MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
June 14, 2005

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Tuesday, June 14, 2005 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Gordon, Ohlson, Ramirez, Tumbaga, Williams, Chairperson Garcia
(Commissioner Williams arrived at 7:07 P.M)

Absent: Commissioner Dolojan

Staff: Planning Director Melissa Ayres, Assistant Planner Christopher Barton, Associate Planner Noel Ibalio, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, June 10, 2005.

PLEDGE OF ALLEGIANCE:

Alfred Affinito led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

ALFRED AFFINITO, Pittsburg, a long time resident, stated that the City had done a good job providing for low and moderate income housing but commented that the City had also envisioned plans for estate housing, as stated in the General Plan. He suggested that the Nortonville planning area would be conducive for estate housing.
Mr. Affinito commented that at a recent City Council meeting, the property owner of a Nortonville parcel had expressed a preference for up to 60 ranchettes, which would qualify for estate housing. He also spoke to the discussions regarding the Urban Limit Line (ULL) and commented that he thought the City had prepared an Environmental Impact Report (EIR) 10 years ago which had been approved by LAFCO. The then City representative on the County Board of Supervisors had asked that the annexation application be pulled. He opposed giving others control over the City’s development creating concerns as had been reported in recent newspaper articles.

Mr. Affinito spoke to how neighboring cities would be voting to decide their future regarding the ULL. He suggested that the City of Pittsburg also define its ULL, although he noted that the ULL plan recently discussed had not included the Nortonville area. Stating it was time to provide the upscale housing needed for a well rounded community, he recommended that the Planning Commission adopt a resolution requesting that the City Council address the ULL question positively with a recommendation to also include the Nortonville area.

PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – Planning Commission May 24, 2005

MOTION:

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

<table>
<thead>
<tr>
<th>Ayes:</th>
<th>Commissioners Gordon, Ohlson, Ramirez, Garcia</th>
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<tr>
<td>Noes:</td>
<td>None</td>
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<tr>
<td>Abstain:</td>
<td>Commissioners Tumbaga, Williams</td>
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<tr>
<td>Absent:</td>
<td>Commissioner Dolojan</td>
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PUBLIC HEARING:

Item 1: Chili’s Restaurant. AP-05-206 (UP, DR)

Application requesting a use permit to establish a full service restaurant with full-alcohol service, and design review approval of architectural and site development plans for the construction of a 5,938 square foot restaurant on an undeveloped portion of an 11.6 acre parcel located on the north side of Delta Gateway Boulevard (north of Circuit City, and west of an approved Outback Restaurant), CC (Community Commercial) District; portion of APN 074-460-029.
Assistant Planner Christopher Barton presented the staff report dated June 14, 2005. He recommended that the Planning Commission adopt Resolution No. 9571 approving Use Permit Application No. AP-05-206, and Resolution No. 9572 approving Design Review Application No. AP-05-206, with the conditions as shown.

Commissioner Ohlson spoke to Page 1 of 6 of the June 14 staff report and the reference to a portion of a PG&E 40-foot wide utility easement along the southern property line. He questioned whether or not the utility easement would encroach on the site.

Mr. Barton acknowledged that a portion of the easement would encroach onto the property although no buildings were proposed within the easement. PG&E had asked that any tree species used not be too tall and be more of a medium height. The applicant would be filing a parcel map with the Engineering Department as part of the application since the property was a portion of a larger remaining parcel.

Commissioner Ohlson spoke to Page 4 of 6 of the June 14 staff report and the reference to exposed neon signs being prohibited by the City’s sign code regulations, although he commented that Page 5 of 6 of the same report had identified the standards for the structure indicating that exposed neon would be permitted.

Mr. Barton explained that the signage was intended to be on the building. The applicant chose not to incorporate the signage with the subject application and would file a separate application for the building signage at a later time. He commented that the applicant’s future sign application would include a sign exception. He noted that the Planning Commission had approved exposed neon signage in the past. He also pointed out that the City’s sign code was antiquated with respect to current sign technology. The proposed conceptual wall sign would not take away from the character of the neighborhood.

Planning Director Melissa Ayres added that the findings, as written in the staff report, were for the approval of the restaurant and were not related to the sign. When a sign application was filed more information would be provided to the Commission along with the findings necessary to approve a sign application.

Referring to Drawing L101, Commissioner Ohlson verified with staff that “FG” on the plans referred to finished grade. Other questions were to be addressed by the applicant.

In response to Commissioner Williams, Mr. Barton stated that a condition had been included in the design review application for a revision to the parking lot to extend the southern driveway aisle through the center parking lot landscape median. It had originally been designed to align with the northern drive for Outback Restaurant although the property line between Outback and Chili’s prohibited that circulation design because it would not result in adequate on-site parking for Outback.
Mr. Barton explained that Chili’s would have more parking than the Outback, with 20 additional parking stalls than required. The added condition to the design review resolution would resolve the parking situation.

Commissioner Ohlson spoke to the seating capacity chart as shown on the plans and also requested that the applicant clarify the references to “top booth” and “flex.”

PUBLIC HEARING OPENED

PROпонENT:

ROY PEDRO, Architect, RHL Design Group, Inc., 3001 Douglas Boulevard, Suite 120, Roseville, in response to the Chair expressed agreement with most of the conditions of approval in both resolutions, although he requested some amendments to a couple of the conditions.

As to Resolution No. 9572, Condition No. 3, Mr. Pedro asked to be allowed to move forward on the project and to work with staff, the applicant, the Engineering Department and the Outback Restaurant to resolve the issue outlined in the condition, to the satisfaction of the Engineering Department and staff.

Ms. Ayres recommended that Condition No. 3 of Resolution No. 9572 could be revised to read:

3. The parking lot shall be revised to extend the southern driveway aisle through the center parking lot landscape median, unless otherwise agreed to by the City Engineer.

As to Condition No. 5 of Resolution No. 9572, Mr. Pedro requested that the first sentence of that condition be amended to read:

The property owner shall dedicate a 5-foot wide public utility easement along the northerly portion of the property and relinquish the abutter’s rights along Century Boulevard, with the exception of the Delta Gateway Road and driveway ingress and egress.

Ms. Ayres recommended further amendment to the first sentence of the same condition:

The property owner shall dedicate 5-foot wide public utility easement along the northerly portion of the property, and relinquish the abutter’s rights along Century Boulevard, with the exception of those ingress/egress points as shown on the approved site plan.
Mr. Pedro concurred and also asked that the last sentence of Condition No. 8 of Resolution No. 9572, be amended to read:

*These improvements shall be installed prior to issuance of an occupancy permit.*

Ms. Ayres expressed agreement to the requested amendment.

In response to previous questions from Commissioner Ohlson, Mr. Pedro clarified that the reference to a circle with a slash referred to a diameter, which in this instance referred to a one and a half inch diameter route on the plans. The definition of “TSL” referred to the top of slab level and was referring to the construction documents which started at 100 with all elevations above that point relative to the 100 elevation. The definition of “top” referred to the booth seating and the areas within the bar area which accommodate food and dining and involved taller tables.

Commissioner Williams welcomed the applicant to the City. Speaking to the seating diagram she understood that it would be similar to other Chili’s restaurants.

Mr. Pedro explained that there would be a separate portion for the bar, but it was not an exclusive area for drinking in that alcohol was served in the entire restaurant and food could also be served in the bar area.

Commissioner Gordon clarified that the reference to “top” defined how many people would be able to sit at a table. Reference to a “two top” referred to a table top which would seat two persons. As an example, there could be six “top” booths which could seat two persons each totaling 12 people. The stand alone tables were the “flex” tables where the tables and chairs could be placed along the booths and where “top” and “flex” seating could be combined.

Commissioner Tumbaga inquired of the location of the trash enclosure.

Mr. Pedro explained that the trash enclosure had been identified on the plans and would be located south of the building.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-206 (UP)

Motion by Commissioner Tumbaga to adopt Resolution No. 9571, approving AP-05-206 (UP), a Use Permit to allow a full service restaurant with full service alcohol in a new 5,938 square foot building proposed on the north side of Delta Gateway Boulevard (north of
Circuit City and west of an approved Outback Restaurant) for “Chili’s Restaurant,” with conditions as shown.

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

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

MOTION: AP-05-206 (DR)

Motion by Commissioner Tumbaga to adopt Resolution No. 9572, approving Design Review Application No. AP-05-206 (DR), including architectural and site development plans for the construction of a 5,938 square foot building restaurant and related site improvements on a portion of an 11.6 acre parcel located on the north side of Delta Gateway Boulevard (north of Circuit City and west of an approved Outback Restaurant) for “Chili’s Restaurant,” with the conditions as shown and with the modification to Condition Nos. 3, 5 and 8, as discussed. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

Item 2: RK Sunrise Inn. AP-05-200 (UP,DR)

Application for a use permit and design review approval to construct a two-story, 30 room motel on a vacant 0.76 acre parcel located on the northeast corner of Leland Road and Harbor Street (Auto Zone parcel). The site is zoned CC (Community Commercial) District, APN 088-650-060.

Planning Director Melissa Ayres identified correspondence received June 13, 2005 from Karen Bodiford, Administrator for Stoneman Village I and II, in opposition to the development application.

Associate Planner Noel Ibalio presented the staff report dated June 14, 2005. He recommended that the Planning Commission adopt Resolution No. 9573, approving Use Permit and Design Review Application No. AP-05-200, subject to conditions.
Commissioner Gordon inquired whether or not the applicant had met with any of the surrounding neighbors, to which Mr. Ibalio stated that he was uncertain and suggested the applicant clarify that information.

Commissioner Gordon also inquired of the type of air conditioning units that would be provided for each room.

If the equipment were individual units typically installed below the windows, Commissioner Gordon suggested that could be a concern particularly during the summer months creating noise affecting the surrounding residential neighbors. He also noted the bounce back that could occur with any sound with concrete walls which would not be protected by the existing 8-foot tall wall separating the site from the residential uses.

Mr. Ibalio stated that he was uncertain whether or not each room would have air conditioning units. If so, it was likely only the top three to four units would face the residential homes.

Commissioner Gordon noted that the adjacent commercial building would also bounce back noise from the facility which was an issue that would have to be taken into consideration.

Commissioner Ohlson spoke to the floor plans and a reference to “HC” for the rooms, reported by staff to refer to a handicap room.

PUBLIC HEARING OPENED

PROPOSENT:

TONY DONATO, representing the applicant, Bobby Newman, suggested that staff had done a good job in summarizing the project. He commented that the building had originally been designed with a balcony on each side which had later been revised to an interior corridor. He suggested that the building met or exceeded the requirements of the Community Commercial zoning district. He added that the applicant was in agreement with the staff recommended conditions of approval.

Mr. Donato advised that the applicant, Bobby Newman, had 25 years of experience in the hotel/motel industry, was developer/part owner of the Best Western/Oakland Airport with 76 rooms, Comfort Suites in Sacramento with 68 rooms, Super 8 Motel Chico and part owner of the Nights Inn/Atlanta with 94 rooms. The applicant was also the owner/ operator of the Imperial Inn in Oakland. The project architect was very experienced with the design of hotels and had plans for several facilities.

Mr. Donato stated that the project would benefit the City, would cost $2.6 million to build,
would provide approximately $30,000 in property taxes, a transient occupancy tax of 8.5 percent with a projection of approximately $600,000 in revenue per year. For the first year there would be close to $100,000 in revenue to the City and over time increased property taxes. The project would also generate a number of local and regional facility fees. Additionally the project would have nine employees with a payroll of approximately $165,000 per year.

Mr. Donato explained that the motel would do business with local businesses and local services. The motel standards would be in line with franchises such as Best Western hotels and would consist of 135 square foot rooms with king and double beds, amenities such as free continental breakfast, TV, VCR, Internet connections, modern baths, refrigerators and the like. The facility would also have security with two entrances; one at the front and one at the back with electronic cards used by the customers for entry into the building and rooms. The room cards would be changed every 24 hours unless a guest stayed longer that 24 hour period. Lost or cancelled cards would immediately be reissued with new numbers.

There would be six to ten cameras on the interior and exterior of the site. The area would also be secured outside and inside with an On-Site Manager who would reside in a two bedroom apartment located on site. The On-Site Manager would be able to scan the cameras of the site with a video broadcast to another facility in Oakland in the event the On-Site Manager was busy. There would also be ample lighting in the parking lot to keep everyone as secure as possible. The building would be well designed and attractive.

Mr. Donato acknowledged two inquiries about the project from Kragen Auto Body and from a resident of the adjacent residential neighborhood. The letter referenced by staff from Stoneman Village had been received this date. As to the concerns raised in the letter from Stoneman Village, he did not see that the development would pose a problem for the seniors in Stoneman Village. It would not be detrimental to the neighborhood. In his opinion, the property would be an attractive asset to the City.

J. RODRIGUEZ, Architect, clarified that the air conditioning units would be located inside the rooms. The air conditioning units would be quiet and consist of new Sanyo equipment units for both heating and cooling.

Commissioner Ramirez requested clarification of the reference in the business plan to provide breakfast delivery service to the motel guests, to which Mr. Donato explained that breakfast would consist of a free continental breakfast which would be delivered daily to the motel as was done for most motels and would be offered to the motel guests in a designated public area.

Commissioner Ohlson inquired of the location of bicycle parking. He recommended six wave style bicycle parking racks to be located no farther from the front door than the closest non-handicapped parking space.
Mr. Rodriguez advised that bicycle racks could be incorporated into the site design. Commissioner Ohlson spoke to Plan A1, and referred to light pole #17. He suggested that light pole be moved closer to Harbor Street so that there would be less influence on the adjacent single family residences.

Mr. Rodriguez suggested that the light pole could be relocated. He clarified that the exterior lights would be shielded with no spillover to the adjacent properties.

Commissioner Ohlson also spoke to the garbage enclosure as shown on Plan A1 and the garbage enclosure for Auto Zone. He suggested it would be easier to use the ingress/egress from Harbor Street into the motel if the garbage enclosure was placed similar to the Auto Zone garbage enclosure which would allow a wider swing for traffic coming in and out. He also recommended that the theme of the concrete garbage enclosure for Auto Zone be carried similarly to the subject project.

Mr. Rodriguez acknowledged that the adjustments would widen the ingress into the property.

Mr. Ibalio commented that from an aesthetic standpoint if the garbage enclosure were relocated, as proposed, it would be at the front of the property which would not create a positive environment. He also commented that the "no parking" area as shown on the plans served as a turnaround zone and had been requested by the City’s Traffic Department. If the turnaround area was removed, a loop road would be required.

Chairperson Garcia disagreed that the garbage enclosure should be relocated to the front of the property.

Commissioner Ohlson also spoke to the landscaping on Harbor Street and recommended the use of a larger canopy tree species.

Chairperson Garcia disagreed that a larger canopy tree species would be appropriate since the visibility of the motel could be obscured from public view. He suggested that staff had worked out the landscaping well and had reached an agreement with the applicant. He did not see a need to modify that element of the proposal.

Commissioner Ohlson added that he had been approached by a member of the public who had been concerned that in the future the property could become run down and be used as a welfare motel. With all of the security proposed for the site, he requested assurance that the motel would be a transient facility and not turned into a month to month living situation.

Mr. Donato explained that the security was intended to ensure a well run, clean and attractive building. There was no intent by the investor/property owner to create a welfare
motel. The plan was that the motel would be operated in a safe, sane, and attractive manner and one that guests would want to patronize. As to whether or not any research had been done on the need for more motel rooms in the City, he stated that the applicant had based the proposal on his experience in the industry and had determined that the subject site was an appropriate site for a motel. He reiterated that $2.6 million would be invested in the project.

Commissioner Williams spoke to the motels referenced as being owned or partly owned by the property owner located in the City of Oakland. She was familiar with the facility located on MacArthur Boulevard which had housed welfare recipients on several occasions. She asked that the applicant address the concerns raised by the correspondence received from the Administrator for Stoneman Village I and II. She also inquired of the number of handicap parking spaces and handicap accessible rooms that had been proposed.

Mr. Rodriguez clarified that there would be two handicap parking spaces and two handicap accessible rooms to be located on the first floor, with accessible showers. There would also be hearing impaired rooms with audio visual equipment located upstairs although that had not been reflected on the plans. The facility would be compliant with code in terms of Americans with Disabilities Act (ADA) requirements.

As to the definition of a welfare motel in response to Commissioner Tumbaga, Commissioner Williams noted it was a stereotypical situation with those on aid and social services who were provided vouchers, typically used at motels. She noted that was a process that was quite common in the City of Oakland and along the Monument Boulevard Corridor in the City of Concord.

Mr. Donato reiterated that the motel would not be that type of operation. There would be on-site management.

Commissioner Tumbaga understood the concerns with the motel becoming a welfare motel since the same situation had occurred at the Motel 6 in Pittsburg. She recognized that the applicant was not looking to aspire to that in this situation.

Commissioner Tumbaga pointed out that if the management of the property was not strong and the property were not well maintained it could pose a problem although if doing everything within reason and not discriminating, the applicant had the possibility of a successful business. She sought assurance that all reasonable accommodations would be provided for the handicapped given the close proximity of the site to Stoneman Village I and II, as well as the Presidio Senior Center. She suggested that those facilities had the right to be concerned with the transient occupants at the motel.

Mr. Donato understood the concerns and noted that the site would be secure through the security system as identified, with no access to the rooms from the outside of the building. He emphasized that all access would be from the inside.
Commissioner Tumbaga also understood that there would be one way in/out.

Mr. Donato identified the emergency exits from the building including the exits from the second floor pursuant to Fire Protection District standards and building codes. The building would also have fire sprinklers, as required.

Commissioner Ohlson commented that he would be less concerned with the facility becoming a welfare motel in the future if it were a national brand rather than an individual motel.

Mr. Donato reiterated that the property owner had part interest in several hotels, owned one individually in the City of Oakland, and was in the process of reviewing other sites. While it was an independent hotel it would meet the standards of a larger hotel. Whether independent or part of a chain, the facility would be well constructed, attractive, safe and be well maintained. If built and operated right, he stated the facility should not deteriorate over time.

Mr. Donato again reiterated that the property owner was part owner of other motel facilities. The Oakland facility of which the property owner was the sole owner consisted of 48 rooms. The property owner had part interest in a Best Western with 76 rooms, a facility in Atlanta with 94 rooms, and a Sacramento facility with 68 rooms. He clarified, when asked, that the property owner was currently in Atlanta, Georgia. He was present to represent the property owner.

OPPONENTS:

JEANNIE COX, 1732 Peachwillow Street, Pittsburg understood that one of her neighbors had e-mailed a letter to staff. Since she understood that the Planning Commission did not have a copy of the letter, she provided a copy of the e-mail to the Commission. She commented that her neighbors had also expressed concern with respect to the project. She could find no information on the Internet for RK Sunrise Inn and no information on the corporate owners. She questioned how travelers would find the site along State Route 4 unless he/she was traveling along Leland Road. She questioned how the applicant would advertise to customers. She commented that neither she nor her neighbors would use such a facility. She was also concerned that the property owner was not present.

Ms. Cox requested that the item be postponed to allow the public to participate and allow clarification of the ownership of the other facilities co-owned by the property owner. She commented that she would have liked to have seen photographs and police call information for those sites. She too supported a better known motel on the site. She pointed out that the City already had three star hotels and she would like to see something nicer developed on the property.
Commissioner Williams questioned how Ms. Cox had been notified of the application, to which Ms. Cox clarified that she lived in Oak Hills and was not a resident of the surrounding area of the proposed project. She had been informed of the project by reading the meeting agenda on the Internet.

In response to the Chair, Mr. Ibalio clarified that public notice about the application had been sent to all property owners within 300 feet of the site, as required by law.

KEVIN KOLB, 1552 Freed Circle, Pittsburg, stated that he was present as a homeowner and as a Boardmember of his Homeowners Association (HOA). He commented that he had a copy of the public notification which had been received to his knowledge by only one homeowner who was located within 14 feet of the site and who had contacted staff to express concern with the proposed two story facility.

Mr. Kolb explained that the HOA had a number of concerns with the application. The HOA questioned why the location had been chosen given that it was bounded by two auto parts retailers, light commercial and residential, including the senior center. He questioned the type of clientele who would use the motel. There were concerns with respect to the traffic that could be generated by the motel, and he questioned whether or not sufficient parking would be provided. He also expressed opposition to on-street parking, questioned whether or not foot traffic would be generated, inquired what impacts the facility would have on the City’s emergency services, and expressed concern for potential noise impacts from the air conditioning units. He noted that adjacent residents were already experiencing noise impacts from the existing light industrial uses.

Chairperson Garcia noted that code enforcement could address the impacts from the light industrial uses. He added that the motel use would have exterior lighting that would not impact the adjacent residential properties.

Mr. Donato explained that the site was zoned Community Commercial and would allow a motel, which he suggested would be a nice transition from the tilt up concrete buildings to the residential homes and the light industrial uses in terms of aesthetics. He added that the motel would be advertised through tourists, promotions, the military, and on the Internet.

Mr. Kolb further expressed concern that the motel was not a national brand and was situated within a mile of other hotel facilities which were rarely at capacity. He was also concerned with the safety of children given a number of day care facilities in the HOA. While the HOA was gated, the residents had experienced some vandalism over the last two years. He explained that the Neighborhood Watch Program had been contacted and requested to be more visible in the area. He added that the HOA questioned why the developer had not spoken to anyone about the proposal.

Commissioner Ramirez suggested that a business person who would invest over $2 million...
on a business would have researched the area and would have a business plan. A motel business plan had been submitted and was part of the Planning Commission staff report where it had been shown that advertising for the motel would be done through AAA, AARP, the Internet, and the like. He was confident that the business had been well thought out. Chairperson Garcia suggested that a more problematic use than a motel could locate on property in that the Community Commercial zoning district would allow a variety of different businesses other than a motel. He explained that he had initially disagreed with the homes being built adjacent to the industrial park since he was uncertain of the compatibility of those uses. He expressed his hope that had been disclosed to the property owners at the time the homes had been sold.

Mr. Kolb affirmed that the adjacent light industrial uses had been disclosed to the property owners at the time of the purchase of the homes.

Chairperson Garcia reiterated that code enforcement could address some of the concerns with respect to the light industrial uses which he recalled had conditions on those uses, and could also address the other problems identified as having been experienced in the residential neighborhood. He urged Mr. Kolb to contact the Code Enforcement Division to address those problems.

Commissioner Tumbaga spoke to the problems with respect to vandalism and break-ins in the residential neighborhood and commented that similar situations had occurred in Woodland Hills, which was not a gated community. In her opinion and in all likelihood, someone in the neighborhood was committing those offenses since it was a gated community.

ALETA ANDERS, Freed Circle, Pittsburg, also a member of the HOA, expressed her opposition to the motel as had other members of the HOA. She acknowledged that while the light industrial uses had been disclosed to the property owners at the time the homes had been purchased, residents had experienced problems with respect to noise and light at all hours from those adjacent businesses. She too was concerned that a motel use could create problems similar to those at Motel 6, which was the primary reason the HOA opposed the project. She acknowledged that she lived in a busy traffic area, but she did not want to add to that problem with a motel.

PUBLIC HEARING CLOSED

Commissioner Gordon stated that he would have liked to have seen the developer contact the neighborhood and respond to any questions. He recognized that the applicant would not knowingly represent a project and put his name on a project which would not be well planned, although he was concerned with the other locations where the property owner was involved. He would have liked to have had the opportunity to see some of those facilities to learn how the facilities were operated. He suggested that the Commission should view the other properties referenced as being owned or partly owned by the
Commissioner Gordon requested that the Chair reopen the public hearing and that the item be deferred for two weeks to allow the Commission the opportunity to make a more informative decision and to allow the applicant to meet with the HOA in order to clarify the concerns raised. He offered to make a motion to that effect.

Commissioner Gordon added that he was familiar with the air conditioning units the architect had indicated would be installed. He suggested that there would still be some noise associated with those units.

Commissioner Ohlson asked staff to review the properties identified as being owned or partly owned by the applicant and to review the police reports over the past five years for those facilities. He was not convinced that the project was appropriate for the neighborhood or would represent the best use of the land.

Commissioner Williams concurred with the comments.

Commissioner Tumbaga agreed with a continuance.

Chairperson Garcia reopened the public hearing at this time.

PUBLIC HEARING RE-OPENED

Commissioner Gordon made a motion to continue the public hearing to the Planning Commission meeting of June 28, with the applicant directed to meet with the HOA and staff, which would also allow the Commission time to review the issues that had been raised.

Commissioner Williams seconded the motion.

Commissioner Ohlson commented that the tentative schedule for the meeting of June 28 had already listed several items. Since the Planning Commission meeting of July 12 had no items scheduled, he requested that the item be continued to the meeting of July 12.

In fairness to the applicant, Commissioner Gordon suggested that a two week continuance would be appropriate.

Chairperson Garcia acknowledged that the meeting of June 28 had a full agenda although he was confident that the Commission could address all items at that time.

MOTION: AP-05-200 (Continued)
Motion by Commissioner Gordon to continue the public hearing on Use Permit and Design Review Application No. AP-05-200 (UP, DR) for RK Sunrise Inn to the meeting of June 28, 2005.

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

Ayes: Commissioners Gordon, Ohlson, Ramirez, Tumbaga, Williams, Garcia

Noes: None

Abstain: None

Absent: Commissioner Dolojan

COMMISSION CONSIDERATIONS:

Item 3: Zoning Text Amendments – Community Care Facilities

Study Session to introduce proposed text amendments to the Pittsburg Municipal Code (PMC) Chapter 18.08.040 (Residential Use Classifications) on order to bring into compliance with State requirements pertaining to community care facilities (Sections 2167.8, 1267.8, 1566.3, 1596.70, 1597.44 and 1597.465 of the State Health and Safety Code) and the goals and policies of the General Plan.

Associate Planner Noel Ibalio presented the staff report dated June 14, 2005. He recommended that the Planning Commission review the proposed zoning text amendments and provide feedback to staff on the proposed wording.

In response to Commissioner Gordon, Mr. Ibalio explained that the zoning categories within Residential were not yet clarified since staff was in the process of a comprehensive update. He was uncertain whether the uses would be permitted or conditionally permitted based on certain zones. At the time the new zoning categories for Residential were submitted to the Commission, that information would be clarified. The study session at this time was only for a review of amendments to the definitions.

Commissioner Gordon inquired whether Institutional Living under the definitions were State and County licensed whether for seniors or teens. He commented that the State and County were lax in the inspection process of such homes and when reaching that point of detailed review of the specific zoning, he would like to see a requirement for an annual fire inspection of the units, to include day care units as well.

Ms. Ayres noted that the State Regulations would supersede the City in some areas. The State called as a permitted use by right Residential Care Homes of fewer than six and day care facilities of eight or less and no permits were required by the City to operate such facilities.
Commissioner Williams understood that there might or might not be a permit process for foster care, as an example, which was a type of care in which she participated.

Mr. Ibalio explained that the code currently stipulated only for Residential and Congregate Care, with no classification for foster care. He suggested that foster care would likely fit into one of the two categories.

Ms. Ayres clarified that foster children living with a family in a single family home would be a permitted use since the children were considered part of the family.

Commissioner Williams stated she was licensed by the County to care for foster children. With emergencies there could be more than six children in the home at one time.

Ms. Ayres noted that foster children were considered to be part of the family and not regulated by the City in the same way that the number of children a resident gives birth to and raises is not regulated by the City.

Commissioner Ohlson spoke to the categories for section B, Institutional Living, Congregate Living B1, Residential Care B2, and Assisted Care, Limited B3, as shown on Article 2, Residential Uses, 18.08.040, Residential use classifications. He suggested that the term Congregate Living be revised to read “Congregate Care.”

Commissioner Ohlson also pointed out some format inconsistencies in the document and suggested that they be revised for purposes of consistency.

Speaking to Article 2, Residential Uses, 18.08.040, Residential use classifications, B. Institutional Living, B3, Assisted Care, Limited, Commissioner Ohlson recommended that the first sentence be amended to read:

Medical state licensed facility for six or fewer people that provides board-and-care service such as adult foster care homes and adult care group homes.

To Article 2, Residential Uses, 18.08.040, Residential use classifications, B. Institutional Living, B4, Transitional Housing, Commissioner Olson requested an amendment to the first sentence:

Transitional Housing. Residential facility that is designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:

And to Article 2, Residential Uses, 18.08.040, Residential use classifications, B.
Institutional Living, B4, Transitional Housing, C, Commissioner Ohlson requested:

A rule or regulation that specifies an occupancy period of thirty (30) days minimum, but not more than twenty-four (24) months.

Commissioner Ohlson further pointed out additional format inconsistencies with the use of capital or small letters throughout the document and urged consistency with either the use of capital or small letters.

As to Article 2, Residential Uses, 18.08.040, Residential use classifications, C. Temporary Care, Limited, 2; Commissioner Ohlson recommended the following revision:

2. Large Family Day Care Home. A residence used for the temporary care (less than 24 hours) of seven to fourteen children in conformance with the California Health and Safety Code, as amended from time to time.

STAFF COMMUNICATIONS:

1. Notice of Intent (to review/approve projects at staff level):
   a. Cingular Wireless Communications at 1100 Bailey Road. AP-05-219 (DR)
   b. New Bait Shop at Marina.

The Planning Commission acknowledged receipt of the Notice of Intent for items as shown.

Ms. Ayres highlighted the Commission Appreciation Dinner held on June 13. She also reported that the City Council had approved the budget on June 13 and had approved the hiring of a new Assistant Planner to assist with numerous upcoming projects. Staff would also be working with a consultant soon for the Railroad Avenue BART Station Specific Plan and the Master Plan for the Civic Center.

Commissioner Ramirez reported that a workshop had been scheduled at the Yacht Club on June 15 from 7:00 to 8:30 P.M. to discuss the proposed Marina improvements for a bed and breakfast and restaurant site.

COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Williams wished the Fathers on the Planning Commission a Happy Father’s
Day.

Commissioner Gordon requested that staff prepare a list of the properties owned by the applicant/property owner for RK Sunrise Inn and e-mail that information prior to the next meeting. He otherwise was pleased to report that Wal-Mart had slurry sealed and striped its parking lot.

Commissioner Ohlson requested copies of the police visitations of all the properties owned by the applicant/property owner for RK Sunrise Inn for the past five years, to be provided to the Commission along with the same information for Pittsburg Motel 6.

Commissioner Ohlson reminded staff to speak with the City's Traffic Engineer Paul Reinders who had promised him that the curb on the west side of the street would be removed and replaced five to eight feet to the west to allow bike lanes to be striped on Herb White Way between Marina and Eighth Street.

Commissioner Ramirez stated that he had enjoyed the Planning Commission Appreciation Dinner. He thanked staff and the City for that dinner.

Commissioner Tumbaga reported that vehicles were frequently parked in the bike lane area of Buchanan Road from Harbor Street half way to Brookside Drive and before the creek, particularly during the weekends and in an area where the curb was painted red. She understood that vehicles were prohibited from parking in bike lanes.

Ms. Ayres advised that the information would be passed on to the appropriate Department.

Commissioner Ohlson commented that if the lane was not painted red and not posted "No Parking," vehicles were permitted to park in the bike lane. Activists are working to change that.

Commissioner Tumbaga inquired of the status of the Historical Resources Commission (HRC), to which Ms. Ayres reported that she had recently met with the Council Subcommittee where there had been concurrence that the best option would be to defer the duties of the HRC to the Planning Commission. She was scheduled to make revisions to the ordinance pertaining to the HRC and would be taking those revisions to the City Council for action during July.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:21 P.M. to a regular meeting of the Planning Commission on June 28, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.