A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:00 P.M. on Tuesday, August 8, 2006 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: Commissioner Thomas

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, August 4, 2006.

PLEDGE OF ALLEGIANCE:

Commissioner Diokno led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Planning Director Melissa Ayres reported that the continued public hearing for Creekside Village Senior Apartments, Subdivision AP-06-310 (SUB), would be continued to the Planning Commission meeting of August 22, 2006.

COMMENTS FROM THE AUDIENCE:

Chairperson Tumbaga recognized Scouts from Troop #89 present in the audience to take notes as part of Citizenship in the Community merit badges.
PRESENTATIONS:

There were no presentations.

CONSENT:


Ms. Ayres noted that the minutes of the July 25 meeting would be amended to correct her title from Planning Manager to Planning Director.

MOTION:

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

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

CONTINUED PUBLIC HEARINGS:

Item 1: Creekside Village Senior Apartments Subdivision. AP-06-310 (SUB)

A continued public hearing on an application by Chris Valeriote of Terra Nova Development requesting approval of a tentative map to convert 88 senior residential apartments from rental units to senior-restricted condominiums. The application includes a request for a reduction in the minimum requirement for private storage space. The site is located at 30 Castlewood Drive in a PD (Planned Development, Ord. 1185) District. APN 089-060-008. (Continued from July 25, 2006)

As earlier reported, the item was continued to the Planning Commission meeting of August 22, 2006.

Commissioner Harris stepped down from the dais as a result of a potential conflict of interest with respect to the next agenda item.

COMMISSION CONSIDERATION:
Item 2: El Matador Restaurant. AP-06-233 (DR)

An application by Martin and Lupe Guzman requesting design review approval to construct a 5,815 square foot full-service restaurant on a 1.65 acre lot located at 95 Bliss Avenue. The site is zoned CS (Service Commercial) District. APN 088-171-033.

Associate Planner Ken Strelo presented the staff report dated August 8, 2006. He recommended that Planning Commission Resolution No. 9654, approving AP-06-233 (DR), be approved with the conditions as shown.

Commissioner Garcia spoke to Condition 11 and commented that although staff had recommended asphalt sidewalks, given the unknown status of Bliss Avenue in the future, that condition would require compliance with Title 12 Streets and Sidewalks. He suggested that the condition be amended to reflect that asphalt would be allowed for the sidewalks.

Senior Civil Engineer Alfredo Hurtado suggested that the condition would not require modification at this time although a condition could be added to reflect that the asphalt sidewalks would be allowed.

Mr. Strelo recommended that Condition 11 of Resolution No. 9654 be amended to include the clause “with the exception of the curb, gutter and sidewalk as shown on the plans.”

Commissioner Ohlson suggested that since Bliss Avenue was a private street, he would like to see an agreement between the owner of Bliss Avenue and the subject developer to ensure access to the subject site in the event that the street was closed or something was done differently with the property.

Mr. Strelo suggested that concern would be addressed through the project CC&R’s since Bliss Avenue was owned by several property owners and the property lines traveled to the center line. He suggested the applicant clarify that issue.

Commissioner Ohlson also spoke to the future 84 foot right-of-way and inquired whether or not that right-of-way would accommodate bicycle lanes.

Mr. Strelo explained that the street profile had not been determined at this time. He was confident that bicycle lanes would be installed since the site would be a pedestrian-oriented development with plenty of room for bicyclists in the area.

Ms. Ayres clarified that the bicycle lanes would not be provided when the restaurant was developed, but as part of the BART Specific Plan.
GLENN VALENZUELA, representing the applicants/owners of the property, clarified that the title report for the property had shown easements between all property owners on Bliss Avenue. He noted that when plans were submitted to the City the title report would also be included. He spoke to Mr. and Mrs. Guzmans' background as business owners in the City for some time. He described their background in the restaurant business having worked in other establishments in the City, which had led them to open their own business in the City with the existing Super Taco restaurants. He also referenced the applicants’ efforts and quest to open their own restaurant which had led them to the subject site located in the City’s Enterprise Zone.

Mr. Valenzuela emphasized that the applicants wanted to give back to the community. The applicants had employed local high school students at their restaurants and were committed to making an investment in the community as local business owners. He took the opportunity to thank the staff members who had assisted them throughout the process.

MICHAEL KEE, Architect, stated for the record that he was present to serve solely as the architect for the client and in no other capacity. He described the building as a stucco building designed with traditional Mexican Colonial style with stucco walls, stone trim, accents and a tile roof. The walls would consist of a sand color, the fascia boards would be brown, and the gutter and rafter tails would be rust or a dark red color. The building would have many stone accents with stone bands around the building, a matador bull symbol cast in gray stone, window sills and parapet caps which would also consist of stone. The tile roof would vary in color and the windows would be green.

Mr. Kee explained that the applicant would offer 42 feet for the dedication of the right-of-way when Bliss Avenue was widened, although he asked that the dedicated portion remain the property owners until that dedication to allow the property owner to maintain the landscaping. He noted that if the City wanted to take possession prior to that time, the City would then be responsible for the maintenance and irrigation. He clarified that the restaurant would have a bar but it would only be for servers to deliver to the tables, with no additional parking requirements imposed as a result. He emphasized that the site would have more parking based on the total seat count.

Mr. Kee referenced Resolution No. 9654, specifically design review Conditions 2 and 3 which required that all CMU walls consist of a stucco material. He asked to be allowed to install a split face concrete block wall which would offer some definition and protect the area from dings that stucco typically experienced in trash enclosure areas. If the stucco material was required, he asked that be clarified. He wanted to avoid the need to place stucco on the inside walls of the trash enclosure.
Speaking to design review Condition 4, Mr. Kee noted that the condition required that all walls have a decorative cap. He asked for clarification as to whether or not that would include the trash enclosure walls. As to design review Conditions 5 and 6 which would require additional trees, he noted that the applicant was in negotiations with the adjacent property owner at the eastern side of the property to possibly paint a mural on that wall. The placement of a tree would impact the mural, if permitted. The trees recommended along the front of the property would also impact the visibility of the property.

Mr. Kee noted that although seven trees had been required on the site, the applicant had proposed a total of 13 trees. He disagreed that additional trees should be required. If the City’s code requirements for the number of trees were not adequate, he recommended that the code be modified as opposed to requiring the planting of more trees. He expressed the willingness to relocate trees, if acceptable.

Commissioner Ohlson liked the design. He supported the staff recommendation for additional trees and suggested that if a mural was permitted, the trees could be pruned to ensure the mural was visible. He referenced drawing A4.1 and requested clarification of the description of a cricket behind the parapet wall. He also spoke to drawing A4.2 and the reference to “CS 12 gauge beams,” and the reference to “TS” on the plans. Further, he referenced plan L1.1 and the fountain design and inquired whether or not it was possible to have a motor with a three speed function to ensure that the fountain was not allowed to stagnate.

Mr. Kee explained that a cricket was a small slope portion that would allow water to drain away from a wall coming up. The reference to CS 12 gauge beams referred to metal roof joints with the reference of TS being tube steel. He was uncertain whether or not a three speed motor was feasible for the fountain, although he could investigate that possibility.

Commissioner Diokno spoke to the fact that the property was located within the proposed future transit village, eBART Specific Plan Area, which would provide a new gateway to the City and possibly present a new image of the City to visitors. While the building was very attractive, he noted that the building was a structure in the middle of an asphalt parking lot which was the very thing that citizens participating in the planning process for the transit village wanted to avoid.

Commissioner Diokno pointed out that the transit village would have to be designed around the project. He noted that the exact location of the eBART Station and associated uses had not been determined and whether or not Bliss Avenue would retain its current configuration was unknown. He added that residents had placed value on plazas and shopping areas and that additional trees along Bliss Avenue would be an amenity for future pedestrian traffic.
Commissioner Diokno recognized the economic and political forces at play, sympathized with the owners and admired their loyalty to the City and desire for the business to operate as soon as possible. While he would not vote against the project, he remained concerned. Given that the future transit village was to be pedestrian oriented, he was also disappointed that the design had not included outdoor seating. He recommended the consideration of outdoor seating along the west side of the building.

Mr. Kee advised that outdoor seating had been planned for the eastern side of the building at a future date.

Commissioner Diokno also liked the fountain at the front, which he found to be inviting to pedestrians. He recommended the consideration of pavers or cobblestones around the fountain rather than concrete or asphalt. He added that the western side of the property was an unknown and could be a major pedestrian walkway to the transit village and eBART station. He expressed his hope that the property owner would be willing to alter the wall in the future with a gateway or window to be more accessible to passersby.

Mr. Kee explained that they were still working on the details around the fountain. He added that the applicant had sent a letter to BART expressing the willingness to provide access and/or provide a potential ticket vending machine.

Commissioner Garcia suggested that the addition of four more trees at the front would take away from the building and impact views of the front of the building. He would rather see a mural on the blank wall than more trees. He recognized that the applicant had provided 13 percent of landscaping when only 7 percent was required.

Commissioner Garcia referenced the BART situation and commented that while much was unknown at this time, the City Manager had recently indicated that there was a greater possibility Bliss Avenue would be shut down and become totally pedestrian oriented. As to the conditions of approval, he recommended that Conditions 5 and 6 be eliminated. In response to the architect’s concerns with the trash enclosure, he suggested that the architect work with staff on that element of the design.

Commissioner Diokno suggested that providing shade for cars was less of a concern than providing shade for pedestrians given the potential future pedestrian development. In his opinion, the additional trees would be appropriate. Tree species with high enough branches would still allow the building to be visible.

Commissioner Ohlson agreed with Commissioner Diokno regarding the trees. He also recognized that the building might not be compatible with the future transit village envisioned for the area. He referenced a situation with the existing Circuit City building and the plans for BART. He noted the concern at one time that the building would have to...
be demolished or moved to make way for BART.

Commissioner Ohlson expressed concern with a project proposed for an area envisioned for the future development of the transit village where the building, if constructed, might not fit. He recognized that the transit village would not be developed over night and it was possible that the subject building might be purchased in the future given the transit village, although that would increase the expense of the entire project. He also recognized that only the design review of the project was being considered at this time. As such, he would support the project.

In response to Commissioner Ramirez with respect to plan L1.1 and the trees being considered, Mr. Kee explained that the landscaping plan was conceptual and there was no dedicated landscape architect. The shape and list of potential tree species and shrubs had been listed. The applicant would work with staff to select the appropriate species. If three trees were added to the front of the building, as staff had recommended, he suggested since there had to be a view corridor out of the driveway, one tree would have to be placed in each of the planting sections spaced out along the front.

Commissioner Ramirez noted that the El Torito Restaurant located in the City of Concord, which had a similar fascia as the subject building, had two large trees in front of that building. That site did not have as many trees as staff had recommended for the subject building. He agreed that the additional trees would take away from the beauty of the front of the building.

Commissioner Garcia clarified the background of the situation related to the Circuit City building which had ultimately not impacted the widening of the freeway.

Commissioner Ohlson envisioned the same concerns that had occurred with the Circuit City building would be raised with the subject development.

Mr. Kee acknowledged that he had read and was in agreement with the conditions of approval, with the exception of those conditions he had discussed.

OPPONENTS: None

Ms. Ayres clarified that staff had no concerns converting the stucco to a split face material for the trash enclosure since the intent was for a nice texture. Staff had also not intended to have the inside of the trash enclosure consist of stucco material. Further, she stated that Conditions 2, 3 and 4 could be clarified that the split face block material would be acceptable. As to the landscaping, she noted that the parking lot landscaping was regulated under the Zoning Code which required one parking lot tree per six parking stalls. The street trees were regulated by Title 12, which had not imposed a specific number for
Ms. Ayres added that the standard for good urban design was that one street tree be provided every 20 to 40 feet. The minimum number of trees had been recommended to create shade for streets and pedestrians. She added that tree species with a higher canopy could be selected to ensure views of the restaurant.

Ms. Ayres also commented that there was no sign application at this time. While the site plan showed for a freestanding sign parallel to the street, staff would likely encourage a perpendicular sign at such time a sign application was submitted.

Chairperson Tumbaga supported the planting of a tree species with a higher canopy at the front of the building. She inquired whether or not it was possible to locate additional trees along the eastern property line.

Ms. Ayres stated yes and noted staff had recommended that the applicant install one new planter island in that area to provide canopy shade for some of the parking stalls in the aisle.

Mr. Kee explained that the east side had one tree at either end of the parking and the only way to add more trees would be to remove a parking space, as staff had recommended, since the adjacent building was located on the property line. He reiterated that was the side of the building that had been contemplated for a mural.

Commissioner Ramirez suggested that the trees would initially be lower in height with some blockage of the views of the building although the trees would grow over time.

In response to Commissioner Ohlson, Ms. Ayres reiterated the requirements for parking lot and street trees per the Zoning Code and Title 12. If the transit village was developed in the future, she suggested it would be possible to add additional trees with a tree every 20 feet.

In response to Commissioner Ohlson as to whether or not the applicant had an agreement with the abutting property owner for the mural, Mr. Valenzuela explained that the applicant was waiting to determine the ownership of the abutting property. The applicant did have a preliminary agreement with an artist for the mural to reflect the history of Camp Stoneman.

Commissioner Ohlson inquired of the intent of Condition 22, to which Mr. Strelo clarified the intent that if something was spilled, it was not to be hosed or rinsed into the storm drain system. Rather, sawdust, cat litter or an absorbent towel was to be used to clean up spills.

**MOTION: AP-06-233 (DR)**
Motion by Commissioner Garcia to adopt Resolution No. 9654, granting design review approval to construct a 5,815 square foot full-service restaurant on a 1.65 acre lot located at 95 Bliss Avenue for “El Matador Restaurant, AP-06-233 (DR),” with the conditions as shown and with the following modifications:

- Condition 11 to be modified to reflect that asphalt would be an acceptable material for the interim sidewalks.
- Conditions 2, 3 and 4 to be modified to reflect that a split face material would be acceptable for the trash enclosure area.

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

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

Commissioner Harris returned to the dais.

Commissioner Garcia commended Mr. Strelo for his good work for the City and wished him well on his new endeavors with the City of Oakley.

STAFF COMMUNICATIONS:

The Planning Commission acknowledged receipt of the following Notice of Intent (to review/approve projects at staff level.)

a. Cornerstone Apartments Freestanding Sign. AP-06-342

Ms. Ayres reported that a Land Use Subcommittee meeting had been held on the Commercial Pedestrian District proposed for the commercial core in the downtown. Staff was meeting with the property owners and business owners on the new district that would regulate development in the downtown and which would be considered by the Planning Commission in the near future.

COMMITTEE REPORTS:

Commissioner Garcia reported that he had attended a meeting at City Hall related to the design plans envisioned for the Pittsburg BART Station.
COMMENTS FROM COMMISSIONERS:

Commissioner Garcia reported that potholes remained in the parking lot for Mehran Restaurant. He understood that the property owners of the parking lot did not want to pay a fair share to make repairs.

In response to the Chair, Ms. Ayres acknowledged that the City had been contacted by WinCo Foods which is interested in occupying the former Pace Warehouse building in the North Park Place Center and that a use permit is required to establish that use, but that the application had not yet been filed.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:25 P.M. to a regular meeting of the Planning Commission on August 22, 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