A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:00 P.M. on Tuesday, November 28, 2006 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Harris, Ohlson, Thomas, Chairperson Tumbaga

Excused: Commissioner Ramirez

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Dana Hoggatt, Associate Planner Christopher Barton, Associate Planner Robie Evangelista, Associate Planner Alexandra Endress, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Wednesday, November 22, 2006.

PLEDGE OF ALLEGIANCE:

Commissioner Thomas 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. Range Road Middle School – General Plan Compliance Report

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: Third Street General Plan Amendments

A City initiated proposal to amend the General Plan land use designation on two (portion of one) properties that are both north of E. Third Street and generally east of Harbor Street from the current land use designations of Marine Commercial and Park to Industrial. Conversely, the area that would generally be considered the extension of harbor Street (+2 acres) north of E. Third Street is proposed to be changed from a land use designation of Marine Commercial to Park. The project site totals about 11.5 acres and includes APN 073-020-004 and a portion (approximately 8.7 acres) of APN 073-010-13. Included in this amendment is a proposal to remove the proposed industrial area from the Downtown sub-area of the General Plan and add it to the Northeast River sub-area. The zoning of the proposed industrial area will then automatically convert to the IG (Heavy Industrial) Zoning District.

Associate Planner Robie Evangelista presented the staff report dated November 28, 2006. She recommended that the Planning Commission recommend approval to the City Council of the proposed General Plan Amendments to amend the Land Use Diagram in the Land Use Element, Downtown Element, and Open Space and Youth and Recreation Element and related figures, text and tables therein as described in the resolution.

Commissioner Garcia spoke to Page 6 of 11 of Resolution No. 9677, Exhibit A, which had shown a park site while the subdivision at the waterfront had a light shaded area. He inquired of staff whether or not that area would be a park site as well.
Planning Director Melissa Ayres responded that the exhibit reflected the current General Plan Map and might not reflect the Johns Manville General Plan Amendments. She explained that staff would ensure that if the area was already Multi or Single Family, it would be corrected on the map. She noted that there had been a linear park at that location at one time although it had been removed as part of the Johns Manville General Plan. Staff would review the final exhibit to ensure that it was accurate.

Chairperson Tumbaga also spoke to Exhibit A which had shown the boundaries of the area and which had shown a small area that was the same shade of gray as the Johns Manville site near the spur tracks. She questioned whether or not that was also Johns Manville property.

Ms. Ayres explained that the area identified was Industry Road, part of a study area of the General Plan Amendment, although staff decided not to change the General Plan designation for that property at this time. The City Council had authorized staff to hire a consultant to conduct a port study of the area which would not be amended pending the results of that study.

Chairperson Tumbaga also noted that Exhibit D of Resolution No. 9677 had shown the same area identified as the Amended Northeast Sub River Area.

Ms. Ayres commented that the black boundary as shown on the map had identified that area as still part of the Downtown, and had been since 2001, since it had a land use designation of Marine Commercial which was only in the Downtown Element.

PUBLIC HEARING OPENED

PROPOSENT: City of Pittsburg

OPPOSITIONS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Thomas to recommend that the City Council amend the Land Use Element, Downtown Element and Open Space, Youth and Recreation Element of the General Plan, “East Third Street General Plan Amendment.” The motion was seconded by Commissioner Garcia and carried by the following vote:

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

COMMISSION CONSIDERATIONS:

Item 2: San Marco Villas. AP-06-328 (DR)

A request for design review approval to construct a 330-unit two and three-story apartment complex, clubhouse, and related site improvements on a 21.42 acres site located at the northwest corner of San Marco Boulevard and the West Leland Road extension in the San Marco PD District 93-1057 (Plan Development) District; APN 097-550-004.

Associate Planner Christopher Barton presented the staff report dated November 28, 2006. He recommended that the Planning Commission adopt Resolution No. 9679 approving AP-06-328 (DR), with the conditions as shown.

Mr. Barton identified revisions to Conditions 2, 3, 14 and 25 of Resolution No. 9679, dated November 28, 2006, copies of which had been provided to the Planning Commission and the applicant. He noted that the applicant had also requested a three year approval for the project which staff agreed would be acceptable due to the size of the proposed development.

Commissioner Diokno questioned why the project was exempt from the Inclusionary Housing Ordinance, to which Mr. Barton explained that the project was subject to a Development Agreement (DA) approved in 1993. The Inclusionary Housing Ordinance became effective in 2004. The DA for San Marco had therefore predated the 2004 ordinance requirements.

Ms. Ayres added that pursuant to State law, once a DA had been approved the rules related to the project could not be changed, which in this case applied to the entire San Marco PD Development.

Commissioner Diokno questioned whether or not there had been any consultation with Tri Delta Transit regarding the bus stop at West Leland Road which led onto a dead end street. He inquired whether or not there were any plans to have a turnaround at that area.

Mr. Barton advised that Tri Delta Transit had reviewed the plans and location of the bus stop. While he was uncertain of the routing requirements for a turnaround, the location of the bus stop had been determined to be the best location for the turnaround. He acknowledged that West Leland Road would terminate just past the bus stop.

Commissioner Ohlson spoke to Condition 6 of Resolution No. 9679 and asked for assurance that bike lanes would be included on the major collector street. Per Policy 7-P-52 of the General Plan, he pointed out that would require all new arterial and collector streets to accommodate bicycles. He assumed that there would be 12-foot wide lanes in each direction leaving narrow bike lanes.
Senior Civil Engineer Alfredo Hurtado explained that the Project Engineer should respond to that concern.

Commissioner Ohlson also spoke to Section 3. Design, Condition 4, of Resolution 9679 and expressed concern that the Deferred Agreement had been identified in that agreement. He suggested that the sidewalk should be built now.

Mr. Barton explained that the condition had been worked out with the Engineering Department and the developer. Access to the San Marco subdivision and the design for West Leland Road at that location had been worked out some time ago. The access point, per the condition, stipulated that the construction of the sidewalk was directly tied to there being a pedestrian connection to the north.

Ms. Ayres noted that the intent was not to take a sidewalk down a path leading people to a dangerous situation. By not sending people in that direction pedestrians would know to follow the sidewalks on the other side of the street rather than onto the busy on-ramps.

Commissioner Ohlson suggested that not building the sidewalk should not assume there would be no pedestrians. He suggested that pedestrians should be accommodated since they would be there. He referenced General Plan Policies 4-P-83, 4-G-17, 4-G-18, 7-P-36, 7-P-38, 7-P-39, 7-P-40 and 7-P-41 in support of his request.

Ms. Ayres noted that it was up to the Commission to address that issue.

Commissioner Thomas spoke to Section 3. Decision, Condition 14 of Resolution No. 9679 and inquired whether or not that condition was a standard condition that would apply to everyone. She was advised by staff that condition was imposed on all multi-family developments.

Commissioner Garcia noted that the bus turnout on Leland Road was a good idea, particularly since Leland Road might eventually extend over the hill into the City of Concord and it was a good idea to install that turnout now rather than at a later date. He also referred to a trail leading down to the freeway on the east side of San Marco Drive which would not encourage people to travel on the west side.

Commissioner Ohlson commented that having spoken with a representative of the developer, he understood that the trail would be planned for the west side.

Ms. Ayres clarified that there would be a Class I trail into the San Marco development on the west side connecting from West Leland Road up to the school and there might be a sidewalk within the subdivision north of there. She noted that the developer could clarify that situation.
Commissioner Garcia recalled that the trail had originally been on the east side. Commissioner Ohlson suggested that a trail on the west side with no sidewalk was contrary to efforts to convince Caltrans to build a sidewalk and contrary to the Delta De Anza Trail requiring pedestrians to cross the on and off-ramps. He noted that the American Safety Council had determined that crossing a major arterial street more than once a mile was less dangerous by car than walking. If at West Leland Road, pedestrians would cross at San Marco Boulevard, walk down the street and the first opportunity to reach the Delta De Anza trail where there was no traffic light would require pedestrians to walk to the off-ramp at westbound State Route 4 into Evora Road, and walk back up. He noted that the average pedestrian would not walk that distance and would likely cross at the red light at West Leland Road, dart across San Marco Boulevard or stay on the west side under the freeway and get on the trail.

Commissioner Ohlson suggested that the safest thing to do would be to build as much of the sidewalk as possible so that the trail was continuous. He did not see that would be cost prohibitive for the developer to build the sidewalk.

PUBLIC HEARING OPENED

PROONENT:

LOUIS PARSONS, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, thanked City staff for its review of the project with multiple meetings having been held on the first multi-family development in San Marco. He noted that Tri Delta Transit had submitted a letter to the City and the developer on the development and had concurred with the location of the bus turnout with the anticipation that West Leland Road would extend farther west. As to the Villa Drive connection and whether or not there was a bike path, he advised that the developer had submitted its application, taken comments from the Engineering Department and would design Villa Drive to whatever the Engineering Department required for a major collector street.

Speaking to the concern with the sidewalk, Mr. Parsons explained that the developer desired to enter into a Deferred Improvement Agreement for the west side of San Marco Boulevard. In working with City staff, he noted that if the developer were to build the sidewalk at this time leading to an off-ramp that would involve an increase in traffic and could create a hazardous area since there was nowhere to go if continuing north. The Deferred Improvement Agreement would allow the City to work with Caltrans on a possible sidewalk and the developer could fulfill its obligation at a later date.

Mr. Parsons questioned the feasibility of building a monolithic sidewalk on the west side of the underpass. While he understood the concerns, he stated the reality was that the sidewalk would lead to nowhere creating a safety hazard. He otherwise advised that the project architect and engineer were present in the audience to respond to any concerns.
Commissioner Ohlson did not agree with the justification to not build infrastructure if there was no infrastructure at the end of the infrastructure.

Mr. Parsons reiterated that if the sidewalk was built now and a future development occurred in San Marco, pedestrians walking with no pedestrian crossing near the off-ramp would be a hazard and liability to the City and the developer. Given the lack of pedestrian connection, he stated that if the City could get the sidewalk built on the west side of State Route 4, the developer would build the sidewalk through a Deferred Improvement Agreement.

Commissioner Ohlson suggested that not building the sidewalk did not mean there would not be pedestrians, in that pedestrians would walk under the path and use the existing sidewalk on the north side of San Marco Boulevard. He reiterated his opinion, as a pedestrian and a bicycle advocate that the sidewalk should be built at the same time as the development. While he could understand the deferral of the sidewalk by Caltrans, he would like to see the Deferred Improvement Agreement be extended to the end of the Development Agreement, to the year 2020.

Mr. Parsons disagreed that pedestrians would walk right behind the curb which was currently formally landscaped and sloped upwards. Given the formal landscaping in that area with no formal pedestrian point and with the Deferred Improvement Agreement, which would require the developer to bond, he suggested they would not enter into such an agreement for years for a sidewalk based on what might or might not happen with Caltrans.

Commissioner Ohlson expressed his hope that the developer would consider installing the sidewalk and consider it as an important amenity. Absent that, he could not support the project.

Mr. Parsons reiterated that the installation of the sidewalk was nonsensical at this time. He affirmed, when asked, that there was a sidewalk on the east side under the overpass.

Commissioner Garcia recognized that the City would have to accept liability for the intersection if the sidewalk was installed since the City would be liable if anyone was hit by a vehicle. He questioned whether or not Commissioner Ohlson would accept liability if the sidewalk was built.

Commissioner Ohlson commented that he would not pay any bond monies but would accept liability. He noted that the developer must build it.

Commissioner Thomas affirmed with Mr. Parsons that the development was excluded from the Inclusionary Housing Ordinance Agreement and that the project would be considered market rate.
Mr. Parsons assumed that the units would be leased at the market rate. As to any provisions for seniors or the disabled, he suggested that the firm’s management department respond to those questions. He affirmed that the developer was building other developments in the community, some of which included inclusionary housing units. Ms. Ayres explained that the developer had built other developments with an affordable unit component. Although the project would not be deed restricted, she stated that apartments in the community rented at affordable rates to Low Income households. In 2004, the City’s apartment units were affordable to those earning 70 percent of the area’s median income without the imposition of restrictions. As such, the subject units could be affordable without deed restrictions.

NORM DYER, Loving & Campos Architects, Walnut Creek, walked the Commission through the project design with the intent to provide a high end development at the western entry of the community with views of the river, Sierras and the southwest hills from different parts of the site. The development would consist of a village center on an axis with the perimeter buildings at the top of the slope taking advantage of views, with a formal center core, and with the higher three story buildings anchored by a two-story clubhouse positioned as a focal point and aligned with the project entry.

The two-story clubhouse would be 12,000 square feet in size with a game room, theater, party room, great room, and mail room and fitness center. The three story buildings in the middle would transition down to two stories at the edges, with ten two-story buildings and five three-story buildings. The center green space would include two pools, fountain, spa, a BBQ area and cabana. The project would include gated access, perimeter parking, and a fountain at the entry traffic circle offering a resort feel.

The site consisted of 21 acres with a total of 330 proposed units at a density of 15.5 units per acre, which was low for the development, with extensive landscaping, decorative paving, a traffic circle in the center paseo, a tot lot play area, and two bicycle parking areas, one at the main entry and another at the secondary entry off West Leland Road. A bicycle lane would be constructed on West Leland Road.

The architecture would consist of Mediterranean style with Italian influences, with multiple hipped roofs, towers, cupolas, arched windows, grid pattern glass, decorative iron work, large overhangs and corbel brackets. The clubhouse would have a prominent tower two-story space at the entrance, along with multiple wall planes, projections variable rooflines and numerous hipped roofs.

The project would also include garages emulating the building architecture and additional features such as cupolas in high visibility areas. Each building had five colors with brown and blue accents, with consistent roof tiles to tie all buildings together.
Of the 330 total units, 198 would be two bedroom units, with 132 one bedroom units. The units would include granite counter tops, and some would have island kitchens. The one bedroom units ranged from 750 to 800 square feet not including the deck or storage areas. The two bedrooms ranged from a little over 1,000 to 1,360 square feet not including the deck and storage. Six of the two bedroom units would include a den or office.

The third floor units on the three-story buildings would have fireplaces and vaulted ceilings, and large well appointed master baths with corner tubs throughout most of the units. Each of the units would have a private yard for the units at grade, or a covered deck for those units above the first floor. Many of the units would have a 45-degree orientation.

The units would also have hydronic heating providing a nice heat level at low cost, A/C units, water heaters in each unit, fire sprinklers for safety and one hour construction for safe housing.

Mr. Dyer stated that the development was a unique opportunity for the City and could be one of the nicest apartment developments in the County complimenting the San Marco development.

Commissioner Diokno commented that the bus turnout was a good idea given the lack of a bus route at this time. He suggested the same principle could be applied to the sidewalk. As to the building design, while attractive, he did not see that the units would be affordable given the prime site with many amenities in a high end development. He suggested that the attempt to evoke an Italian hillside, while a nice try, had obliterated, leveled and turned the hillside into a plateau with no attempt to use the natural slope.

Commissioner Diokno suggested if there was a way to take the design one step further and use the natural slope, the central portion where the three-story buildings were located could be elevated in such a way where all units would have views of the Delta and the Sierras. He suggested that the two-story units could be placed lower and face to the north and east to offer a view to the interior units and also achieve a more beautiful complex.

RICHARD SESTERO, Seecon Financial and Construction Company, explained that he had been working on the San Marco development for many years. When San Marco Boulevard was constructed, the City’s Engineering and Public Works Departments desired a sidewalk on the east side of San Marco Boulevard since that was the only way to get under the freeway. There was a concrete slope under the freeway on the west side of the underpass with no way to install a sidewalk under the underpass. Pedestrians walking under the underpass would have to walk onto the pavement, which was dangerous.

Since children would have to travel under the freeway to attend school, Mr. Sestero stated that there was no desire to encourage children to walk on the west side under the freeway given that it was dangerous and would require crossing traffic from the off-ramp which exited at high speeds.
Mr. Sestero suggested that the developer could build the sidewalk in the future but having to build it now made no sense given that there was no place to go. He commented that a barricade could be placed at the end of the sidewalk at the corner of San Marco Boulevard and West Leland Road to ensure that pedestrians would not continue and it could be made clear that pedestrians must cross over onto the other side. He added that when the developer was requested to install the sidewalk on the east side, there had also been a request to make San Marco Boulevard wider in that area. He stated that the roadway was wider than on the approved Tentative Map for break down lanes and bike lanes to ensure that traffic had more room, with the understanding that a sidewalk would be on the east side with landscaping on the west side.

Commissioner Ohlson reiterated his opinion that the sidewalk should be provided. He suggested that the average pedestrian would walk on the west and east side of San Marco Boulevard. He also suggested that it was good to have a break down/bicycle lane on the west side since that was where the pedestrians would walk.

Mr. Sestero disagreed given the high speed of traffic in the area and pointed out that there was a fence at the freeway where one could not physically walk beyond that point since it was in the Caltrans right-of-way. The sidewalk would therefore stop at the Caltrans boundary line. By installing the sidewalk, he suggested that would encourage people to get down to that point and there was nowhere to go from there. The developer was prepared to build the sidewalk if it made sense in the future, although he was not confident it would ever be built since the structure under the underpass would have to be modified. Given the lack of funds for freeway improvements, it was not likely the project would make Caltrans’ project list.

Commissioner Ohlson inquired whether or not Mr. Sestero would commit the organization to the Deferred Improvement Agreement until the end of the DA, to which Mr. Sestero reiterated that the developer had a clear understanding with Engineering Department staff to make San Marco Boulevard wider in return for not building the sidewalk. He suggested that the developer would not be willing to put it off indefinitely when it was not the developer’s responsibility in the first place. The developer was only willing to go the five years as currently stipulated in the Deferred Improvement Agreement.

Commissioner Ohlson noted that the end of the off ramp had a traffic light and he did not see that traffic would speed through that light. He added that the freeway was a barrier to passage and people would use both sides to cross. He suggested not building the sidewalk would not make it any safer.

Mr. Sestero again referenced the barrier and fence he had described which would prevent anyone from walking through to the trail where pedestrians would have to go up to the corner.
Commissioner Ohlson noted that the fence did not extend all the way to the intersection with a sidewalk on the other side of the fence. He again suggested it would not be cost prohibitive to make an opening in the fence. He referred to the traffic light at the end of the off ramp which would force traffic to reduce speed, stated that the freeway was a barrier to passage and that San Marco Boulevard was a way to get across the freeway, and that pedestrians would use both sides of the possible crossing.

Mr. Sestero reiterated his opinion that installing a pedestrian crossing in that area would be dangerous.

Commissioner Diokno inquired what neighborhoods attended the school on the north side of the freeway, to which Ms. Ayres explained that the children who attended Delta View were in the Mt. Diablo Unified School District (MDUSD) although the MDUSD could change its boundaries at any time. As San Marco developed, approved for 3,000 units, the MDUSD would likely move those students to other schools.

Mr. Sestero commented that there were children from Bay Point who attended Delta View.

Commissioner Diokno suggested that students who resided west of Willow Pass Road would take the shortest route possible to attend the school. He also commented that while the concern for pedestrian safety was commendable, pedestrians would likely encounter the same problems on the east side of State Route 4 when crossing the exit ramps from State Route 4 to Willow Pass Road.

Mr. Sestero commented that either way it was not safe.

Commissioner Diokno inquired whether or not the developer would be willing to revise the site plan and consider the use of the slopes to make it a more attractive development.

Mr. Sestero explained that they had struggled to meet Americans with Disabilities Act (ADA) requirements, which was a balancing act when dealing with slopes. While anything was possible, it was a question of how it would impact the feasibility of the project.

In response to the Chair, Mr. Parsons affirmed that he had read and was in agreement with the conditions of approval and the amendments identified by staff.

Commissioner Harris disagreed that a sidewalk should be installed since San Marco Boulevard was required to be made wider than the standard width. He agreed with the conditions as recommended by staff.

Commissioner Garcia commented that Caltrans would have five years to build the sidewalk
and if the area was already landscaped it would be difficult to walk through. He suggested the potential elimination of the bike lane to discourage children from walking into the street. He expressed concern encouraging children to walk down an intersection that was unsafe when there was safe travel on the west side where there was an existing sidewalk that would travel under the underpass. If there was a barricade, the only other way would be to go around the barricade and landscape or dirt, and people would not likely walked through. He recommended that Condition 4 of Resolution No. 9679, remain as written.

Commissioner Thomas was satisfied with the placement of a barrier as discussed by the applicant, although she agreed with the need to address the site plan and the use of the slope.

Commissioner Ohlson reiterated his concerns with the sidewalk and if Condition 4 remained as written, he would vote against the project. He liked the project and found it to be nice although without the sidewalk he would not support the project. If the Deferred Improvement Agreement was modified to be concurrent with the DA he might support the project.

Commissioner Diokno emphasized a concern with the site plan itself. He suggested that the sidewalk as planned on the east side was equally dangerous since children would have to cross Willow Pass Road, which was wider on the other side of the freeway with more traffic. Recommending that the site plan be modified, he suggested that the developer had the wherewithal to do better.

Chairperson Tumbaga agreed with Commissioners Garcia and Harris on the sidewalk issue in that it was safer not to install the sidewalk than it was to build it, although she agreed with Commissioners Diokno and Thomas on the need to address the slope. She suggested that too many developments on hillsides were wiping away the hills and not using them to enhance a development.

Commissioner Harris understood that if the sidewalk was installed the developer would have to carry liability insurance to address possible lawsuits. He was not confident that Caltrans would build the sidewalk and the developer would be burdened with that liability as a result. He also pointed out that the property already had a slope behind it.

Commissioner Diokno stated that he had visited and was familiar with the site. He would like to see the slope preserved at the rear as well and he would like to see the design be incorporated into the existing slope.

Commissioner Harris suggested that the site and project would be beautiful. He did not want to see the project be delayed or denied if the sidewalk was not supported and if the applicant was required to modify the site design.

Mr. Sestero commented with respect to the grading and contouring of the site, that the
Tentative Map for San Marco had shown that the site would be padded out and at the time the zoning was approved, elevations of the buildings for the site had been shown and reviewed where it was clear that the site would be padded out.

DAVE ISAKSON, Civil Engineer, explained that the developer had initially wanted the buildings to be higher to allow even better views, although in order to meet ADA requirements for a maximum five percent slope which would not trigger hand rails and the like, the buildings in the middle would only be up to 8 to 10 feet above the buildings on the outside edge. He stated that would allow anyone who was disabled or handicapped and who might reside on the outside edge to still reach the sidewalk and clubhouses. He emphasized that the project must meet the ADA criteria which severely restricted what could be done with the property.

THERESE VARNEY, Sierra Pacific Properties, reported that she oversaw the multi-family portfolio for Sierra Pacific and was a member of the Advisory Board for the Contra Costa Division of the California Apartment Association and an Instructor for the National Apartment Association. One of the topics she taught was fair housing, which involved a five percent rule where all ground floor apartments must be accessible to amenities. If not meeting that rule, it would preclude building on the slope and it might also impact the parking requirements. She also noted that Sierra Pacific Properties currently offered over 400 units in their portfolio for affordable housing.

In response to the Chair, Ms. Varney advised that the typical rents for the project would be whatever the market would bear at the time of build out. If the units were ready now, given the current market as an example, the rents could be in the range of $1,200 to $1,600 per unit. She reported that the maximum rent at Oak Hills Apartments was $1,325 for those units which were 20 years old.

Commissioner Thomas stated that she would like to see a list of apartments in the City that were fair market or affordable.

Ms. Varney commented that she had a list of units in the area, consisting of a monthly market survey of their competition, but which was not a complete list of all apartments in the City. Sierra Pacific had 460 units through the Section 8 program in the City and had apartment units that started in the $800 range and up. She acknowledged that there would not be anything in that price range in the subject development.

Commissioner Thomas wanted to see a list of fair market rents in the City, not those on Section 8 but those that needed affordable housing, including the elderly and disabled. Concerned with all residents of the City, Commissioner Thomas wanted to know that those who could not afford to purchase a home would be able to rent an apartment.

Ms. Varney advised that the Cornerstone Apartments were Sierra Pacific’s most expensive property with rents as high as $1,310, starting in the low $900 range.
Chairperson Tumbaga noted that fair market rents in the City were $1,600 a month and the two Housing Authorities and affordable rent was 30 percent of an individual’s income. She explained that the two Housing Authorities had opened their waiting lists and Section 8 were those allowed to participate in the program. The maximum allowed income for one person was approximately $46,000 for the Section 8 program and varied from person to person and family situation. She suggested that the development, if constructed now, could include rents from $1,300 to possibly $1,600 a month and would be considered high end, although $1,300 would be affordable to those within the 60 to 100 percent of the area median income.

Commissioner Ohlson wanted to see the Deferred Improvement Agreement expire at the end of the DA where the developer would not have to build the sidewalk until Caltrans constructed the sidewalk and the developer would not have to purchase liability insurance.

MOTION: AP-06-328 (DR) - FAILED

Motion by Commissioner Garcia to adopt Resolution No. 9679, approving AP-06-328 (DR), Design Review for a 330-unit, two and three-story apartment complex, clubhouse and related site improvements on a 21.42 acre site located at the northwest corner of San Marco Boulevard and West Leland Road for “San Marco Villas Apartments, AP-06-328 (DR),” with the conditions as shown and with amendments to Section 3, Decision, Conditions 2, 3, 14, and 25. The motion was seconded by Commissioner Harris and FAILED by the following vote:

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

Commissioner Garcia again made a motion to approve the design review application, as conditioned, and as amended with Section 3, Decision, Condition 4 of Resolution No. 9679 amended to reflect that the Deferred Improvement Agreement would run concurrent with the Development Agreement, which the developer indicated to Ms. Ayres would be supported. Commissioner Ohlson seconded the motion.

MOTION: AP-06-328 (DR) - CARRIED

Motion by Commissioner Garcia to adopt Resolution No. 9679, approving AP-06-328 (DR), Design Review for a 330-unit, two and three-story apartment complex, clubhouse and related site improvements on a 21.42 acre site located at the northwest corner of San Marco Boulevard and West Leland Road for “San Marco Villas Apartments, AP-06-328 (DR),” with the conditions as shown and with amendments to Section 3, Decision.
Conditions 2, 3, 14, and 25, dated November 28, 2006, and with a modification to Condition 4 to reflect that the Deferred Improvement Agreement would run concurrent with the Development Agreement. The motion was seconded by Commissioner Ohlson and CARRIED by the following vote:

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

Chairperson Tumbaga declared a recess at 8:40 P.M. The meeting reconvened at 8:50 P.M. with all Commissioners initially shown as present and absent.

**Item 3: Woodland Sign Exception**

An application by Therese Varney of Sierra Pacific Properties requesting the approval of a sign exception to allow three freestanding signs identifying Woodland Hills Apartments on Buchanan Road, where one sign is permitted. The site is zoned RH (High Density Residential) APNs 088-010-018-3 and 088-010-017-5.

Associate Planner Alexandra Endress presented the staff report dated November 28, 2006. She recommended that the Planning Commission adopt Resolution No. 9678, approving Sign Review Application No. AP-06-382, with the conditions as shown.

Commissioner Ohlson spoke to Page 2 of 5 of the November 28, 2006 staff report and verified with staff that the property was located southwest and not southeast of Buchanan Road and Kirker Pass Road.

PROONENT:

THERESE VARNEY, Sierra Pacific Properties, 3890 Railroad Avenue, Pittsburg, agreed with all of the conditions of approval as outlined in the resolution.

OPPONENTS: None

MOTION: AP-06-382

Motion by Commissioner Thomas to adopt Resolution No. 9678 approving AP-06-382, a Sign Exception to allow three (3) apartment identification signs on Buchanan Road to identify the Woodland Hills Apartments, “Woodland Hills Apartments (SR),” with the conditions as shown. The motion was seconded by Commissioner Ohlson and carried by the following vote:

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

Item 4: Zoning Code Update Study Session – Residential Districts

A study session on a City-initiated project to amend Title 18 (Zoning) of the Pittsburg Municipal Code (PMC) in order to implement General Plan goals and policies pertaining to residential development throughout the City.

Associate Planner Dana Hoggatt presented the staff report dated November 28, 2006. She recommended that the Planning Commission receive the staff presentation, accept input and comments from the public, and provide staff with direction on the draft revisions to PMC Chapter 18.50.

Commissioner Garcia spoke to the west side and the efforts to rebuild streets and underground utilities. He commented that it would be a shame to make those homes non-conforming. With new homes improving the area, he suggested that the City should not create a non-conforming situation in the area. He suggested that would also apply to the south side of Tenth Street where the homes were looking better. He also noted the same with the Central Addition and he did not want to burden homeowners who wanted to remodel his and her properties and could not if the properties were non-conforming.

Commissioner Garcia added that the same would apply to the east side such as Eighth Street east after E Street, and property between Eighth and Ninth Streets, although he agreed that the Cornwall area needed work.

Commissioner Thomas commended staff on the preparation of the staff report. She was in total agreement with the staff recommendations. As to Chapter 18.08, Use Classifications, Article 3. Governmental and Quasipublic Uses, 18.08.050, Governmental and quasipublic uses classified, Z, Yacht Club, as shown on Page 7 of 24, she requested clarification as to whether or not the City had any connection to the club.

Ms. Hoggatt advised that the list was a list of different uses on a property and was not implying that the City was associated with the Yacht Club.

Commissioner Diokno spoke to the staff recommendation to eliminate the RR zoning designation and requested clarification from staff on that issue. He was advised by Ms. Hoggatt that since the Zoning Ordinance had been adopted in 1991, no developer had come forward asking for an RR district.

Commissioner Diokno recommended that the RR designation be preserved since the City was adding acreage and it could be used in the hills.

Commissioner Ohlson referenced the discussion for the establishment of a minimum standard for the number of units built in an apartment complex, as shown on Page 8 of 10
of the November 28 staff report, and suggested it was reasonable to relax the requirements of the General Plan to the State requirements.

The Commission discussed the potential area of further study, items 1 through 4 as identified on Pages 6 through 10 of the November 28 staff report at this time.

As to the Downtown High Density and Park designation on existing single family lots in the downtown, Commissioner Ohlson commented that with new development on Railroad Avenue and Tenth Street the retention of the original designation to avoid creating a non-conforming situation would be acceptable to him.

Speaking to the same discussion item, Commissioner Diokno concurred with a down zoning of the Tenth Street neighborhood. The Chair concurred as well.

With respect to the establishment of a minimum standard for the number of units built in an apartment complex, the entire Commission agreed with the staff recommendations.

On the staff recommendation for Medium Density designation on existing lots within the Sunset Park Subdivision, Chairperson Tumbaga agreed with the staff recommendation and inquired of the three single family homes built by the Redevelopment Agency in that area. She asked whether or not those homes would be rental or for sale units and if so, whether they would be affected by the inclusionary zoning.

Ms. Ayres advised that the homes would all be affordable and be for sale. The remainder of the Commission agreed with the staff recommendation on that point.

As to the staff recommendation for a Low Density designation on existing multi-family properties throughout the City, Commissioner Diokno pointed out that the existing multi-family units in the single family neighborhoods had been in place for decades and would not harm the neighborhoods given that the dominant form of housing was single family.

Ms. Ayres explained that spot zoning was not permitted by State law. She reiterated the staff recommendation as shown.

Commissioner Garcia commented on the fact that many of the properties had not been built with required approvals. He did not want to jeopardize the existing properties but did not support any new placement of like properties.

Ms. Ayres suggested that the zoning could be changed to R5 and still maintain the single family neighborhood as it had been for some time.

Commissioner Thomas agreed that made sense.

Ms. Hoggatt commented that as long as the minimum lot size was 5,000 square feet it
would fit within the RS district and she would review the neighborhood again.

By consensus, the entire Commission accepted the staff recommendation for the above designation.

On the discussion, Commissioner Ohlson requested the following modifications:

- Attachment 3, Part III: Base District Regulations, Chapter 18.50, Residential Districts (R), Page 12 of 17, Article 4: Accessory Dwelling Units, 18.50.305, amended to read:

  18.50.305 Where permitted.
  An accessory dwelling unit is permitted in any residential district or planned development district on a lot that has a single-family dwelling.

- Attachment 3, Part III: Base District Regulations, Chapter 18.50, Residential Districts (R), Page 12 of 17, Article 4: Accessory Dwelling Units, 18.50.310, D:

  D. The dwelling conforms to the design and development standards for an accessory dwelling unit established in Section 18.50.315 of this article:

- Attachment 3, Part III: Base District Regulations, Chapter 18.50, Residential Districts (R), Page 12 of 17, Article 4: Accessory Dwelling Units, 18.50.310, G:

  G. The accessory dwelling unit complies with the development standards applicable to the residential planned development district in which the primary residence is located, except as allowed by subsection B of section 18.50.315 of this article;

- Attachment 3, Part III: Base District Regulations, Chapter 18.50, Residential Districts (R), Page 15 of 17, Article 5: Home Occupations, 18.50.405, Standards for home occupation permit, 9:

  9. One commercial motor vehicle, not exceeding a maximum of 15,000 pounds gross vehicle weight (GVW), may be maintained on the site provided such vehicle is used as the applicant’s means of transportation and such tools and equipment are not used for the performance of services on the site and stock-in-trade is not sold from the site,

Commissioner Harris expressed concern with the changes in the ordinance and commented that code enforcement could not handle existing problems.

Commissioner Thomas understood that the statement, as shown, was working and staff
had no complaints. The intent was to prevent the parking of excessively large utility vehicles and a basic pickup with a camper or station wagon or SUV, as examples, would be acceptable since the purpose was to operate the Home Occupation without knowing it was there.

Commissioner Harris expressed concern that the change in the section would impact those who parked on his and her own properties.

Commissioner Garcia understood that the intent was not to have large dump trucks parked in front of a home, as an example.

Commissioner Ohlson continued his recommended revisions:

- Attachment 3, Part III: Base District Regulations, Chapter 18.50, Residential Districts (R), Page 16 of 17, Article 5: Home Occupations, 18.50.415, Uses not permitted as home occupations, D:

  D. Either major or minor vehicle equipment repair, or vehicle painting, including off-site mobile services

The Commission expressed concern that services coming to a residence to deal with dents on a vehicle, as an example, would be considered off-site and would not be allowed as the section was written prohibiting services such as Dent Pro from coming to a private residence.

Ms. Hoggatt cautioned that deleting any portion of the text, as drafted, would create an inconsistency.

Commissioner Ohlson requested the following modifications to Attachment 4, Chapter 18.08, Use Classifications, Page 2 of 24, Article 2, Residential Uses, 18.08.040, Residential Use classifications, D 1 and 2, asked that the language in the sentences be parallel for both paragraphs in terms of the use of either the term “fewer” or “up to”.

Additional changes were recommended by Commissioner Ohlson, to:

- Attachment 4, Chapter 18.08, Use Classifications, Page 3 of 24, Article 2, Residential Uses, 18.08.040, Residential Use classifications, I,

  I. Senior Housing, A subdivision or site intended for, or building in which the residents of the dwelling units are, senior citizens.

- Attachment 4, Chapter 18.08, Use Classifications, Page 3 of 24, Article 2,
Residential Uses, 18.08.040, Residential Use classifications J 1:

Attached. Single-Family residential type wherein the primary residential structure is separated from the adjacent primary residential structure by a party wall built on the property line and has no primary residential units constructed above or below it.

- Attachment 4, Chapter 18.08, Use Classifications, Article 3, Governmental and Quasipublic Uses, 18.08.050, Governmental and quasipublic uses classified, 18.08.060, Governmental and quasipublic use classifications, A, was not consistent with Article 4. Commercial Uses, 18.08.070 Commercial uses classified, 18.08.080, Commercial use classifications, Page 11 of 24, Funeral and Interment Services. Definitions of the terms crematory, columbarium, mausoleum, and mortuary were recommended. It was noted that a columbarium belonged in a cemetery and not a funeral home. It was also suggested that a mausoleum belonged in a cemetery.

- Attachment 4, Chapter 18.08, Use Classifications, Article 3, Governmental and Quasipublic Uses, 18.08.050, Governmental and quasipublic uses classified, 18.08.060, Governmental and quasipublic use classifications, Page 4 of 24, B:

  B. Club or Lodge. Meeting, recreational, or social facility of a private or non profit organization primarily for use of members or guests. This classification includes union hall, social club, youth center, and bingo hall or room where bingo games as governed by Chapter 5.22.

- Attachment 4, Chapter 18.08, Use Classifications, Article 3, Governmental and Quasipublic Uses, 118.08.050, Governmental and quasipublic uses classified, 18.08.060, Governmental and quasipublic use classifications, Page 5 of 24, L,

  L. Homeless Shelter. Facility for the temporary housing of homeless or needy persons.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 7 of 24, 3 d:

  d. Animal, Retail Sales. Retail sales of small animals which take place within an entirely enclosed building. This classification includes activities such as feeding, exercising, obedience and assistance training, and grooming, if these activities occur within the building and are incidental to the retail use.
Page 8 of 24, 6, suggested that the subsection could be subsumed into the main paragraph.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 8 of 24, 10, suggested categories were not parallel and that paragraphs a and c overlap.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 10 of 24, h., requested that a DJ or disco be added to that section.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 11 of 24, 20, revise the reference of upholsterer, to upholstery.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 12 of 24, 27, strike the word “Non Medical” in the title for parallelism.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 13 of 24, 29, identified the misuse of the semicolon and requested the use of the serial comma throughout.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 14 of 24, 33, revise the title to read:

  Research and Development, Services.

- Attachment 4, Chapter 18.08, Use Classifications, Article 4 Commercial Uses, 18.08.070, Commercial uses classified, 18.08.080, Commercial use classifications, Page 16 of 24, 38, f, asked that the code mention no provision for a flea market or be mentioned in the category as either permitted or prohibited.

- Attachment 4, Chapter 18.08, Use Classifications, Article 5, Industrial Uses, 18.08.090 Industrial uses classified, 18.08.100 Industrial use classifications, Page 19 of 24, B, 2, title should read “Contractor Yard”.

- Attachment 4, Chapter 18.08, Use Classifications, Article 5, Industrial Uses, 18.08.090 Industrial uses classified, 18.08.100 Industrial use classifications, Page 20 of 24, 7, eliminate “saw sharpening” from the paragraph.
Ms. Ayres suggested that saw sharpening could be added to another section, potentially to be placed under Minor Repair.

- Attachment 4, Chapter 18.08, Use Classifications, Article 5, Industrial Uses, 18.08.090 Industrial uses classified, 18.08.100 Industrial use classifications, Page 21 of 24, D, title should be revised to read:

  Research and Development, Production.

- Attachment 4, Chapter 18.08, Use Classifications, Article 6, Agricultural and Extractive Uses, 18.08.110 Agricultural and extractive uses classified, Page 22 of 24, 18.08.120 Agricultural and extractive use classifications, C, would like to include some production equipment such as shovel, hoe, drag line.

- Attachment 4, Chapter 18.08, Use Classifications, Article 6, Agricultural and Extractive Uses, 18.08.110 Agricultural and extractive uses classified, Page 22 of 24, 18.08.120 Agricultural and extractive use classifications, E:

  E. Wind Energy Conversion System. Windmill farm for commercial production and sale of electricity produced from such devices.

- Attachment 4, Chapter 18.08, Use Classifications, Article 8, Temporary Uses, 18.08.150 Temporary uses classified, 18.08.160 Temporary use classifications, Page 24 of 24, H, add yard sale and garage sale to the classification.

Commissioner Garcia commended Ms. Hoggatt for her hard work, in particular when the Planning Director had not been present for a recent meeting when Ms. Hoggatt had acted as the Planning Secretary.

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that there was an e-mail response from past Commissioner comments and concerns which had been provided to each Commissioner.

Commissioner Garcia was pleased to see there would be money available to address traffic calming devices at Stoneman Avenue.

Commissioner Ohlson commented that if the in-road LED lights were installed in the asphalt the next time there was a grind and overlay, they would be ground out, thrown away and lost. He recommended a method to ensure the retention and protection of the LED lights.

**COMMITTEE REPORTS:**
There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Ohlson understood that Atlantic Plaza Shopping Center planned a global remodel of the center. He asked staff to consider changing the rules, that no matter the size of a shopping center the number of bike racks would grow with the size of the shopping complex and not stop at the maximum 14 bicycle rack requirement.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:32 P.M. to a regular meeting of the Planning Commission on December 12, 2006 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission