A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, November 8, 2005 in the City Council Chambers, Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Excused: Commissioner Tumbaga

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, Associate Planner Dana Hoggatt, Redevelopment Director Garrett Evans, Administrative Analyst II Alexis Morris, Project Manager Ursula Luna, Senior Civil Engineer Alfredo Hurtado, and Elizabeth Silver from the City Attorney's Office.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, November 4, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.
PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – October 25, 2005

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: East Leland Subdivision II. AP-04-179 (GP, RZ/PD Plan)

Application by Todd Callahan of KB Homes requesting that 1) the General Plan land use designation on two vacant sites made up of six parcels totaling 7.5 acres located at the intersection of East Leland Road and Gladstone Drive be changed from Business Commercial to Medium Density, and 2) the zoning classification for those same parcels be changed from CO (Office Commercial) District to PD (Planned Development) District along with approval of a PD Plan in order to accommodate a 65-unit small lot single family residential development with private recreation and open space areas. APNs 088-521-020, 021, 022, 046, 047 and 048.

Associate Planner Ken Strelo presented the staff report dated November 8, 2005. He recommended that the Planning Commission recommend that the City Council adopt a resolution to approve the General Plan Amendment to redesignate 7.5 acres from Business Commercial to Medium Density Residential and to recommend the City Council adopt an ordinance approving the rezoning request to rezone 7.5 acres from CO (Office Commercial) District to PD (Planned Development) District, and approve a 65 unit PD Plan, which includes private streets, common space areas, and two tot lots, for the area recommended to be rezoned to PD District, with the conditions as shown.

Mr. Strelo advised that a resolution of denial had also been included in the staff report, which would deny all three requested actions and which would allow the applicant to appeal the decision of the Planning Commission to the City Council.
PUBLIC HEARING CONTINUED

PROPONENT:

RAY PANEK, Vice President Forward Planning, KB Homes South Bay, 6700 Koll Center Parkway, #200, Pleasanton, stated that a site and landscaping plan had been provided to the Commission. He identified the subject location and its surrounding uses and the proposal to build two private cul-de-sacs with parking with the residential units arrayed around the cul-de-sac. Many of the drives would have full driveway aprons with open spaces throughout, including active play areas and some on-street parking spaces.

Mr. Panek noted that staff had indicated a need for the developer to work on some exterior changes to the architecture which the developer would be working on during the design review stage. Many elements of the project would be similar to another KB Homes development in Pittsburg.

In response to the Chair, Mr. Panek acknowledged receipt of the conditions of approval.

Commissioner Harris questioned whether or not the issue with respect to the easements on the property had been resolved.

Mr. Panek explained that the project engineer had been working with Public Works Department staff on the sewer easement. The access easements would be vacated with the final map.

Commissioner Harris requested consideration of a five and five sideyard setback configuration with a ten foot separation. While the plans had shown a four and four sideyard setback, he inquired whether or not the design could be changed to meet the five and five setback. He also asked how many units could be lost in the development as a result of such modification.

Mr. Panek stated that the five and five setback requirement would result in the loss of up to twelve units since the project was constrained by the geometry of the site. A six and six setback would result in the same loss of units.

Commissioner Ohlson referenced Lot ‘J’ on the preliminary site plan which had been listed as open space. He questioned whether or not the developer had approached Los Medanos Community College (LMCC) to be able to create an opening in the fence and pave a trail from the college trail around the lake and through Lot J to the parking bay. When advised that the developer had not approached LMCC as to that possibility, Commissioner Ohlson requested that the developer approach LMCC to see if that could be done since it would provide a nice pedestrian connection. He noted that there was a
connection to the Delta De Anza Regional Trail at the south end of the lake. Commissioner Ohlson spoke to Resolution No. 9598, Condition 5(d) as shown and questioned the Floor Area Ratio (FAR) for the project and what was required by the City. He also inquired how close the project was to the maximum FAR. He noted that the PD Plan had not shown the maximum or average lot coverage.

Mr. Strelo explained that the FAR would be the gross floor area of the building divided by the net area of the lot, minus dedications. Single family residential development did not have an FAR requirement. There was an FAR requirement with multifamily developments. Since the development would consist of a single family product, no FAR would be required. The maximum lot coverage for all lots would be as shown on the approved PD Plan. That issue had been negotiated with the original East Leland Subdivision. Since the development involved a PD Plan, the Homeowners Association (HOA) in its CC&R’s would not permit accessory structures to be built on the sites, meaning that the lot coverage on the PD Plan, as shown, had identified each lot size, lot coverage and percent lot coverage. The project would be limited to that amount.

Planning Director Melissa Ayres added that a couple of years ago it had been found that many of the PD Districts in the City, particularly with small lots, were exceeding the 40 percent standard the City used for 6,000 square foot lots in the RS District. The City Council had adopted an ordinance which had changed the lot coverage in most of the PD’s in the community to 50 percent for a two story dwelling and 55 percent for a one story dwelling. Those standards would be reviewed further during a review of smaller lots. The standards could possibly be increased for the smaller lots.

Commissioner Williams understood that if the developer were to reconfigure the lot to a six to six sideyard configuration, it would result in the loss of many units affecting the affordable housing component and eliminating viable properties that the project had intended to provide.

Mr. Panek acknowledged that the number of affordable units would be reduced if the total number of units was reduced. He explained that the value of the property had been based close to the 65 units being proposed and it would be more difficult to create a viable project if the total number of units was reduced.

As to whether or not LMCC had been notified of the proposal in response to Commissioner Garcia, Ms. Ayres stated that all property owners within 300 feet had been notified of the proposal by mail.

Mr. Panek again spoke to the issue of the setbacks and noted that there were some rows of units with a four and four sideyard setback configuration and others that were larger. He stated they could plot to get the most available and could also install a notch in the home to provide more outdoor living space such as a patio.
Mr. Panek added that at the request of the City Manager, KB Homes had incorporated Stanford Place I Subdivision into the police services district although it had not been required.

Mr. Panek also noted in response to Commissioner Harris that concerns with the windows would be addressed. The windows would either be offset or be placed higher on the homes. That element of the design would be addressed during the design phase. He also commented that they would work to enhance the architecture where exposed.

DR. ROBERT FLAIG, 336 Wimbeldon Road, Walnut Creek, identified himself as a landowner in the City for some time, having practiced orthopedic surgery in the community for years. He commented that his office had been instrumental in support of the Los Medanos Medical Center. He explained that he and his partner had purchased property on East Leland Road and along with other doctors in the area had developed Gladstone Medical Park. He noted that the medical park was aware of the proposed development.

Dr. Flaig spoke to the history of the property, the fact that several realtors had tried to sell the property as commercial and retail office, with no interest, and the fact that retail across the street had not done well. In 2001, the Planning Commission at that time had approved a Planned Unit Development on the site, although the City Council had not supported a rezoning of the property. In 2004, KB Homes had combined property owned by the medical group with property in bankruptcy from Los Medanos Hospital and property across from Gladstone Drive to develop the project.

Dr. Flaig commented that he had attended a community workshop where there had been community support for the project with no negative comments from the retail in the area or those in the medical office buildings. As an owner of the Gladstone Medical Park building, he was supportive of the project which would enhance the property by building on the vacant lot that was currently being used for dumping. He suggested that the project would provide a nice mixed development and a nice transition to the surrounding uses.

GREG HUGO, Colliers International Commercial Real Estate, 1850 Mt. Diablo Boulevard, Walnut Creek, stated that he had been working on the project since 1999 in an effort to find a buyer for the site. During that time, he had two buyers and two residential builders interested in the property including a church and fast food retailers. He commented on the difficulty finding a user for the site.

PUBLIC HEARING CLOSED

Elizabeth Silver from the City Attorney’s Office described the three resolutions under consideration by the Commission. The first, Resolution No. 9597 was a recommendation that the City Council approve the General Plan Amendment and would require four
affirmative votes from the Planning Commission to pass. As to Resolution No. 9598 recommending the rezoning to the City Council, that resolution would require a majority vote to pass. The third resolution, a resolution of denial, would require a majority vote.

In the event the Planning Commission could not reach an agreement with any motion, regardless of the motion, Ms. Silver recommended that the Planning Commission continue the item until there were seven Planning Commissioners present so that a decision could then be made one way or the other. Without seven Commissioners being present under a reasonable period of time, under City Code the applicant would be allowed to appeal to the City Council.

Commissioner Garcia made a motion to adopt Resolution No. 9597.

Commissioner Ohlson requested an amendment to the motion, that the developer negotiate permission from Los Medanos Community College to allow the developer to build a trail from the trail around the campus lake, through the fence and to the parking bay at Lot J, with the trail to follow the design and construction standards of the East Bay Regional Park District (EBRPD).

Ms. Ayres advised that such a recommendation should not be placed on the General Plan Amendment, which did not carry conditions. Rather, it should be placed on the rezoning resolution.

**MOTION: AP-04-179 (GP)**

Motion by Commissioner Garcia to adopt Resolution No. 9597, recommending that the City Council adopt a resolution approving AP-04-179 (GP), a General Plan Amendment to redesignate 7.5 acres from Business Commercial to Medium Density Residential for the East Leland Subdivision II Site. The motion was seconded by Commissioner Williams and carried by the following vote:

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

**MOTION: AP-04-179 (RZ/PD Plan)**

Motion by Commissioner Garcia to adopt Resolution No. 9598, recommending that the City Council adopt AP-04-179 (RZ/PD Plan), an Ordinance to rezone 6 parcels totaling approximately 7.5 acres from CO (Office Commercial) District to PD (Planned Development) District and approving a PD Plan for the area to be rezoned to PD District for
the East Leland Subdivision II site located at the southwest and southeast corners of the
East Leland Road/Gladstone Drive intersection, with the conditions as shown and with the
following additional condition:

- The developer shall negotiate permission from Los Medanos Community
  College to allow the developer to build a trail from the trail around the
  campus lake, through the fence and to the parking bay at Lot J, with the trail
to follow the design and construction standards of the East Bay Regional
  Park District (EBRPD).

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

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

Item 2: Black Diamond Mixed Use Project. AP-05-225 (GP/RZ, PD PERMIT)

An application filed by A. F. Evans Development (applicant) requesting to amend the
General Plan and zoning designations governing 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, in order to
accommodate a new mixed use development consisting of 195 residential units and
approximately 37,855 square feet of commercial space. Requested entitlements include:
1) an amendment to the General Plan Land Use Diagram in order to change the
designation of the three blocks from Downtown Medium Density Residential, Downtown
Commercial, Public/Institutional and Park to a new Downtown Mixed Use destination; 2)
additional general plan amendments, as necessary, to other portions of the Land Use
Element, Downtown Element, Open Space, Youth and Recreation Element, and Cultural
Resources Element to reflect the new Mixed Use Designation and the intended
development; 3) rezoning of the three blocks to PD (Planned Development) District; and 4)
approval of a PD Plan. The project site consists of 39 parcels on three city blocks (APN
085-164-001 through 085-164-016, 085-165-002 through 085-165-017, 085-166-003
through 085-166-017).

Administrative Analyst II Alexis Morris presented the staff report dated November 8, 2005.

Ms. Morris recommended that the Planning Commission recommend City Council approval
of the proposed General Plan Amendment Application No. AP-05-225 to amend the Land
Use Diagram in the Land Use Element of the General Plan, with additional General Plan
amendments, as necessary, to other portions of the Land Use Element, Downtown

Ms. Morris advised that the Development Regulations table as shown on Page 5 of Resolution No. 9594 should be amended to reflect that the maximum building height should be 70 feet with the exception of the decorative elements approved through the design review process since the project had one tower element approximately 77 feet in height.

A three dimensional view of the project site was provided to the Commission along with colored elevations.

Commissioner Ohlson inquired whether or not the loading docks would accommodate a semi truck, to which Ms. Morris explained that the actual loading docks were located inside the buildings and would accommodate small delivery trucks, vans or UPS trucks. Larger trailer trucks would use a designated area in the diagonal parking spaces to be reserved in the morning hours along Seventh or Eighth Streets. The applicant had proposed three such areas; one loading dock on Sixth Street and two on Seventh Street. Staff would like to condition one loading dock on Seventh Street rather than two.

Commissioner Ohlson noted that if the loading area was constricted by a time limitation from 6:00 A.M. to 8:00 A.M., some deliveries might not be able to be made during that time. He questioned whether or not any exceptions would be permitted.

Ms. Morris explained that the Municipal Code did not have standards for the hours of deliveries. The time restriction for the hours of deliveries had been selected by staff and had been based on a desire to avoid double parking along with the need for the parking spaces to be available when the stores were open. The Commission could designate the hours for loading and unloading. She acknowledged that the developer would like the hours extended for similar reasons. She understood that the developer preferred the hours of 6:00 A.M. to 10:00 A.M. as a more reasonable time for deliveries.

Commissioner Ohlson recommended that the restriction on the time for deliveries be more flexible.

PUBLIC HEARING OPENED

PROпонENT:

MUHAMMED NADHIRI, Project Manager, 1000 Broadway, Suite 300, Oakland, introduced representatives of the architects, the Dahlin Group, and made himself available to respond to questions from the Commission.
In response to the Chair, Mr. Nadhiri stated that he had read the conditions of approval and was in agreement with those conditions with the exception of Condition 5 of Resolution No. 9594 regarding the time restriction for the loading zones. He stated that it would be easier to coordinate loading between several locations in those areas with a window between 6:00 A.M. and 10:00 A.M. which would not impede traffic on the side streets.

Commissioner Ohlson complimented the applicant’s plans and the statue in the foreground with the buildings in the background. He otherwise commented that the plans had identified either Black Diamond Avenue or Black Diamond Street throughout. He asked that the plans be corrected to read Black Diamond Street. He also referenced Page L4.1 of the plans and the reference to a “Gl” fitting. He requested clarification of that term.

Speaking from the audience, the project architect advised that Gl referred to galvanized iron.

Commissioner Ohlson liked the project which he favored and expressed his hope that the Commission would similarly support the project.

Commissioner Williams liked the project and looked forward to the development.

Commissioner Harris inquired whether or not the applicant owned the land and had the funding to commence with construction once approvals had been provided.

Mr. Nadhiri clarified that the developer would not own the land until the start of construction.

Project Manager Ursula Luna explained that the Redevelopment Agency owned the majority of the site and was under contract with one of the property owners. She noted that the developer was discussing acquisition with one of the property owners as well. The Agency had entered into a Disposition and Development Agreement (DDA) with the developer. As part of that DDA, there would be some gap financing needed to make the project viable. The Agency would contribute some money toward the project with the developer also putting forth equity investment into the project through a construction loan. Ms. Luna added that the Agency would provide a $65 million loan to A.F. Evans for the $100 million project. A.F. Evans would put up the rest of the equity with their equity investors.

Commissioner Harris recommended that City fees should be paid at the time of permits and not in advance as was required for other projects.

Ms. Luna also affirmed that the increase in City fees would apply to the project.
Redevelopment Agency Director Garrett Evans advised that the project fees would be paid at the time of permits.

Commissioner Garcia recommended that Sixth and Seventh Streets be designated one-way streets since Black Diamond Street had the buildings on the property line and there was a five foot sidewalk. He also suggested that the developer pay its fair share of the costs of traffic signal lights on Railroad Avenue and Black Diamond and Tenth Streets. He pointed out that once the new school opened the area would be difficult for pedestrian crossings.

Ms. Morris explained that the project would pay its fair share of signal lights, per the traffic analysis, which had determined that a signal would be required and warranted at the intersection of Railroad Avenue and 8th Street.

Commissioner Garcia recommended that rather than Railroad Avenue and with children crossing at Black Diamond Street, staff should reconsider the location of the traffic signal which he suggested would be better placed at Tenth and Black Diamond Streets.

Ms. Morris noted that the signal work was done on a project related basis and if the school triggered a demand for a signal at 10th & Black Diamond, then the school would need to fund it.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), expressed concern with the development since the Pittsburg Unified School District (PUSD) planned to build a school in the area. If that had not been considered with the plan, he suggested there would be a problem for the children attending the school. He urged the City to contact the PUSD to determine what was planned for the school site.

Mr. Mims clarified that he was not opposed to progress but was leery with amendments to the General Plan which had caused chaos in the City over the years due to the political faction in the community at the time. In his opinion, most changes were made to accommodate developers, not the citizens or taxpayers of the City. He opposed the fact that the City Council had recently certified the Environmental Impact Report (EIR) for the project, a concern that he had expressed to the City Council. Mr. Mims pointed out that years had been spent on the update of the General Plan. He asked that the Commission call a halt to the amendments and direct developers to work within the General Plan.

Commissioner Garcia understood that the Superintendent of the PUSD had assured the City that a school building would be designed to complement the subject proposal.

DEREK WURST, 198 West Eighth Street, Pittsburg, questioned whether or not the
diagonal parking would be metered since it could be used by residents at all times rather than be left open for the retailers. He also expressed concern with a potential increase in traffic with a future school in the area. He questioned whether or not the existing infrastructure could support the development given that there were needed improvements in the area including street improvements on adjacent streets, storm drain improvements sewer utilities and the like.

Mr. Evans explained that the Agency had approved $15.7 million for new infrastructure and undergrounding of utilities in Old Town which was under design and implementation for next year and which would go on for some time.

Ms. Luna added that the on-street parking would be public parking. The City would evaluate the possibility of parking meters which was under preliminary discussion and analysis.

Commissioner Ohlson also spoke to the issue of parking meters and encouraged the City not to give away the most expensive real estate in the downtown adjacent to the building. He requested that the City consider charging market rate for parking.

Commissioner Dolojan found the project to be long overdue. With the undergrounding of the utilities and all that was planned, he stated that the project looked good.

Commissioner Harris inquired of the City Attorney if he were to abstain on the vote whether or not he would have to explain his abstention.

Ms. Silver advised that Commissioner Harris had not indicated at the beginning of the discussion that he had a conflict of interest, and therefore he would abstain not from a conflict of interest but for other reasons. In that case, he would not have to indicate why he was abstaining from the vote.

Commissioner Harris explained anyway that he had put in a proposal for the development of the property and not been considered by the City Council. For that reason, he would either vote no or abstain on the vote.

Ms. Silver reiterated that Commissioner Harris would not have to explain why he would abstain on the vote since he did not have a conflict of interest.

OPPONENTS:

PUBLIC HEARING CLOSED

Commissioner Garcia expressed his hope that there would be enough business in the
downtown to require parking meters, which had been in the downtown at one time.

MOTION: AP-05-225

Motion by Commissioner Garcia to adopt Resolution No. 9593, recommending that the City Council approve AP-05-225 to amend the Land Use Element, Downtown Element, Open Space, Youth and Recreation Element, and Resource Conservation Element of the General Plan for the Black Diamond Mixed Use Development. The motion was seconded by Commissioner Williams and carried by the following vote:

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

MOTION: AP-05-225

Motion by Commissioner Garcia to adopt Resolution No. 9594, recommending that the City Council adopt an Ordinance assigning a zoning district of PD (Planned Development) District and approve a PD Plan on an approximately seven acre site for the Black Diamond Mixed Use Development (AP-05-225), with the conditions as shown with the following modifications:

- To amend the Development Regulations table as shown on Page 5 of Resolution No. 9594 to reflect that the maximum building height shall be 70 feet with the exception of the decorative elements approved through the design review process since the project had one tower element approximately 77 feet in height; AND

- To amend the second sentence of Section 4. Decision, 5 to read:

  On-street deliveries shall only take place from 6:00 A.M. to 10:00 A.M. and signs indicating that there is no parking during the designated delivery hours shall be placed in the area, subject to the approval of the City Engineer.

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

Ayes: Commissioners Dolojan, Garcia, Ohlson, Williams, Ramirez
Item 3: Zoning Ordinance Amendments.
A City-initiated project to amend Title 18 (Zoning Ordinance) and Title 9 (Public Peace, Safety and Morals) of the Pittsburg Municipal Code in order to integrate the provisions of the Interim Zoning Ordinance (Ord. No. 04-1215) into the Municipal Code and effect other minor changes to rules and regulations affecting the processing and establishment of new development /businesses within the City. The project includes minor administrative changes to Title 17 (Subdivision Ordinance) and Title 19 (Sign Ordinance) in order to correspond to the text of Title 18.

Associate Planner Dana Hoggatt presented the staff report dated November 8, 2005. She recommended that the Planning Commission recommend the adoption of the amendments to the Pittsburg Municipal Code (PMC) as listed in the resolution.

Ms. Hoggatt walked the Commission through each of the amendments and explained the reasoning and intent behind them, many of which were clean up items and clarifications only.

Speaking to Page 2 of Attachment 1, Summary of Amendments to Title 9, (Public Peace, Safety and Morals) Title 17 (Subdivision), Title 18 (Zoning), and Title 19 (Signs) of the Pittsburg Municipal Code, Section 17.52.060 (Subdivision Ordinance), regarding appeals, Commissioner Garcia affirmed with staff that the appeal period consisted of ten calendar days which included the weekends and which he recommended be clarified further.

Speaking to Page 9 of Attachment 1, Section 18.08.140, Accessory Use Classifications, B, as shown, Commissioner Ohlson recommended that the definition of an accessory dwelling unit include that it would have a separate entrance.

Ms. Ayres advised that the definition as shown was inferred in the words “complete independent living facility” although that clarification could be added.

Commissioner Williams noted that the State had shown the definition as it now read in that section.

Commissioner Harris expressed concern with single family dwelling units with multiple persons residing in the same residence. He questioned how such situations would be resolved.
Ms. Hoggatt suggested that was a code enforcement issue that could not be addressed in the document under discussion. The reference to a single family dwelling in that section related to a land use category in Title 18.

Ms. Ayres explained that the Supreme Court had determined some years ago that “family” could not be defined by the number of people or the relationship of persons living in a home.

Also speaking to Section 18.08.140, Accessory Use Classifications, Commissioner Garcia suggested that the reference should be single family dwelling.

Ms. Hoggat reiterated that the term single family dwelling was used since it was a land use category corresponding to a land use definition in Title 18. She did not want to encourage apartments to convert a bedroom since it was a single dwelling, and the removal of the term single family could imply that one could build a studio within a two or three bedroom apartment. To the extent that definition clarified a land use type or land development type was the reason the term single family had been used.

Commissioner Garcia referenced Page 15 of Attachment 1, Section 18.08.140, subsection, B.2 (Accessory Dwelling Unit) and Article 2, (Accessory Dwelling Units) of Chapter 18.50, 18.50.115, Design and Development Standards, B. Location, as shown. He commented that his neighbor would like to build an accessory building behind her son’s home, although there was a 10 foot setback requirement in the rear of the home. He commented that not every property owner had the ability to build an accessory building on each side of a home. If there was five feet from the home to the accessory building and 10 feet from the accessory building to the property line, there was no room for the accessory building. He suggested that the definition of location had not defined what was required to the property line.

Ms. Ayres explained that there were required yards in all directions in any Zoning District. Everything in the middle was the buildable area for habitable structures. Everything outside of that area was limited to uninhabited buildings, such as a tool shed.

Commissioner Garcia stated that his neighbors had been informed that they would need five feet from the dwelling unit and a 10 foot rear yard. He suggested that the majority of the older homes in the City could not meet those requirements. He recommended that section be changed to allow five feet to the dwelling unit and five feet to the property line in the rear yard and five feet on each side for the side yards. He reiterated that if a 10 foot rear yard was required for accessory buildings older homes in the City would not meet those requirements and could not build accessory units.
Commissioner Garcia understood that the only way his neighbor could build an accessory dwelling unit would be to request a variance. Commissioner Garcia added that his neighbor had been informed by City staff that it would be nearly impossible for a variance to be granted.

Ms. Ayres noted that the five foot setback between the home and accessory unit originated was from the building code. The accessory dwelling unit could be attached to the main home. If not, there would have to be a separation of five feet.

Commissioner Ohlson referenced Page 6 of Attachment 1, Section 18.08.040, Residential Use Classified, A. Congregate Care Residential and the definition as shown. He recommended that the first sentence be amended to read:

A building on a site designed and typically devoted to housing persons of impaired physical or mental capacities such as the frail, elderly, or the handicapped.

Commissioner Ohlson also spoke to Page 18 of Attachment 1, Section 18.50.115, Design and Development Standards, D. Parking, and suggested that the first sentence be amended to read:

A minimum of one (1) off-street parking space must be provided on-site, in addition to any parking required on-site for the primary dwelling unit.

As to Page 21 of Attachment 1, Section 18.52.105, Planting Areas, B. for the CN, CC and CS Districts, Commissioner Ohlson questioned whether or not wood fences would be prohibited in those districts by requiring only solid concrete or masonry walls.

Ms. Hoggatt explained that the intent of that section would allow a landscape setback of whatever was allowed in the zone. No amendment was being recommended in that section other than to correct a typographical error. If one did not choose to landscape the entire required yard, it would have to be enclosed by a wall, not a fence.

Commissioner Ohlson also spoke to Page 30 of Attachment 1, Section 18.78.045, Bicycle Parking and Storage Facilities, and requested that the reference to a shelter in that section be clarified. He questioned whether or not the intent was that a bicycle locker be provided and not a shelter. He would like to see the term “locker” used in that section along with a clarification of the use of “shelter” as a roof over the bicycle racks to keep the rain off of the bikes. He stated that bicycle lockers were the preferred option rather than racks. He would like to see that section be amended so that “lockers are allowed.”

Commissioner Garcia stated that he could not agree to a requirement that bicycle lockers shall be required in that a shelter was more than enough. To require a business to install
expensive lockers might be unreasonable.

Commissioner Ohlson suggested the use of the phrase “locker or shelters.”

Commissioner Garcia disagreed in that bicycles should not be treated differently from automobiles. He recommended the use of the term “may,” not “shall.”

Ms. Hoggatt recommended bicycle racks or lockers so that a developer would have the option to do one or the other.

Commissioner Ohlson was supportive of that recommendation.

Commissioner Garcia reiterated that he was not opposed to a shelter, as an option, but he did not want to see it as a requirement. Ms. Ayres asked that staff be allowed to finalize the language in that section. She understood the intent of the discussion for that item.

Commissioner Ohlson further spoke to Page 34 of Attachment 1, Section 19.08.010, Permit Required, and D (1), as written and requested clarification that a sign located in or outside of the building meant that a freestanding sign would be allowed.

Ms. Hoggatt clarified that the statement meant that a freestanding sign or one on an exterior wall would be permitted.

Ms. Ayres advised that a comprehensive review of the Sign Ordinance would be conducted in the future. The change proposed now to that section related to amendments in the Historical Resources regulations and was a clean up item.

On the discussion and by consensus, the Commission agreed that detached accessory dwellings should be allowed within five feet of a rear property line, as discussed for Section 15 of Attachment 1, Section 18.08.140, subsection, B.2 (Accessory Dwelling Unit) and Article 2, (Accessory Dwelling Units) of Chapter 18.50, 18.50.115, Design and Development Standards, B. Location.

Commissioner Garcia reiterated that the intent of his recommendation had been to avoid the requirement of a variance so that it would be a standard condition that an accessory dwelling unit shall be five feet from the existing dwelling unit and five feet from the property line, so that a variance from a 10 foot requirement was not required.

Ms. Ayres clarified if that action was changed, it would streamline the process. The goal was to move such an application through administratively so that a property owner could be issued a building permit if the project met certain performance standards and to prevent the unnecessary expenditure of monies for a variance.
Ms. Hoggatt also identified Exhibit B-1, Dated Revised November 8, 2005, revisions to Resolution No. 9596, Schedule 18.50.015, RR, RE, RM and RH Districts: Property Development Regulations and walked the Commission through each of the changes to the land use definitions and regulations. Revisions were also identified on Page 14 of 27 and Page 18 of 27 of Resolution No. 9596 as identified in the attachment.

Commissioner Garcia complimented staff on the thorough review of the amendments and revisions.

PUBLIC HEARING OPENED

PROPONENT:  City of Pittsburg

OPPONENTS:  None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Williams to adopt Resolution No. 9596, recommending that the City Council adopt amendments to Titles 9, 17, 18 and 19, of the Pittsburg Municipal Code, subject to the revisions as discussed by the Planning Commission and subject to the revisions as contained in “Revised November 8, 2005, Schedule 18.50.015, RR, RE, RS, RM and RH Districts, Property Development Regulations, Exhibit B-1.” The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes:  Commissioners Dolojan, Garcia, Harris, Ohlson, Williams, Ramirez

Noes:  None

Abstain:  None

Absent:  Commissioner Tumbaga

STAFF COMMUNICATIONS:

Ms. Ayres reported that the City Council had certified the EIR for the Black Diamond project and had agreed to include in the Capital Improvement Program (CIP) the Mariner Walk traffic signal on Herb White Way and Tenth Street, with the signal to be funded and installed as part of the CIP.

Commissioner Garcia explained that the City Engineer had contacted him on that issue and had explained to him that the City’s CIP program would include that traffic signal with the Olson Company to pay its fair share of the signal cost and with the signal to be designed in the total project.
While he had agreed, Commissioner Garcia stated that he had asked the Planning Director to advise the Planning Commission of this change.

**COMMITTEE REPORTS:**

Commissioner Ohlson reported that he would not be in attendance for the December TRANSPLAN meeting.

**COMMENTS FROM COMMISSIONERS:**

In response to the Chair, Ms. Ayres reported that the next Commission meeting on November 22 would include a number of items, including design review for the Black Diamond project, a request for a family day care, a request for a sign exception for Chili’s Restaurant, and a request for an expansion for Ferguson Enterprises. The first meeting in December would also be busy and include a number of agenda items.

Commissioner Williams announced that she was officially the new Chairperson of the Human Relations Commission for Contra Costa County.

Commissioner Ohlson reported that he would not be present for the November 22 Planning Commission meeting.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:11 P.M. to a regular meeting of the Planning Commission on November 22, 2005 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