed through the process. In his opinion, Hillside Performance Standards and Design Guidelines were not needed. He suggested that homebuyers would not have purchased their homes if the Commission had not done a good job. He did not believe in building on major ridgelines.

Commissioner Garcia noted that the property under discussion would permit the development of estate lots, which he supported. As to whether or not the City of Concord would view homes when built, he pointed out that homes had been built on either side of Kirker Pass Road onto Ygnacio Valley Road through Concord and into the City of Walnut Creek along the ridgelines and hillsides on each side of the roadway.

Commissioner Garcia also commented that comparing the subject area to hillside development in Berkeley, Lafayette, or Orinda was not appropriate given that many of those homes were located in older neighborhoods with mature vegetation. He also recognized that the cities of San Ramon and Dublin had homes on their hillsides, although some had not, in his opinion, been successful. He suggested that every project should be studied individually through the preparation of an Environmental Impact Report (EIR).

Commissioner Ramirez agreed that since the Commission was comprised of seven members and that two were absent the discussion should be continued to the second meeting of July after the seating of two new Commissioners. He agreed with the need to wait and defer comments on the voting sheet until July 24 when the new members were present.
Commissioner Diokno also agreed that the discussion should be continued to allow a true majority voting on the standards.

Vice Chairperson Ohlson stated that he had been prepared to comment and reflect his opinion on each of the options, although he recognized the consensus to continue the item.

Ms. Ayres advised that she typically met with new Commissioners once appointed and planned for staff to go over the history of the development of the ordinance with the new Commissioners, one of whom was present in the audience. She was confident that the new Commissioners could be updated on all issues prior to the Planning Commission meeting of July 24. She affirmed, in response to Commissioner Diokno, that his written comments, as noted for the record, had been provided to both the Planning Commission and to the two new Commissioners.

MOTION:

Motion by Commissioner Harris to continue the City-initiated Hillside Development Performance Standards/Guidelines to the Planning Commission meeting scheduled for July 24, 2007. The motion was seconded by Commissioner Ramirez and carried by a roll call vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ramirez, Ohlson
Noes: None
Abstain: None
Absent: Commissioner Thomas

Vice Chairperson Ohlson declared a recess at 8:12 P.M. The meeting reconvened at 8:22 P.M. with all Commissioners initially shown as present and absent.

COMMISSION CONSIDERATIONS:

Item 4: North Park Plaza Sign Exception. AP-07-422 (SR)

An application by Ryan Cox of Discovery Builders requesting approval of a sign exception to allow for the construction of an 80 foot tall standing pylon sign to replace an approximately 40 foot tall existing freestanding sign that will be removed from the western portion of the site located west of the existing in-line retail stores on North Park Boulevard and east of Loveridge Road. The property is located in the CC (Community Commercial) District. APN 088-151-030.

Assistant Planner Jason Burke presented the staff report dated June 26, 2007. He recommended that the Planning Commission adopt Resolution No. 9709, approving SR AP-07-422, as conditioned.
Mr. Burke requested an amendment to Section 3. Decision, Condition A1, as follows:

1. The freestanding sign shall be constructed substantially in conformity with the project plans date stamped February 16, 2007 and in one of the two locations identified in the plans date stamped May 31, 2007, except as hereinafter modified.

Mr. Burke also asked that the title be modified and that the project description on page 1 of Resolution No. 9709 be modified to include APN 088-151-020, to specifically include the parcel with the alternative location in the request.

PROPOSER:

RYAN COX, Discovery Builders, spoke to Section 3. Decision, Condition 6, of Resolution No. 9709 and asked that the condition either be clarified or be removed. He was uncertain the condition meant that the applicant must come to the Planning Department each time he wanted to change a tenant on the sign.

Ms. Ayres acknowledged that the intent of the condition was, in fact, that the applicant be required to come to the Planning Department in the event there were changes to the tenants on the sign. She explained that the condition was no different from the requirements for changes to wall signs for a corporation.

Mr. Cox accepted the staff clarification.

In response to the Vice Chair as to the intent of Section 3. Decision, Condition 8 of Resolution No. 9709, Mr. Burke commented that the language in that condition had been flexible since the applicant could not dictate what the adjacent property owner would do for their signs.

Ms. Ayres explained that the shopping center had multiple property owners, although the shopping center was considered one large center, entitled to one large sign. It was intended that the applicant not monopolize the sign but work with the adjacent property owner to encourage the removal of the existing freestanding pylon sign on the eastern portion of the North Park Plaza Shopping Center prior to the completion of the sign construction. She understood that the applicant had approached the adjacent property owner about combining sign identification on one sign, but that they had not come to agreement yet on business terms. The City would like to see one large freestanding sign where everyone was identified. Ms. Ayres further commented that the desire of staff was that the sign be reserved for larger anchor tenants as presented in the submitted plans.

Commissioner Garcia noted that the second sign was not visible since it had been hidden.
by two trees and situated far off of the freeway.

Vice Chairperson Ohlson commented that during a recent transportation meeting regarding the status of eBART, Caltrans as part of the State Route 4 Widening Project, would need 20 additional feet on the north side. He asked that a condition be imposed that whatever Caltrans decided was needed; the pylon sign must be located outside of that area.

Commissioner Garcia pointed out that the sign would be outside of that area.

Vice Chairperson Ohlson suggested if that was the case there was no reason why a condition could not be imposed to that effect. He again asked for a condition that the developer negotiate with Caltrans to ensure sufficient room for the additional 20 feet for the roadway widening.

DOUG MESSNER, Discovery Builders, explained that the original project had been designed with the taking that Caltrans had offered and had established the land areas. While Caltrans had given offers to purchase the land, those offers had recently been rescinded. He understood that the taking would be less around Loveridge Road as the widening went farther to the east. Two different locations had been proposed for the sign since the City had recommended that the location of the gas station may be a superior location. After a photo simulation had been prepared, the applicant had agreed it would be a superior location. If the proposed location within the parking area of the in-line retail component was not feasible due to the additional taking by Caltrans, the alternative location on the western corner of the recently approved gas station site in the North Park Plaza shopping center would be chosen.

Vice Chairperson Ohlson expressed concern that there would be enough room for the freeway widening and for the sign. He again asked that a condition be imposed to reflect that the pylon sign must be located outside of the area required by Caltrans.

Ms. Ayres suggested that a condition could be written where the sign could be located outside any future Caltrans take, with the final location subject to review and approval by staff.

Mr. Messner stated that he expected to hear from Caltrans soon. Caltrans had been provided with the entire approved plan for the project and were working with the developer on the potential take of land.

Commissioner Garcia noted that the widening project would commence in 2008 and he could foresee problems when reaching the Markstein property. He commented that there was 15 feet from the shoulder to the fence. While he had no problem with a condition, if Caltrans decided to take all of the roadway, the shopping center would have to be shut down since there would be no way to access the site.
Vice Chairperson Ohlson again requested a condition related to a potential Caltrans take. He further spoke to the shape of the sign. He cited the existing pylon signs in the immediate area for other shopping centers that had been designed with a curved top. He preferred to see the East County area have signs that were similar to each other, and that a curve element be designed on top of the proposed pylon sign.

Mr. Messner explained that the intent was to integrate both the North Park Plaza Shopping Center and the newer portion with the Winco sign, which had a tower element matching the approved architecture of the buildings. That design element had tied in and been integrated into the entire shopping center. He emphasized that the developer would not be willing to revise the design of the sign to add a curved element.

Commissioner Ramirez affirmed with the applicant that he otherwise approved of the staff recommended conditions of approval with the exception of Condition 6.

Ms. Ayres clarified again that the requirement that any future changes in the corporate logos, text or copy of the sign shall be subject to review and approval of the Planning Department prior to any modification of the sign, was a standard condition where a sign permit or building permit may be required.

Mr. Messner commented that typically a sign permit was issued.

Ms. Ayres reiterated that the sign would be required to be reviewed to ensure compliance. Shopping centers with more than four tenants were required to have a Master Sign Program which would apply to the entire center and the signs would need to be evaluated for conformance with that sign program.

Commissioner Garcia commented that changing out the sign can with a new business can would not change the sign other than the sign copy.

Ms. Ayres acknowledged that such a modification would not require a building permit, although in some instances when the signs were changed there might also be changes to the leased space.

Mr. Messner stated that he would like to have flexibility to offer signage for smaller tenants. He did not want to be restricted to the size of the tenant to have a sign panel.

Ms. Ayres reiterated that if the applicant wanted to give up space to accommodate the smaller tenants it was up to the applicant, although again the center was comprised of multiple property owners. Unless there was a desire for another sign this large in the center, space must be saved on the sign for the major tenants within the center on properties not owned by the applicant.
With such a condition, Mr. Messner questioned the leverage he would have with his tenants.

Ms. Ayres reiterated that her intent was that if they didn’t reach agreement, then there would be fewer sign panels constructed on the freestanding sign (until they did reach agreement).

Commissioner Harris did not agree with adding more conditions to the application. Vice Chairperson Ohlson suggested that the project be postponed to allow an agreement between the developer and the other major property owners, to allow negotiations to continue, to remove the other sign and to allow Caltrans its right of way.

Commissioner Garcia disagreed with a continuance of the application. He was ready to make a motion.

Commissioner Diokno commented that whether or not there were multiple owners of the center, it was perceived by the public to be a single center and a single entity and there should be a single sign for the entire project. He supported the elimination of sign clutter along the freeway offering a unified appearance.

Commissioner Ramirez commented that one sign in the center made sense. He noted that the plans for the requested 80-foot high sign showed two possible future tenant sign panels below in addition to what was currently proposed, and these could be added to the sign structure in the future, if the applicant reached agreement to share the sign with the adjacent property owner(s). He was ready to take action on the application.

OPPONENTS:

ROBERT GREEN, Pittsburg, commented that the current sign was quite tall, at an exceptional height. He suggested that the applicant had not done his homework to work with the other property owners. He supported some agreement amongst the property owners before any sign approval. He agreed that the item should be tabled to allow all issues to be resolved.

Commissioner Garcia made a motion to approve Resolution No. 9709, subject to the staff recommended conditions, as modified.

Commissioner Ramirez seconded the motion.

Vice Chairperson Ohlson offered an amendment to the motion and asked for a condition to ensure that the sign would be constructed outside of the taking Caltrans would need for eBART in the freeway median, with staff directed to assist in finding a new location not requiring Planning Commission approval, if the sign needed to be relocated.
Commissioner Diokno seconded the amendment.

**MOTION:  Amendment to Motion**

Motion by Vice Chairperson Ohlson to to ensure that the sign would be constructed outside of the taking Caltrans would need for eBART in the freeway median, with staff directed to assist in finding a new location not requiring Planning Commission approval, if the sign needed to be relocated.

The motion was seconded by Commissioner Diokno and carried by the following vote:

- **Ayes:** Commissioners Diokno, Ramirez, Ohlson
- **Noes:** Commissioners Garcia, Harris
- **Abstain:** None
- **Absent:** Commissioner Thomas

**MOTION:  AP-07-422 (SR)**

Motion by Commissioner Garcia to adopt Resolution No. 9709, approving AP-07-422 (SR), Sign Review and Sign Exception approval to construct an 80-foot tall freestanding pylon sign on a site located west of the existing in-line retail stores on North Park Boulevard in the North Park Plaza Shopping Center, APN 088-151-032, with the conditions as shown and as modified by staff, including an additional condition which would:

   ensure that the sign be constructed outside of the taking Caltrans would need for eBART in the freeway median, with staff directed to assist in finding a new location not requiring Planning Commission approval, if the sign needs to be relocated.

The motion was seconded by Commissioner Ramirez and carried by a roll call vote:

- **Ayes:** Commissioners Diokno, Garcia, Harris, Ramirez, Ohlson
- **Noes:** None
- **Abstain:** None
- **Absent:** Commissioner Thomas

**Item 5:  Crestview Intergenerational Housing Development (SW corner of Frontage Road and Crestview Avenue) AP-07-436 (DR)**

An application by Resources for Community Development requesting Design Review approval of a 71-unit, multi-family affordable housing complex with a 3,400 square foot community space on a vacant 3.25 acre site located at the Intersection of Frontage Road and Crestview Drive. Approximately 1.88 acres of the northern part of the site is located in
the RM (Medium Density Residential) District and the remaining 1.37 acres at the southern part of the site is located in the GQ (Governmental Quasi/Public) District. APNs 087-400-001, 087-400-002, 087-400-010 through 087-400-016, and portions of 087-400-003, 087-400-009, 087-400-017, 087-030-008 and 087-195-020.

Assistant Planner Leigha Schmidt presented the staff report dated June 26, 2007. She recommended that the Planning Commission adopt Resolution No. 9721 approving AP-07-436 (DR), with the conditions as shown.

Ms. Schmidt requested that Section 3. Decision, Condition 8 of Resolution No. 9721 be revised to reflect that the developer shall install the infrastructure for the gates now and in the event of an enforcement/security problem the gates could be easily installed at a later date.

Commissioner Diokno inquired what would trigger the installation of the gates, to which Ms. Schmidt understood it would involve an excessive number of calls to the site, to be determined by the best judgment of the Police Department.

Commissioner Ohlson spoke to Page 3 of 12, paragraph two of the June 26 staff report and requested clarification of the difference between the references to a flat and a unit. He also spoke to Page 9 of 12, paragraph two and requested clarification on the potential use of the remainder parcels.

Senior Civil Engineer Alfredo Hurtado explained that the City was looking into the possibility of covering the remainder parcels from the area leftover from the State Route 4 Widening Project as an infill park. There was also a remainder parcel that was currently occupied by a vacant residence that was also being considered for use as a possible park.

Mr. Hurtado added, when asked, that as to whether or not Frontage Road might be closed at the foot of Marsh Avenue had not been determined since it was under future study as a possible area that could alleviate traffic congestion.

PROPOSENENT:

RICK WILLIAMS, Architect, Van Meter, Williams, Pollack, LLP, explained that Resources for Community Development had submitted a Request for Proposal (RFP) to the City’s Redevelopment Agency for the development of the site. The firm had also been working with the Planning, Engineering and Fire Departments on the site planning and overall design in order to deal with issues related to safety and security. Community neighborhood meetings had also been held to discuss the project management and design, to review the conceptual plans, and to discuss the neighborhood issues.

Mr. Williams stated that some of the issues had been addressed through the design including speed bumps on the street and a discussion of the site planning and design of
the buildings. The site plan would place the parking to the rear of the site, with a buffer away from the rear yards of the adjacent residential properties with extensive landscaping. There would be a large central open space for children to play. There would also be an 8-foot tall cedar fence along the southern and western borders between the single family homes and the proposed development, including a 6-foot tall metal picket fence along the southern property line dividing the proposed development and the adjacent church. An on-site manager would reside in one of the 71 total units.

The total 71 units would consist of a mix of three different design types for the seven proposed three-story buildings. Building Type 1 would include 10 residential units and Building Type 2 would include eight residential units. Building Type 3 would have 13 residential units as well as the 3,400 square foot community center. All three of the building types would contain a combination of one bedroom flats and two and three bedroom flats and townhouses. The flats would be located on the ground floor, with townhomes above and each its own entry. All ground level units would be Americans with Disabilities Act (ADA) accessible.

The community space would be opened up at the corner with a landscape treatment through to a hardscape area and large lawn. There would be on site laundry facilities. There would also be open space area surveillance on the street with the entries. An interior court would be well lit with perimeter lighting to be shielded to avoid light intrusion into the rear yards of the homes located behind. There would also be porch lights for each of the individual units. Extensive lighting on the house meter would be controlled by management to offer a well lit safe and secure environment, which included cameras for surveillance. The site would be well maintained.

Carports along the edge would help to buffer the rear yards and add more privacy. There would be landscaping along that area as well. The units on the interior would face out into the parking area. A sidewalk would allow for front and back door conversation adding to the overall security.

There would also be sustainable elements, including a high level of water quality and treatment, incorporation of hot water heaters as a group for the entire development, with solar hot water for pre-heating, raising the energy level and savings for the overall development. The developer was also looking at the incorporation of solar voltaics. Other materials in the interior would include low VOC paint, green certified carpeting and the use of other green materials for the interior adding to the overall air quality for the overall development. Each unit would have an AC unit.

Mr. Williams suggested that it would be a nice addition to the rental housing market in the City. He thanked staff for working well with them and for supporting the developer during the entire process.

Mr. Williams affirmed, when asked by Commissioner Harris, that the site would be properly
designed with fire walls. He noted that the site would not have elevators. The handicap accessible units would be located on the ground floor. While the townhome units were not located on the ground floor, each type of unit in the development would have accessibility on the ground floor. He noted that there were no corridors in the development to keep the units individualized. The buildings would include fire sprinklers. A 30-year roof had been proposed, to be light colored for energy efficiency.

Commissioner Harris suggested that a 40-year roof would be more acceptable.

Mr. Williams expressed the willingness to review whether or not a 40-year roof would fit into the budget.

As to the fencing, Mr. Williams noted that two different types of fencing had been considered. A fence that defined the area would be considered with a possible low wood traditional picket fence with the use of pressure treated lumber to be painted to match the architecture and trim work of the development. Or, a metal fence could be considered.

Mr. Williams stated that Resources for Community Development would work with the management staff and the contractor to identify the fencing materials and would bring that element to Planning staff for review.

Commissioner Diokno noted the propensity of children to kick in a picket fence when walking by. He also spoke to the pathway adjacent to the windows of the apartments which could create a privacy issue. He supported some vegetation in that area.

Mr. Williams commented that there would be landscaping along that entire area. He also clarified, when asked, that the siding of the buildings would consist of predominant plaster stucco siding with some cement board accents trimmed out.

Commissioner Harris recommended that the eight foot high cedar fence proposed along the southern and western border between the existing single family homes and the proposed development be changed to a pre-cast 8-foot wall.

Mr. Williams commented that the 8-foot wood fence between the site and the single family homes would be solid and take at least 4 x 6 or 6 x 6 posts, and with the extra height would make it a strong fence. The Police Department had requested an 8-foot metal fence between the site and the adjacent church site to ensure visibility into the area.

Commissioner Harris sought a pre cast wall between the site and the existing residences. He suggested that should be a condition of approval and suggested that it would not be a financial burden on the development.

Mr. Williams noted that the adjacent single family residents were not opposed to an 8-foot
high solid wall fence. He again stated that 1 x 6 or 1 x 8 cedar with a center board and a top and a bottom had been proposed.

Vice Chairperson Ohlson requested clarification as to whether or not there would be a gate in front of each residential unit door.

Mr. Williams explained that they would work out the fencing details with staff, although he planned to have a fence one to two feet behind the sidewalk with a bit of landscaping in front, with openings along the way from the sidewalk to the various units. The intent was to have openings to each of the units. The intent of that fence was to define and demarcate the front yards versus the street.

In response to the Vice Chair, Mr. Williams clarified that Section 3. Decision, Condition 7, related to the carports which would have a steel frame with a metal underhang. The top would be in keeping with the remainder of the development and adjacent properties with a composition shingle roof. The metal on the bottom would be factory painted white and the trim pieces would be painted to match the trim of the overall development. There would not be a separate ceiling. Mr. Williams also identified the location of bike racks in the front of the development. He added that most units would have additional storage space within the units.

Vice Chairperson Ohlson also requested clarification on plans for an entrance sign as shown on Page A-10 of the submitted plans. He understood that the applicant did not have approval of a sign at this time.

Ms. Ayres clarified that developers were required to file a sign application permit which must be compared to a different code and sign standards. It was not the intent to hold off the application while an application was filed and analyzed by staff. The intent was to move the larger project forward and later file for a sign application. Signs typically would go through the staff delegated review process.

Mr. Williams clarified that the entry signs were intended to be placed at the corner of the driveway. He affirmed, when asked, that he accepted the original conditions of approval, as amended by staff. As to the concern with the maintenance of the fence and the sound treatment, he emphasized that he had experience with wood fences on similar developments which were 8 feet tall fences and which had been successful. He suggested that the pre cast concrete fences were more expensive than the materials being proposed and suggested it would be an excessive burden on the development. He reiterated that they were raising the height of the fence from six to eight feet and they had also done an extensive amount of landscaping on the perimeter adding to the cost, improving the neighbors shielding, and screening the units themselves.

Commissioner Harris stated that he would still like an 8-foot high pre cast wall adjacent to
the existing single family residences.

Commissioner Garcia suggested that the project was well designed and landscaped although he was not sure it was the appropriate place for such a development. Given the surrounding apartment complexes which were all federally subsidized and given other low income projects nearby, he had serious concerns with the appropriateness of the location. He noted that the area had experienced high crime in the past and he questioned the Police Department’s certainty that there would be problems. He was also not sure who the homes were being built for, whether for local residents or those from the surrounding area.

Commissioner Garcia pointed out that there was another low income development near the Marina that was advertising for tenants. He understood that the low income housing in the City had been intended for local residents and not everyone else in the Bay Area. He would rather see single family homes built on the property. He otherwise agreed that the pre-cast masonry wall should be installed adjacent to the single family residences. He would support the development if the units were restricted to Pittsburg residents only.

In response to a question by Commissioner Ramirez, Ms. Ayres explained that the last reporting period for the City’s required affordable housing had been the reporting period of 1999 to 2006/07 with the State having extended the reporting period to 2009 when the new Housing Element must be complete. Every seven to nine years the State gave the regional planning agency a set of numbers and the City received its fair share of the growth that the California demographers had defined. The City was obligated to create a Zoning Ordinance and General Plan to support its fair share of the State’s growth as determined through the allocation process.

As of the 2007 reporting period, Ms. Ayres advised that the City had approved all requirements for Above Moderate, Moderate and Low Incomes but had not met the Very Low income requirements. The City was short approximately 250 Very Low income units. The City also had a settlement agreement where it had to make up units from previous projects that the City did not make or had not placed deed restrictions on, and therefore had not counted under Redevelopment Law. The proposed project was supported by the Redevelopment Agency with a Disposition and Development Agreement (DDA) to create the proposed project in the subject location.

Ms. Ayres noted that the action before the Planning Commission was only the design review application to determine whether or not the use, which was permitted, had an architecture and site plan the Planning Commission could support. She further clarified, when asked, that the Mercy Housing Development of approximately 63 units had a funding gap issue, and that those numbers had already been accounted for in the last annual report with the State. Staff would be coming back to the Commission in August with a new annual report.
Commissioner Diokno noted that the entire project would not go to Very Low Income households since a certain percentage were to be Low or Moderate Income units. He liked the design of the project and recognized that the appropriateness of its location was not the issue before the Commission.

Commissioner Harris spoke to the past uses in the area and the high crime which had occurred at that time. The new proposal would be across the street from that area. He was not confident that crime would not again become an issue in the area.

OPPONENTS: None

MOTION:

Motion by Commissioner Diokno to adopt Resolution No. 9721, approving AP-07-436 (DR), Design Review approval to construct a 71-unit multi-family rental complex on 3.25 acres at the intersection of Frontage Road and Crestview Drive, “Crestview Inter-generational Housing Development”, APNs 087-030-008, 087-195-020, 087-193-001, 087-193-002, 087-193-035, 087-193-036 and 087-400-018, as conditioned, as modified by staff, and subject to the following additional condition:

- An eight-foot tall pre-cast masonry wall shall be built along the property line where it abuts single family homes and the proposed development.

The motion was seconded by Commissioner Harris and carried by a roll call vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ramirez, Ohlson
Noes: None
Abstain: None
Absent: Commissioner Thomas

STAFF COMMUNICATIONS:

The Planning Commission acknowledged receipt of the following Notice of Intent items:

1. Mazzei Hyundai Freestanding Sign. AP-06-386
2. Kingdom Hall Freestanding Sign. SR-07-448

COMMITTEE REPORTS:

Vice Chairperson Ohlson reported that the TRANSPLAN Committee had met and had discussed its yearly work program, the 2008 State Transportation Improvement Program
(STIP), received a report from the eBART Partnership Policy Advisory Committee (ePPAC), received announcements from BART regarding the costs related to eBART and been advised of the retirement of the BART General Manager.

COMMENTS FROM COMMISSIONERS:

Commissioner Harris congratulated the Vice Chair on his reappointment.

Commissioner Garcia also congratulated the Vice Chair on his reappointment to the Planning Commission.

Commissioner Diokno inquired of staff if the annexation of Bay Point were to occur in the future, whether or not the hillside regulations would apply, to which Ms. Ayres noted that as currently drafted the regulations would apply to any future annexed property that included any hills above 500 feet or that were zoned HPD.

Commissioner Ramirez congratulated the Vice Chair on his reappointment. He otherwise inquired of the status of the Frances Green church.

Ms. Ayres reported that Frances Green had not completed any improvements within the last 180 days and that the City Engineer had notified Ms. Green that the building permits and use permit had expired and would not be reinstated or honored unless she submitted a letter outlining her commitment to complete items within a time deadline.

Commissioner Ramirez commented that five homeowners on Shasta Circle had requested speed bumps and although they had submitted a request to City Hall there had been no response.

Ms. Ayres noted that such a request took some research and it would take time for the homeowners to receive a response.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:07 P.M. to a regularly scheduled meeting on July 9, 2007, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission