MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
January 10, 2006

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, January 10, 2006 in the City Council Chambers, Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Thomas (Williams), Chairperson Ramirez

Excused: None

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, Associate Planner Matthew Freitag, Assistant Planner Leigha Schmidt, Assistant Planner Kristin Vahl, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, January 6, 2006.

PLEDGE OF ALLEGIANCE:

Mr. Scott led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Planning Director Melissa Ayres reported that the Black Diamond Mixed Use Project, agenda item No. 7, would be continued to the meeting of January 24, 2006.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.
PRESENTATIONS:
There were no presentations.

CONSENT:

a. Minutes – December 13, 2005
b. Discovery Builders Subdivision Billboard Sign Exceptions. AP-05-249

Commissioner Ohlson requested that Consent Item b be removed from the Consent Calendar for discussion.

Chairperson Ramirez requested an amendment to the third paragraph of Page 22 of the minutes of the December 13, 2005 meeting, as follows:

Chairperson Ramirez also understood that the mortgage services were located in Pittsburg, to which Mr. Evola noted that the processing center of the mortgage service was located in Concord with the sales pavilion offices located in Pittsburg.

MOTION:

Motion by Commissioner Ohlson to approve the minutes of the December 13, 2005 meeting, as amended. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

Speaking to consent Item b, Commissioner Ohlson moved approval of the item with an amendment that the developer comply with the City’s new Sign Ordinance, six months after its adoption.

Commissioner Tumbaga seconded the motion.

On the motion, Commissioner Garcia disagreed with the amendment and asked that Commissioners also oppose the amendment.

MOTION:

Motion by Commissioner Ohlson to approve Discovery Builders Subdivision Billboard Sign Exceptions, with the condition that the developer comply with the new Sign Ordinance, six months after its adoption. The motion was seconded by Commissioner Tumbaga and
FAILED by the following vote:

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

MOTION:

Motion by Commissioner Garcia to approve Discovery Builders Subdivision Billboard Sign Exceptions, as submitted. The motion was seconded by Commissioner Dolojan and CARRIED by the following vote:

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

PUBLIC HEARINGS:

Item 1: Fire Station 84 – Administrative/Training Center. AP-05-286 (UP/DR)
Application by the Contra Costa Fire Protection District for a use permit and design review to construct a 10,942 square foot fire station, administration, and training facility on a 1.62 acre site along the east side of Railroad Avenue between Oak Lane and Victory Avenue in a split GQ-Government and Quasi-Public zone and CO-Commercial Office zone. This is a proposed relocation of an existing fire station located on Cumberland Street in Pittsburg. APNs: 086-190-035 and 086-190-036.

Associate Planner Matthew Freitag presented the staff report dated January 10, 2006. He recommended that the Planning Commission approve Use Permit and Design Review Application No. 05-286, with the conditions as shown.

PUBLIC HEARING OPENED

PROONENT:

JOHN ROSS, Assistant Fire Chief for Support Services, Contra Costa County Fire Protection District (CCCFPD), introduced the Project Architect Carl Campos and the applicant, Facilities Manager Ron Gueldon, who were present in the audience. He explained that the existing fire station was being moved from the Cumberland Street site to enhance public safety in the City. The project had initially been approved in 2002 with an extension request filed a year later, which extension had ultimately expired. The CCCFPD had experienced financial issues as had the County and many local jurisdictions which was
the reason that the project had not started within the original time period.

The CCCFPD had since overcome its financial issues and would be building a new station Fire Station No. 85 on Loveridge Road.

Mr. Ross noted that the two fire stations represented a package in that Station Nos. 84 and 85 had to be moved in order to make the system work more efficiently in the City.

Mr. Ross presented a Power Point presentation on the proposal noting that in 1999 the CCCFPD had established a Strategic Plan which had included the relocation of Station Nos. 84, 85 and 86, which was located in Bay Point, in order to improve the emergency response times and distances in the unincorporated area in the Bay Point region and Pittsburg. All fire stations worked in concert with one another. In a review of the historical response data, it had been determined that it would be more efficient to relocate the fire stations, particularly Station No. 84, away from the river and farther down into the City. As a result of the station relocation, the CCCFPD would expand its coverage and produce lower response times.

Mr. Ross identified the response times around the new fire station locations as proposed in Pittsburg and Bay Point and reiterated that station No. 85 would be relocated to Loveridge Road. The construction of that station was expected to commence soon. Station No. 86 would be moving closer to State Route 4 to cover South Pittsburg and the west side. Station No. 84 on Railroad Avenue would have increased response times in coverage and the response times would be lowered. He identified the existing coverage area and reiterated that the relocation of the stations would make the system more efficient. There was a four minute travel time throughout the CCCFPD.

Mr. Ross stated that in addition to the improved system for emergency services with the relocation of Station Nos. 84 and 85, the existing fire stations did not meet current earthquake standards, did not contain medical or hazardous waste facilities, and did not contain decontamination facilities which must be used in the event firefighters were exposed to hazardous materials. None of the existing stations provided physical fitness training spaces and could not accommodate the larger more modern fire truck aerial apparatus. All of those deficiencies had been addressed by OSHA, the National Fire Protection Association and the California Building Code, which required those amenities.

Further, the existing fire stations did not have interior or yard space for training, were not built to accommodate both genders, and did not meet Americans with Disabilities Act (ADA) requirements which would be overcome with the new stations.

CARL CAMPOS, Loving Campos Architects, identified the new fire station and the intent for the building architecture to take features from City Hall, with a metal roof, high glass windows, and extensive brick veneer around the building. The building would have a hipped roof form and would utilize a prototype building with an administrative wing on the
rear side. Having worked with City staff, he advised that the CCCFPD had purchased the site and had proven that it would be a good site for an administration facility. The new station would be a larger than a normal administration and fire station at approximately 11,000 square feet. The new administration wing would support up to 20 administrative staff persons with plenty of parking for the large trucks training at the site and to accommodate administrative parking. The site would be accessed off of Railroad Avenue with circulation around and through with the larger apparatus bay. Extensive turning radii had been reviewed to ensure that the driveways worked.

The project would have signage which would be reduced, as staff had recommended, in compliance with the City’s Sign Ordinance. All of the streetscape elements would consist of high quality brick veneer, trim elements and an enclosure for the diesel generator and fueling facility at the rear.

Commissioner Ohlson understood that students from the high school currently cut through the lot. He questioned whether or not a gate could be built at the back of the site which would allow the students to walk down the auto access area of the building instead of having to walk around School Street.

Mr. Campos commented that in 2002 when the path had been identified, the high school did not like the students cutting through the area. While the CCCFPD had initially considered a walkway and chain link enclosure, the Pittsburg Unified School District (PUSD) had not supported that walkway since there could be legal ramifications with the students cutting through the CCCFPD property. He noted that an extensive acoustical study had been prepared for the site which had required an 8-foot masonry wall around the entire site to mitigate many noise issues.

Commissioner Ohlson commented that with the new eBART station planned nearby, the bicycle community would like to see bike lanes on Railroad Avenue. He inquired whether or not there would be space in front of the building between the curb and the traffic lane or center divide to provide bicycle lanes.

Mr. Campos described the area as heavily traveled. With the existing curb and gutters which continued all the way down, the applicant had not proposed any move in or take on the land. If the City had a plan for bike lanes for Railroad Avenue, he would not be opposed to having them located in front of the station.

Commissioner Ohlson acknowledged that there were no current plans for bike lanes on Railroad Avenue, although the City’s plans had been developed prior to the inception of eBART. He stated that the bicycle community was negotiating with the City Manager on that issue.

Mr. Campos noted that the existing street light on Civic Avenue precluded the site from having another driveway to improve circulation around the site. In negotiations with City
Engineering Department staff, the entrance and exit would be off of the main drive.

Due to the ability to travel north and south, the existing median would be broken with a rolled curb in the middle of the street which would be striped as a “No Stopping Zone” in front of the station. He did not see why a bicycle lane could not be added and striped in front of that area, if acceptable by City staff.

Mr. Campos added that although the applicant had sought another driveway, Engineering Department staff was of the opinion that two drives would be too close. With the heavily traveled road, he stated that the applicant had been discouraged from placing another drive which would have resulted in a major redesign of the intersection.

Commissioner Garcia inquired whether or not the applicant was in agreement with the staff recommended conditions of approval, to which Mr. Campos indicated agreement with the staff recommended conditions.

MARTIN RICcabona, Pittsburg, questioned whether or not the proposal for the fire station was the same as had been planned three years ago in terms of the proposed plans. He was advised by Mr. Campos that the plans were the same and that the same sound walls were in effect.

Mr. Riccabona understood that a 10-foot cinder block wall would be installed.

Ms. Ayres clarified that the wall had been required to be an 8-foot high concrete/masonry wall which would be prefabricated.

Mr. Riccabona understood the truck apparatus would travel less than 50 feet from the rear of his home. He also understood that the facility would be an administrative education facility. He emphasized that he had been told something different on different occasions in the past. As such, he wanted to know definitively how often the facility would be utilized.

Mr. Ross explained that the training goals had been undecided and they would likely have classes from other fire stations in the City at a maximum of three times a week. The facility was not intended for fire personnel from other fire districts other than personnel in Pittsburg. There could be up to 35 students at one time in the classes. The goal was that the administrative/education facility be used one to three times a week. He noted that the crew at the site would consist of three personnel, to be on site 24/7. The fire station personnel would train himself/herself with evolutions at the rear of the site, which might or might not be audible to adjacent neighbors. The sound study that had been prepared for the project had indicated that the noise levels from the activities at the rear of the facility would be less than the traffic on Railroad Avenue.

Mr. Ross emphasized that the activities at the station would be sensitive to the community and if any issues were to arise they would be handled at that time. He did not anticipate a
great deal of activity at the site at all times.
OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Thomas made a motion to approve the application with the conditions as recommended. Commissioner Dolojan seconded the motion.

Commissioner Garcia commented that there had initially been similar concerns with the Leland Road fire station. Once constructed and in operation, he had heard no complaints from the neighbors abutting that station. In that instance, the fire station also had large apparatus at the rear of the site, similar to what had been proposed as part of the current application.

Commissioner Ohlson asked that the CCCFPD provide bicycle parking, as normally requested by the City.

When asked by Commissioner Thomas, Mr. Ross clarified that Fire Station No. 82 was an East County station located in the City of Antioch.

As the maker of the motion, Commissioner Thomas did not oppose the additional amendment to add bicycle parking. As the second to the motion, Commissioner Garcia concurred.

MOTION: AP-05-286 (UP/DR)

Motion by Commissioner Thomas to adopt Resolution No. 9615, approving AP-05-286 (UP/DR), a Use Permit and Design Review to establish a fire station approval of site development and architectural plans for Fire Station No. 84 located on the east side of Railroad Avenue at Civic Avenue, “Fire Station No. 84 and Administrator/Training Center,” with the conditions as shown and with an additional condition that the CCCFPD provide bicycle parking, as normally requested by the City. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Item 2: Around the Clock Education Center. AP-05-276 (UP)

Application by Akintunde Akinwale requesting a use permit to establish a commercial school that will offer nursing-related courses in a 2,660 square foot lease space located in an existing shopping center at 361 through 365 East Leland Road. The site is zoned CC-O
(Community Commercial with an Overlay) District. APN 088-580-008.

Assistant Planner Leigha Schmidt presented the staff report dated January 10, 2006. She recommended that the Planning Commission approve Use Permit No. 05-276, with the conditions as shown.

PUBLIC HEARING OPENED

The representative for AKINTUNDE AKINWALE, the applicant, explained that the facility was an established nursing assistance and vocational nursing training school accredited in the City of Oakland for the past four years. The school had graduated 2,000 students since its opening. The school also provided training for interviews and would assist in job development and placement in facilities for employment after graduation. The school had been an asset to the community in Oakland. When asked, she affirmed that she was in agreement with the staff recommended conditions of approval.

Commissioner Ohlson requested bicycle parking in front of one of the buildings.

ANTHONY SIINO, 1101 Oakwood Circle, Clayton, identified himself as one of the property owners. He was uncertain that bicycle parking could be accommodated on the site.

Commissioner Ohlson suggested that there was adequate space to provide bicycle parking on the site.

Commissioner Thomas questioned whether or not students would be from the area and whether or not the school would recruit students. She also inquired whether or not scholarships or grants would be made available. She further inquired of the details for the vocational nursing, intravenous training and the home health aid programs. She verified with the applicant that the site would have adequate parking for the school.

The applicant’s representative advised that the school would consist of local students. There would be a scholarship program although it was a private school. The vocational nursing program would be for Licensed Vocational Nurses (LVN) in a 12 month program. The intravenous training would involve an educational service training LVNs or a Registered Nurse (RN) to administer and start intravenous medications. That course would be a short term course. The home health aid training program, approved by the Department of Health, was a 40 hour program.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-276 (UP)

Motion by Commissioner Ohlson to adopt Resolution No. 9616, approving AP-05-276
(UP), a Use Permit to allow a commercial school at 361 and 365 East Leland Road for the “Around the Clock Education Center,” with the conditions as shown and with an additional condition that bicycle parking be provided per the City’s standards, to be provided in the parking lot of the complex. The motion was seconded by Commissioner Garcia and carried by the following vote:

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

Item 3: East Leland Subdivision II. AP-05-179 (Subdivision 8892 and DR)
Application by Todd Callahan of KB Homes requesting approval of 1) tentative map to subdivide six parcels totaling 7.5 acres into a 65 unit small lot single family residential development with private recreation and open space areas, and 2) design review approval of the proposed home designs and landscape plan. The site is located on the southwest and southeast corners of East Leland Road/Gladstone Drive intersection. APNs 088-521-020, 021, 022, 046, 047 and 048.

Associate Planner Ken Strelo presented the staff report and recommended approval of Subdivision Application No. 04-179 approving Vesting Tentative Map No. 8892, subject to conditions.

Mr. Strelo advised that the public hearing notice had not been posted in the newspaper in a timely manner. As such, he requested that public testimony be received and that the Commission continue the item to the Commission meeting of January 24, 2006.

Commissioner Ohlson referenced Condition 40 of Resolution No. 9617 and asked that the reference to the 20-inch sanitary sewer easement be clarified by staff.

Mr. Strelo recommended that Condition 40 be amended to read:

40. The developer shall provide a 20 foot sanitary sewer easement for the rear portion of lots 1 through 5.

PUBLIC HEARING OPENED

PROPOONENT:

EDDIE SU, Ruggeri-Jensen Azar & Associates, explained in response to Commissioner Ohlson’s inquiry, that the “cs” abbreviation on the plans for curb station would not apply to the map in this instance and should have been eliminated from the plans.
Mr. Su clarified that a curb station was similar to a center line station, a station every 100 foot interval along a curb return, and was a surveying term identifying the distance from any given point from where they had a station and an offset.

Commissioner Ohlson also referenced Page 2-47 of the General Plan, Policy 2-50 which stated in part “the City will work with the Los Medanos Community College (LMC) District to provide pedestrian and bicycle access from the campus to commercial and employment centers within Loveridge.” He supported serious consideration and negotiations with the LMC for a connection.

Ms. Ayres explained that staff had several conversations with the President of LMC and other staff members who had adamantly opposed a connection between the project and the LMC campus since they were concerned with the safety for their students who could be jogging around the lake or in that vicinity. For those reasons, LMC wanted to maintain no connection. LMC had originally asked for a solid block wall in that location. Staff did not find that to be aesthetically attractive. She reported that the applicant would like to install a wrought iron fence which would provide a visual connection and which was supported by staff. The fronts of the homes would face that direction, not the rear yards. LMC had agreed to that recommendation.

Commissioner Thomas affirmed with staff that the public hearing notice had not been completely noticed to the public since public notification had not been posted in the local newspaper, and as a result staff was asking that the item be continued to the next meeting. She was not comfortable discussing the proposal absent property owners who could be affected by the project, and who were not present to respond to any concerns. She agreed that the item be continued to the next meeting of the Planning Commission.

Mr. Strelo clarified that property owners within a 350 square foot radius of the project site had been noticed of the project by mail. Only the newspaper public notice had not been received in time for the meeting. All other public notice requirements had been met.

PUBLIC HEARING OPENED

No one from the audience responded when Commissioner Garcia asked if there were any members of the public present to address the project.

TODD CALLAHAN, KB Homes, 6700 Koll Center Parkway, #200, Pleasanton, reported that the developer had concerns only with Condition 40 of Resolution No. 9617, regarding the sanitary sewer easement. He explained that a 15 foot sanitary sewer easement had been proposed due to the tightness of the lot and the proximity of the lots, where 20 feet would obstruct some of the site plan. He asked that the condition be amended to require a 15-foot sanitary sewer easement.
Mr. Su explained that they had proposed a 15-foot sanitary sewer easement due to the site constraints and since the site plan had been developed based on a 15-foot easement. City staff had also required a minimum of 15 feet, as proposed.

Commissioner Thomas inquired whether or not any affordable units would be provided for the project, to which Mr. Callahan advised that they would provide the maximum unit requirement unless the Redevelopment Agency required that an in-lieu fee be paid for the affordable units.

Ms. Ayres clarified that the Inclusionary Housing Ordinance required a minimum of 9 percent of the site to be affordable to Low and 6 percent to Very Low Income households. The developer would be required to enter into an agreement with the City prior to the approval of the Final Map. The Inclusionary Housing Ordinance did have alternatives, where the developer could be required to pay a fee. In this instance, the Redevelopment Agency had approached staff due to the timing of the project, to possibly acquire fees for the Very Low Income units to help fund a gap in the Mercy Housing apartment project. In that project, there would be 63 units serving Low, Very Low and Extremely Low Incomes, which units would be located directly across the street from the subject site.

Commissioner Thomas sought affordable housing for the average middle class income. While she recognized the need to accommodate Low and Very Low Income households, she emphasized that there were working people in the City that needed affordable housing and did not qualify in the Low and Very Low Income categories.

Ms. Ayres advised that the Inclusionary Housing Ordinance dealt with housing that was affordable to Low, Very Low and Moderate Incomes. Due to its location and density, the subject project would target the Low and Very Low Incomes. There was a chance that the single family homes would be affordable to Moderate Incomes, without deed restrictions, depending on the market.

Mr. Callahan explained that they had found that the smaller units in their Stanford Place project were in the Moderate Income range or just above.

Commissioner Garcia requested that engineering staff address the applicant’s concern with Condition 40, to which Mr. Hurtado affirmed would be done with a response provided at the next meeting.

Commissioner Harris inquired of the spacing between the homes and the location of the windows.

Mr. Callahan advised that the minimum setbacks would be 4 feet, in most cases 5 feet each. The windows would be staggered.

Commissioner Tumbaga again spoke to the issue of the in-lieu fees and inquired whether
or not that would affect the Extremely Low category.

Ms. Ayres explained that the City Council could require the applicant to pay an in-lieu fee. Staff had suggested that if Mercy Housing needed additional funds, it could look at the Very Low Units for the subject project, which could assist the Mercy Housing development. In this instance there would be 13 potential units.

Mr. Callahan clarified that the project would be a for sale project.

Commissioner Tumbaga questioned whether or not 13 potential Low Income homebuyers could lose the opportunity to own a home, as opposed to renting an apartment. She expressed concern with the elimination of home ownership opportunities.

Ms. Ayres advised that it was up to the City Council to decide that issue.

Commissioner Ohlson spoke to the sidewalk fronting East Leland Road. He noted that the sidewalk in front of LMC was 6 feet, 10 feet in front of the Arco Gas Station and 10 feet in front of the nearby office building. He inquired of the width of the sidewalk that the developer would install between the homes and East Leland Road. He was advised by Mr. Callahan that it would be 6 feet. The existing sidewalk would be removed and replaced. There was also an existing bicycle lane.

OPPONENTS: None

Chairperson Ramirez advised that the PUBLIC HEARING for the item was CONTINUED to the meeting of January 24, 2006.

**Item 4: Mercy Housing Apartments, Day Care Center, and Freestanding Sign.**

**AP-05-280 (UP/DR)**

Application by Mercy Housing California requesting 1) a use permit to construct and operate a daycare center with a capacity for 50 children, 2) design review approval of architectural and site development plans for a 63 unit apartment complex, and 3) approval of a freestanding identification sign. The three acre project site is located on the north side of East Leland Road, east of Gladstone, between Lakeview Apartments and Pheasant Ridge Apartments. The site is zoned RH (High-Density Residential) District; APN 088-152-009.

Assistant Planner Kristen Vahl presented the staff report dated January 10, 2006. She recommended that the Planning Commission adopt Resolution No. 9611, approving Use Permit, Design Review and Sign Review Application No. 05-280, with the conditions as shown. It was also recommended that an additional condition be imposed, in response to concerns from the Contra Costa Transportation Authority (CCTA), as follows:
No improvements shall be installed within the area proposed for Highway 4 widening. The exact Highway 4 alignment shall be confirmed by planning and engineering staff prior to issuance of a grading permit for this project.

Commissioner Ohlson spoke to Page 3 of 10 of the staff report and the discussion of the wood trim, window sills and in some cases sub sills. He inquired whether or not the sub sills would be decorative or functional, to which Ms. Vahl noted that they would be decorative.

Commissioner Ohlson also spoke to Page 4 of 10 of the staff report and the discussion on the lighting for the sign provided by two up lights at the base with two accent trees. He requested clarification on the intent of the lighting and questioned whether or not those lights would shine from the ground onto the sign. Ms. Vahl affirmed that would be the case.

Commissioner Ohlson recommended rather than a bevel on the top of the entrance sign, a pointed top to the sign to prevent someone from sitting or standing on the top of that sign.

Commissioner Ohlson also referenced sheet L1 of the planting schedule for the community area planting, and the illustration which had shown the use of “no mow” grass. He requested clarification from staff as to the definition of that landscaping feature. Further, he spoke to the request for a parking reduction which had included a discussion in the staff report that the site was close to Target and Wal-Mart. He suggested that the distances as shown for those two businesses had been reversed. He added that Target was located on the other side of the freeway and the City of Antioch was responsible for the underpass at Century Boulevard where there were two existing signs prohibiting pedestrians.

Commissioner Ohlson understood that structure would be demolished in two years and would be widened with bicycle lanes. He otherwise suggested that the applicant could meet the required amount of parking by providing the balance of the required parking as bicycle parking spaces.

Commissioner Garcia spoke to the condition being recommended by the CCTA. He questioned how the site could be redesigned without the loss of parking.

Ms. Vahl suggested that there would be no need for a redesign with the 30-foot easement at the rear of the property. She explained that the project plans had not made it to the CCTA for review which was the reason the CCTA had asked for the added condition.

Ms. Ayres clarified that the project plans had been referred to the CCTA but had not been received by the right person to verify that the information from the applicant was correct. As such, the CCTA had asked that the additional condition be imposed. Ms. Ayres did not expect a problem with that issue.
PUBLIC HEARING OPENED

PROPOSENT:

SHEELA JIVAN, Mercy Housing California, 1360 Mission Street, Suite 300, San Francisco, introduced the design team and introduced the Project Architect Rick Thomas.

RICK THOMAS, Van Meter Thomas Pollack, Architecture & Urban Design, San Francisco, advised that they had held a community meeting, which had a low turnout although they had spoken to a representative from LMC who was excited with the development as a symbiotic relationship between the college, day care and some of the classes provided at LMC.

Mr. Thomas explained that Mercy Housing had been involved with projects in Bay Point with a similar day care and affordable housing development and which had been very successful. Another similar project was located in downtown Antioch. Each of the projects had a lower parking ratio with a similar ratio mixture of family housing affordability. Those developments had been over parked with no parking issues. He was confident that two parking spaces per unit would accommodate the parking requirements.

Mr. Thomas added that the development with a simple series of parking circulation layouts had been worked out with the fire department and engineering, and that the series of three courtyards would offer an individual identity and break down the scale of the residential development. The architecture would be a quality development and an addition to the community blending in well with a unique character. The streetscape would be heavily landscaped, with a nice entry area, and unique architecture for the day care facility, consisting of a mixed use building with housing above.

Each unit would take advantage of the common open space with stairs and entries, with the lower units having small porch elements and seating areas. The units above would be larger townhome units with individual entries coming down to the open space. The community facility would consist of a tall space and include a computer laboratory facility where after school programs were possible. There would be high quality interior spaces, and a direct location to the community open space areas, with each courtyard to have its own individual set of bicycle parking.

The residential units would be comprised of seven four bedroom units, a substantial number of three and two bedrooms units and townhome units. The design had balanced the three story buildings. The site was lower than the surrounding properties. Height was not an issue. There would be no privacy issues related to the site. The three story buildings would allow an extra common open space providing benefits for the residents. The site would be well landscaped.

The building materials would consist of stucco, cement board siding, and vertical board and batten with a variety of materials and textures. A rich color palette was being used, with
Mr. Thomas advised that Mercy Housing would have on-site maintenance and would work out the detailing to ensure that the development had a long standing high quality character far into the future. He also explained that the entry sign cap had been beveled to keep water off of it. The area around the sign would be heavily landscaped so that standing or sitting on the sign would not likely be an issue.

Mr. Thomas further commented that they had discussed the easement with the Engineering Department. Their survey had shown the easement at the rear of the property for the Caltrans expansion which he understood would come on line prior to construction of the project. He understood that Caltrans anticipated that the sound wall would be installed prior to the commencement of the project. He also clarified that ‘no mow’ grass was a series of native grasses not meant for play areas and was used as a general landscape ground cover treatment. He emphasized that they would focus on high quality landscaping to maintain the character of the site. Over time, the landscaping would become more prevalent.

When asked by the Chair, Mr. Thomas expressed his agreement with the staff recommended conditions of approval.

Commissioner Tumbaga inquired whether the day care facility would be for the tenants of the building only or include outside users.

Ms. Jivan noted that this site would have day care for the tenants and outside persons.

BARBARA GRALCO, Mercy Housing, explained that the ratio between residential use and outside use varied and could range as high as fifty-fifty, because day care decisions were often made in terms of where people worked as opposed to where people lived. She had seen the ratio as high as 50 and as low as 25 percent of the residents using the day care.

Commissioner Tumbaga also understood that the entrance to the site was only accessible from the westbound direction. Traffic from Antioch to Pittsburg could access the site with no problem. Otherwise, traffic would have to make a U-turn at the signal to access the site. She expressed concern with that traffic circulation, particularly during school and commute periods.

Ms. Vahl explained that a traffic study had been prepared for the project which had determined that the street was too narrow for a designated left hand turn lane.

Commissioner Harris spoke to the rear wall facing the freeway and inquired of the height of that wall. He pointed out that the area sloped down with sewer and water in that area.
Ms. Jivan advised that the wall would be a standard Caltrans height wall which would be funded by Caltrans.

Mr. Thomas explained that the storm drain lines would be run along the back through an open swale with a pipe underneath and an open connection. The area would be raised somewhat from the existing location, although still lower than the adjacent property. He recognized that the development would have to meet the City’s water requirements. Their civil engineer had reviewed that issue. A sewer easement that ran through the property would be connected with the development. The wall, which would be funded and installed by Caltrans, was part of an easement associated with the land acquisition. He also understood that Caltrans would do that portion of the construction and sound wall prior to the development of the property.

Commissioner Dolojan understood that the units would be for rent. He also understood that the nearby Lakeview Apartments were now being sold as for-sale units. He questioned whether or not the project would add more affordable units.

Ms. Ayres reiterated that the subject project would not add more units, but might be involved with an in-lieu fee agreement between the development and the East Leland Subdivision, where Mercy Housing could get assistance with funds to make their project more financially feasible. That decision would be up to the City Council through the Inclusionary Housing Ordinance.

Commissioner Dolojan liked the project although he supported fewer apartment developments and more home ownership opportunities in the community.

Commissioner Thomas understood that the City had sold the applicant the land. She requested clarification from the applicant.

Ms. Jivan explained that the site had been identified some time ago and Mercy Housing had conducted a due diligence of the site. The City had reviewed the due diligence and had determined that it was best to purchase the site itself. The City purchased the site in April and the intent was to sell Mercy the land to develop the site as part of the City’s financial contribution to the site. The day care facility would be operated by Mercy Services, which would be the property manager. The rental proceeds for the rental units were intended to cover all maintenance, administrative costs, common area utilities and insurance. The agreement had been structured for a non-profit affordable housing developer.

Commissioner Thomas did not see any advantage to providing more apartment buildings in the community. While she recognized that Mercy Housing was doing an excellent job providing affordable rentals, Commissioner Thomas was concerned with the loss of home buying opportunities. She supported more home buying opportunities in the community.
Ms. Ayres explained that the General Plan Housing Element included a certain number of units that needed to be created over a certain period of time. The City had also been involved in a lawsuit which had resulted in a settlement agreement requiring the City to generate a certain number of units during a certain period of time. The City also had a high shortfall of large rental homes for the households in the community with large families being forced into smaller units due to the lack of larger rental units to meet the needs of those larger rental families. The project would help to meet some of those needs.

Commissioner Tumbaga recognized that rental housing was needed to meet the City’s housing needs and that the project was being financed between the City Council and the applicant. She did not want to encourage the City to eliminate potential homeownership opportunities from the East Leland Subdivision proposal.

Ms. Gralco explained that Mercy Housing planned to leverage other funds, such as tax credits and other State funds and not just City funds to complete the project. She pointed out that the development would be guaranteed to give the City 55 years of affordability. When families moved out over time, other families moving in could also afford the rental housing.

Commissioner Tumbaga commented that the same scenario had applied to Stoneman Village which had built Low Income housing for seniors. The City had participated in many ways to ensure that development was built. Recognizing the proposal as a good project, she expressed her hope that home ownership opportunities would be preserved wherever possible.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Thomas made a motion to approve the project, as conditioned, and to include the additional condition from the CCTA, as identified by staff. Commissioner Garcia seconded the motion.

Commissioner Ohlson requested an amendment to the motion for an additional condition that the applicant’s automobile parking spaces be accepted and that the applicant be required to add the number of bicycle parking spaces that would bring the development up to compliance with the City’s Zoning Ordinance requirement for parking.

Commissioner Garcia stated that he would only support a reasonable number of bicycle parking spaces since he understood that Commissioner Ohlson’s amendment would require 31 bicycle parking spaces, which in his opinion would be too many. He recommended that two bicycle parking spaces be provided at every complex.
Ms. Vahl clarified that there had been eight bicycle parking spaces proposed for each courtyard for a total of 16 bicycle parking spaces.

On the discussion of the motion, the Chair advised that the original motion would stand.

**MOTION: AP-05-280 (UP/DR)**

Motion by Commissioner Thomas to adopt Resolution No. 9611, approving AP-05-280 (UP/DR), a Use Permit for a General Day Care Center, a Freestanding Sign, and Design Review of plans for a 63 unit apartment complex on a vacant infill site at 2555 East Leland Road, APN 088-152-009, with the conditions as shown and with an additional condition, as follows:

*No improvements shall be installed within the area proposed for Highway 4 widening. The exact Highway 4 alignment shall be confirmed by planning and engineering staff prior to issuance of a grading permit for this project.*

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

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

In response to Commissioner Harris, Ms. Ayres explained that there was an internal policy applied to certain projects for bicycle parking. The City Council had adopted a recent ordinance which would require bicycle racks for commercial developments to be included in the parking standards of the City code and which would go into effect soon.

Commissioner Harris asked that he be provided with a copy of that ordinance.

Chairperson Ramirez declared a recess at 9:03 P.M. The meeting reconvened at 9:09 P.M. with all Commissioners present.

**Item 5: Mazzei GMC Expansion. AP-05-241. (UP/DR)**

Application by Chatfield Construction requesting 1) a use permit to expand operations of an existing retail automotive dealership with ancillary vehicle service and parts’ sales (Mazzei GMC located at 3800 Century Way) and 2) design review approval of architectural and site development plans to construct a 21,162 square foot building on an undeveloped (approximately 3.5 acre) lot located adjacent to the existing Mazzei GMC and the east terminal of Century Court in the Century Plaza 3 subdivision (Tract 8161, Lot #1). The expansion site will be used primarily as a vehicle detailing facility, vehicle display overflow, and customer/employee parking. The site is zoned CC (Community Commercial) District;
Associate Planner Strelo presented the staff report dated January 10, 2006. He recommended that the Planning Commission approve Use Permit and Design Review Application No. AP-05-241 with the conditions as shown.

Mr. Strelo referenced Condition 14 of Resolution 9614 and asked that the condition be revised to read:

14. The developer shall replace all damaged curb, gutter and sidewalk along the entire project frontage of Century Court and Century Boulevard damaged during the previous Mazzei GMC project. These areas were described in detail in previous letters from the City dated February 23, 2004, October 21, 2004 and December 24, 2004.

Commissioner Ohlson referenced Condition 15 of Resolution No. 9614, and inquired of the definition of a “depressed” driveway, to which Mr. Hurtado explained that the driveway would be a raised sidewalk lower along the cul-de-sac to provide easy turnaround for the trucks coming in with the cars.

Commissioner Ohlson also spoke to Condition 22 of Resolution No. 9613, which would prohibit trucks from unloading or delivering in specific areas on-site. He questioned where the unloading and deliveries would be permitted.

Mr. Strelo advised that the trucks would not be permitted to unload or deliver in the required driveways, where there would be a minimum driveway width for a fire lane or aisle width. There were areas on the site where there was no required parking. Unloading or deliveries would be permitted to the south of the building.

PUBLIC HEARING OPENED

PROPOSED:

CHUCK CHATFIELD, Chatfield Construction, One Winemaster Way, Lodi, explained that his firm specialized in the development of automobile dealerships in the State, and had been involved in the last three built in Pittsburg. He affirmed, when asked, that he was in agreement with the staff recommended conditions of approval, as amended.

KRISTI NEWPORT, Chatfield Construction, One Winemaster Way, Lodi, was also pleased to be in the City.

Chairperson Ramirez suggested that the buildings constructed by Chatfield Construction were some of the finest he had seen of the auto agencies in the area.
OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-241 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9613, approving AP-05-241 (UP), an amendment of an existing Use Permit (UP-02-30) to expand an existing automobile dealership onto a vacant 3.5 acre lot located at the east terminus of Century Court for “Mazzei GMC Expansion,” with the conditions as shown and as amended. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

MOTION: AP-05-241 (DR)

Motion by Commissioner Garcia to adopt Resolution No. 9614, approving AP-05-241 (DR), Design Review approval of site and architectural plans to construct a 21,162 square foot building on a 3.5 acre lot located at the east terminus of Century Court for “Mazzei GMC Expansion,” with the conditions as shown and with an amendment to Condition No. 14 as identified by staff. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Item 6: Mazzei Hyundai AP-05-242. (UP/DR)

Application by Chatfield Construction requesting 1) a use permit to operate a retail automotive dealership with ancillary vehicle service and parts’ sales and 2) design review approval of architectural and site development plans to construct a 24,790 square foot building on an undeveloped (approximately 4.00 acre) lot located at the east terminal of Century Court in the Century Plaza 3 subdivision (Tract 8161, Lot #2). The site is zoned CC (Community Commercial) District; APN 074-090-021.

Associate Planner Strelo presented the staff report dated January 10, 2006. He recommended that the Planning Commission approve Use Permit and Design Review Application No. AP-05-242, with the conditions as shown.
Mr. Strelo requested the following amendment to Condition 24 of Resolution No. 9610 for purposes of clarification:

24. The operator shall make available at all times at least 50 parking spaces for customer and employee vehicles on the western and eastern property lines.

An amendment to Condition 33 was recommended, as follows:

33. The developer shall install new vinyl-clad (green or black), six-foot high chain link on the southern property line.

An amendment to Condition 40 was recommended:

40. The developer shall replace existing damaged curb, gutter, and sidewalk with new curb, gutter and sidewalk along the property frontage next to Century Court.

And an additional condition from the CCTA, as follows:

No improvements shall be installed within the area proposed for the Highway 4 widening. The exact Highway 4 alignment shall be confirmed by planning and engineering staff prior to issuance of a grading permit for this project.

Commissioner Ohlson spoke to Condition 23 of Resolution No. 9610, and inquired if the intent of that condition was that it was in aggregate for the entire property. He was advised by Mr. Strelo that the intent of the condition was that it was in aggregate. He noted that the amount of material could change on the site at any given time.

Commissioner Thomas commended staff for the preparation of the staff report and the recommended conditions, as amended.

Commissioner Garcia spoke to the south end of the property and assumed it could be paved but not built upon. He suggested that Honda would have a problem since the paving could be removed by Caltrans. He suggested that as long as there was no structure it would not be a major problem to pave that area. He understood that Honda might lose part of its parking. He questioned that the area proposed for the Highway 4 widening could not be improved and he suggested that improvements could be made with the knowledge that those improvements could be lost.

Ms. Ayres explained that the CCTA had an established alignment and had certified its environmental documents and would be acquiring the land this year, which was why the CCTA had asked that there be no improvements installed within the area proposed for the Highway 4 widening which would add to the costs of that project.
Ms. Ayres added that the area was not needed for employee parking and there was already adequate employee parking for the site. Staff had also suggested that the landscaping in that area be removed since it would have to be removed when the freeway was widened.

PUBLIC HEARING OPENED

PROPOONENT:

CHUCK CHATFIELD, Chatfield Construction, One Winemaster Way, Lodi, commended the dealer, Matt Mazzei, and suggested that the City was lucky to have him in the community. He agreed with the staff recommended conditions, as amended. As to the recommended cornice on the building, he explained the reason it had not been initially shown on the building design was that corporations typically would not agree to such a design element unless a city stipulated that be done.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-242 (UP/DR)

Motion by Commissioner Garcia to adopt Resolution No. 9610, approving AP-05-242 (UP/DR), approval of a Use Permit to allow operation of an automobile dealership and Design Review approval of site and architectural plans to construct a 24,790 square foot building on a 4.0 acre lot located at the east terminus of Century Court for “Mazzei Hyundai,” subject to the staff recommended conditions, as amended by staff. The motion was seconded by Commissioner Thomas and carried by the following vote:

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

Item 7: Black Diamond Mixed Use Project. AP-05-225 (DR)

Application filed by A. F. Evans Development for design review approval of architectural plans for a new mixed use development consisting of 195 residential units and approximately 37,855 square feet of commercial space to be located on three downtown blocks of approximately seven (7) acres that are bounded by Fifth Street on the north, Railroad Avenue on the east, Eighth Street on the south and Black Diamond Street on the west. The project site consists of 39 parcels on three city blocks (APN 085-164-001)
As earlier reported, AP-05-225 (DR) was continued to the January 24, 2006 meeting.

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that the City had been sued by a group of individuals with respect to the Black Diamond project and the adoption of the revisions to the Historic Resources Commission (HRC) regulations. The lawsuit alleged that the City had conducted an inadequate environmental review under the California Environmental Quality Act (CEQA) guidelines and that the Scampini building should not be demolished. It was her understanding that a delay of the Black Diamond project beyond next spring would jeopardize other projects in the Old Town area, including the Bed & Breakfast Inn and the Gateway project.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that the TRANSPLAN Committee would next meet on January 12.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Tumbaga questioned how Mercy Housing was able to get around Article 34 requirements which required the vote of the people when a project involved 100 percent Low Income housing. She expressed concern that project could be litigated as a result.

Ms. Ayres explained that Mercy Housing was a tax credit project. She was uncertain of the details in the Development Agreement for the project, other than it was possible that 31 of the total 63 units could be designated for Low and Very Low Income households, with the remainder to be Moderate Income units, which would not trigger Article 34.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:43 P.M. to a regular meeting of the Planning Commission on January 24, 2006 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.