MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
April 25, 2006

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, April 25, 2006, in the Council Chambers of City Hall, Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Ohlson, Chairperson Ramirez

Excused: Commissioners Tumbaga, Williams-Thomas

Staff: Planning Director Melissa Ayres, Associate Planner Christopher Barton, Assistant Planner Leigha Schmidt, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, April 21, 2006.

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.
CONSENT:

a. Pittsburg Islamic Center (Extension of Time)

Chairperson Ramirez requested an amendment to the second sentence of the eighth paragraph on Page 9 of the April 17, 2006 minutes, as follows:

The meeting reconvened at 8:51 P.M. with all Planning Commissioners present.

MOTION:

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

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Ramirez
Noes: None
Abstain: None
Absent: Commissioners Tumbaga, Williams-Thomas

PUBLIC HEARINGS:

Item 1: Delta Hawaii Senior Apartments Subdivision. AP-06-312 (SUBD/VAR)

A public hearing on an application by Delta Hawaii Apartments LLC requesting approval of a tentative map for 24 senior condominium units that are currently under construction. The application includes a request for a variance in the minimum requirement for private storage, minimum parking requirements and in the minimum distance between first-story dwelling unit windows and recreation open space on-site. The project will necessitate an amendment to the bonus incentive agreement approved by the City Council. The 1.46 acre site is located at 701 Stoneman Avenue in the RM (Medium Density Residential) District. APN 088-300-005.

Assistant Planner Leigha Schmidt presented the staff report dated April 24, 2006. She recommended that the Planning Commission adopt Resolution No. 9638, approving AP-06-312 (SUBD and VAR) with the conditions as shown.

Commissioner Garcia referenced General Condition 2 of Resolution No. 9638 and clarified with staff that the original entitlement had called for a concrete wall which had yet to be installed along the western edge of the property line closer to the buildings. The Engineering Department had also requested that a gate be placed between the concrete wall and the staff recommended gate in order to prevent public access to the creek while remaining accessible to public works.
Ms. Ayres clarified that the concrete wall, when built, would be located on the east side of Kirker Creek closer to the building than the sidewalk.

Commissioner Ohlson inquired whether or not the General Plan called for setback requirements from the center line of the creek. If so, he questioned whether or not the project had honored those requirements.

Ms. Ayres explained that the General Plan did not require setbacks from center lines of creeks but would require that any development stay out of the vegetative area along the banks of creeks, essentially the habitat around the creek.

PUBLIC HEARING OPENED

PROPOSED:

BRIAN TEMPLE, Delta Hawaii Apartments, 545 North Marquette Street, Pacific Palisades, also spoke to Condition 2 and clarified that a wood creek fence was planned to be installed on the apartment side of the creek. He referenced Attachment 2, the Condominium Map, and the area behind Building A. Rather than build two wood creek walls, or one wood creek wall and one wrought iron fence to replace the existing chain link fence, he requested to be allowed to shift the wood creek wall to the perimeter of the project which would provide additional safety and prevent anyone from entering the creek bed from the sidewalk. Such a configuration would also be more aesthetically pleasing.

Commissioner Ohlson preferred a wrought iron fence rather than a wood fence and would like to see a wrought iron fence similar in design to the one along the property line. He otherwise questioned how the wood fence would be maintained in perpetuity.

Mr. Temple noted that whether a wood or wrought iron fence was installed the costs would be the same in that either material was possible. He also clarified that while the LLC operated the apartments for ten years as apartments, the LLC would be responsible for the maintenance of the fence. The LLC would own the condo units and would rent them out. Once sold, they would be the responsibility of a Homeowner’s Association (HOA), as would all other appurtenances on the property.

Chairperson Ramirez also supported a wrought iron fence rather than a wood creek fence.

Mr. Temple noted that the wood creek fence was actually a pre-cast concrete wall that was fabricated in six foot sections. He suggested that while the City would be better off blocking off that area for safety purposes, he would comply with the Planning Commission’s decision.
Ms. Schmidt clarified that staff had recommended a wrought iron material rather than a concrete material since it would be built over a culvert and there could be some issues with the heaviness of the concrete over that area. Since there was also visibility to that area she stated it would be nice to have views through a wrought iron fence into the creek area.

Commissioner Ohlson recognized that the project would provide 44 parking spaces where 48 parking spaces were normally required. He added that Stoneman Avenue had been designated for future Class II Bicycle lanes and overflow parking would not be allowed on the street.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-06-312 (SUBD/VAR)

Motion by Commissioner Garcia to adopt Resolution No. 9638, approved AP-06-312 (SUBD/VAR) a Tentative Map For Condominium Purposes for Delta Hawaii Senior Apartments located at 701 Stoneman Avenue, “Delta Hawaii Senior Condominiums AP-06-312 (SUBD, VAR)” with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Ramirez
Noes: None
Abstain: None
Absent: Commissioners Tumbaga, Williams-Thomas

COMMISSION CONSIDERATION:

Item 2: Resolution of Intent to Amend the San Marco Development PD Planned Development District – San Marco Park Consolidation

A City-initiated proposal to amend San Marco PD District No. 93-1057 to consolidate several village parks and one community park (Parcel “D”) with the planned community park to be located at the northeastern corner of San Marco Boulevard and the future West Leland Road extension. San Marco development is located south of State Route 4 along San Marco Boulevard. APNs 097-130-002; 097-140-001; 097-150-005; 097-150-002; 097-150-006; 097-150-007; 097-190-001; and 097-180-001.

Ms. Ayres reported that the Planning Commission had been provided with correspondence from Seecon Financial and Construction Co. Inc., dated April 25, 2006, in support of the Resolution of Intent and a request for clarification. In response to the applicant’s correspondence, she requested that the second sentence of Section 1. Background,
paragraph A, of Resolution No. 9636 be amended to read:

The Planning Department is requesting that the Commission initiate a study to consider amending the PD District to allow for consolidation of the parks in San Marco into one large community park, instead of several fragmented parks scattered throughout the development (the property owner supports this action.)

Ms. Ayres also requested that Section 2. Decision, paragraph A, of Resolution No. 9636 be revised to read:

The Pittsburg Planning Commission hereby initiates a study to consider amending San Marco PD District 93-1057 to consolidate four village parks and one community park (Parcel “D”) with the planned community park to be located at the northeastern corner of San Marco Boulevard and the future West Leland Road extension.

Associate Planner Christopher Barton presented the staff report dated April 25, 2006. He recommended that the Planning Commission adopt Resolution No. 9636, approving a Resolution of Intent to amend the San Marco PD District – San Marco Park Consolidation Study, as amended.

PUBLIC HEARING OPENED

PROPONENT:

DICK SESTERO, Seecon Financial and Construction, concurred with the proposed study. He acknowledged the discussions with staff to consolidate the parks for the best plan possible. He stated that the goal was to have parks on the project site that made sense and which the City could maintain while also having the parks accessible to all residents.

Commissioner Ohlson inquired of the status of the trail on the west side of San Marco Boulevard between the Leland Road Extension and the school. He expressed a desire that the planned parks be connected with the East Bay Regional Park District (EBRPD) standard dimensions for trails.

Mr. Sestero reported that there was a Class I Bike trail from the south end of San Marco Boulevard past the school down to Santa Theresa Drive. The developer would be signing an agreement to continue that trail along the west side of San Marco along the mitigation stream down to Leland Road. The developer would also design Santa Theresa Drive as it leaves the park side near the school with another Class I Bike path. That bike path would wrap around to the west past the park at the west end of San Marco down to Leland Road, and Leland Road back over to San Marco Boulevard, a mile long loop for a separated bike path from the main street.

Commissioner Ohlson sought a connection of the parks based on EBRPD standards for
12-foot wide trails with two feet distance on each side, consisting of a 16-foot right-of-way. Mr. Sestero understood that the Class I Bike paths to be provided would consist of an 8-foot asphalt trail with two foot shoulders. In addition there were bike lanes on the street.

OPPONENTS: None

Commissioner Garcia made a motion to approve the resolution as amended by staff. Commissioner Harris seconded the motion.

Commissioner Ohlson requested an amendment to the motion and asked that language be added to the document indicating that the study would incorporate the inclusion of EBRPD standard widths for the bike trails.

As the maker of the original motion, Commissioner Garcia opposed the amendment since it would make the trails wider than the streets.

Commissioner Dolojan seconded the amendment to the original motion.

MOTION: Amendment to Original Motion

Motion by Commissioner Ohlson to adopt Resolution No. 9636, approving a Resolution of Intent to study an amendment to San Marco PD District 93-1057 to consolidate four village parks and one community park (Parcel “D”), with the planned community park to be located at the northeastern corner of San Marco Boulevard and the future West Leland Road extension, for “Resolution of Intent to Amend the San Marco PD District – San Marco Park Consolidation Study,” as revised with an additional condition as follows:

- Language to be added to the document indicating that the study incorporate the inclusion of East Bay Regional Park District (EBRPD) standard widths for the bike trails.

The motion was seconded by Commissioner Dolojan and FAILED by the following vote:

Ayes: Commissioners Dolojan, Ohlson
Noes: Commissioners Garcia, Harris, Ramirez
Abstain: None
Absent: Commissioners Tumbaga, Williams-Thomas

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9636, approving a Resolution of Intent to study an amendment to San Marco PD District 93-1057 to consolidate four village parks and one community park (Parcel “D”), with the planned community park to be located at the northeastern corner of San Marco Boulevard and the future West Leland Road
extension, for “Resolution of Intent to Amend the San Marco PD District – San Marco Park Consolidation Study,” as revised by staff. The motion was seconded by Commissioner Harris and CARRIED by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Ramirez
Noes: None
Abstain: None
Absent: Commissioners Tumbaga, Williams-Thomas

STAFF COMMUNICATIONS:

There were no staff communications.

COMMITTEE REPORTS:

Commissioner Garcia reported that the TRANSPLAN Committee had met on April 13 with status reports on eBART, the State Route 4 Widening Project to Loveridge Road and the metering proposed for Meadow Lane.

COMMENTS FROM COMMISSIONERS:

Commissioner Ohlson clarified with staff the status of the Habitat Conservation Plan Association for East Contra Costa County, (HCPA) joint powers agency that had been formed to create a joint permit to address endangered species for development in hillsides. Mr. Barton explained that the City had been working for the past four years to obtain permits so that a developer could incorporate habitat conservation into the project design and staff at a city level could review the plans and present a project that met certain biological standards. The City had retained a consultant to prepare a draft plan. The final version would be submitted and circulated in about a month. It was expected that the final plan would be submitted to the City Council for action in mid-July.

Commissioner Garcia noted that the recycling storage facility at the Save Mart Shopping Center site had not moved and unless code enforcement was involved it would likely not be removed. He added that a vehicle had been abandoned adjacent to the recycling facility which should also be removed through the code enforcement process.

Ms. Ayres reported that staff had sent the property manager of the shopping center a letter advising of the problems and staff was working with code enforcement on the matter. In addition, the property located at Tenth and Harbor Streets which had a use permit for auto sales and auto repairs was being reviewed by staff. Staff had viewed that site and had scheduled a meeting with the applicant and code enforcement personnel. She noted that the applicant could be cited for non-compliance of the conditions of approval for that use. The Planning Commission might consider revocation proceedings for that business if the property was not cleaned up appropriately.
In response to Commissioner Harris regarding the status of conditions for the Mehran Restaurant, Mr. Barton was uncertain whether or not the windows had been installed or building permits had been pulled for their installation, although he would verify the status of that situation.

Ms. Ayres also clarified that the project would not be reviewed by the City Council unless the City Council specifically made that request. If the Planning Commission desired to commence with revocation of the use permit for the restaurant, that process would start with the Planning Commission.

Mr. Barton added that as part of the City Council’s approval of the restaurant, the applicant would be required to provide an update to the City Council at the end of the year. Potential revocation proceedings of the business use permit would be a separate matter.

Ms. Ayres stated staff would conduct a field inspection of the restaurant site on April 26 to determine whether or not required signage had been installed and whether or not building permits had been pulled for the installation of the windows. In the event no action was taken by the next Commission meeting, staff could commence the process to consider a revocation hearing of the use permit for the business.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:45 P.M. to a regular meeting of the Planning Commission on May 9, 2006 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, California.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission