MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
June 28, 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 28, 2005 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Williams, Chairperson Garcia

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Dana Hoggatt, Associate Planner Noel Ibalio, Assistant City Engineer Ken Halverson, Redevelopment Agency Project Planner Ursula Luna, Senior Civil Engineer Ron Nevels, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, June 24, 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:

**Capital Improvement Project Update** – Ron Nevels/Engineering Department Projects Currently Being Designed or Under Construction

Senior Civil Engineer Ron Nevels presented the quarterly update of the Capital Improvement Program (CIP) projects and identified those recently completed, currently under review with the contractor regarding punch list items, currently under construction, and those planned for 2006.

CONSENT:

a. Minutes – June 14, 2005

Commissioner Ohlson requested an amendment to the sixth paragraph on Page 18, as follows:

*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, but activists were working to change that.*

MOTION:

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

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

CONTINUED PUBLIC HEARING:

**Item 1: RK Sunrise Inn. AP-05-200 (UP and DR)**

Continued public hearing on an application for a use permit and design review approval to construct a two-story, 39 room motel on a 0.76 acre vacant parcel located on the northeast corner of Leland Road and Harbor Street (Auto Zone property). The site is zoned CC (Community Commercial) District, APN 088-650-060.

Planning Director Melissa Ayres identified correspondence received from Karen Redus dated June 28, 2005, an e-mail from Ted Sticht dated June 24, 2005 and Susan Reposa,
Associate Planner Noel Ibalio presented the staff report dated June 28, 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.

PUBLIC HEARING OPENED

PROPOSENT:

BOBBY NEWMAN, Property Owner/Applicant, 490 West MacArthur Boulevard, Oakland, introduced himself and responded to questions from the Commission.

Commissioner Ramirez inquired whether or not Mr. Newman had met with the California Rockridge Development HOA, and if so, inquired of the outcome of discussions.

Mr. Newman advised that he had met with the HOA where six people had been present. The HOA had expressed concerns with the proposed motel and its potential clientele, and concerns with the operation of his other motels and his experience in the lodging industry. He had described to the HOA his experience in the industry and the operations of all the motels in which he was involved. The HOA remained concerned with a motel on the subject site with the understanding that a motel would be allowed with an approved use permit.

Mr. Newman described his 27 years in the lodging industry and commented that he had held several hotels at one time with his partners, with one at the Oakland Airport, one in the City of Sacramento and one located in the State of Texas. He noted that his wife also had experience in the lodging industry.

Commissioner Ramirez commented that the HOA was concerned with the air conditioning units and with exterior lighting.

Mr. Newman explained that glare from the lights would not extend beyond the parking lot. The air conditioning units would be Sanyo and Carrier units, which were quiet. The side of the building facing the residential homes would not have air conditioning units. He understood that two homes abutted the motel property.

Mr. Newman also acknowledged that the HOA had been concerned with the operation and management of the motel and with the potential use of vouchers. He emphasized that the motel would not be marketed to such clientele.
Commissioner Williams expressed concern with the photographs that had been provided of the applicant’s other sites and the police reports of incidents at those other facilities. She questioned how the applicant would ensure that the motel would not have the same problems at the subject site. Since representatives from Stoneman Village I and II had expressed opposition to the proposal, she asked if the applicant had contacted those facilities.

Mr. Newman explained that he could not attend the last Planning Commission meeting due to another commitment. As to the operation of the facility, he explained that there were different hotels at different locations with different experiences. The Best Western hotel was located on the west side of I-880 which was different from the east side of I-880. He questioned how one could differentiate between drug dealers and commercial clientele. He emphasized that the facilities catered to families with no traffic in the rooms other than likely family members. He described how the management could detect problems and commented that his other establishments would be informed in the event of a problem customer.

Mr. Newman acknowledged that he had not met with anyone from the senior facility at Stoneman Village I and II.

Commissioner Ohlson questioned the selection of the subject site as being appropriate compared to Mr. Newman’s other facilities which were located in larger cities.

Mr. Newman explained that the site had been selected through marketing research, based on his experience in the industry and based on the number of hotels in the city, as well as the businesses in town and the surrounding communities. As to the subject site, he stated that the lot would allow a hotel site which was the reason it had been chosen.

Commissioner Ohlson spoke to the applicant’s Motel Business Plan and noted that it had not contained an analysis on the return on investment, pro forma cash flow for the first ten years of operation and what percentage of occupancy would cause the hotel to break even. Mr. Newman commented that such information was typically required by the banks when money was borrowed. He had not understood that the Commission would want that information.

Chairperson Garcia disagreed that the question was appropriate in that the matter before the Commission was the land use appropriateness of the facility. Such inquiries were not made of other developers and the financials were not an issue before the Commission.

Commissioner Williams commented that most properties of which the applicant was involved appeared to be accessible from the freeway, while the subject facility would not be
visible from the freeway. She questioned how the facility would be marketed and if signage would be installed along the freeway.

Mr. Newman stated that as identified in the business plan there would be websites advertising the motel with on-line booking information for facilities located inside and outside of the United States. The on-line booking represented 50 to 70 percent of the advertising depending on the location. Each and every hotel of which he was involved had its own website and was equipped with a booking engine on the website. The facility would also be advertised with expedia.com, hotel.com, priceline.com and their own booking engine with approximately 300 hotels listed.

Commissioner Gordon spoke to earlier correspondence from Stoneman Village I and II which had listed concerns with respect to the proposal. He was disappointed that the applicant had not contacted those facilities in response to their concerns. He noted that the marketing plan had shown that the applicant had been the owner/operator of the Imperial Inn in the City of Oakland from 1993 to the present and had been responsible for its daily operations.

Mr. Newman explained that he lived at the Imperial Inn located at 490 West MacArthur Boulevard in Oakland.

Commissioner Gordon was disturbed that even with the applicant residing at the Imperial Inn, there had been a number of recorded calls for service to that facility, which had a higher rate than the City of Pittsburg's own Motel 6.

Mr. Newman explained that he and his brother lived at the Imperial Inn. Most of the calls for service to that facility were for domestic violence. 911 calls were dialed by the management to prevent someone from being hurt in the motel and staff took care to ensure that their clientele was safe. Based on the comparisons to the other hotels in town, he suggested that the subject motel would be one of the best. The motel would cater to those who worked in the area either in a group, working outside or visiting from out of town. He emphasized that he could not control what occurred inside each room. When there were problems, the appropriate 911 calls would be made.

Commissioner Williams spoke to the police calls for service and understood that those involved cases where 911 calls had been made by the management. The Commission had also been provided with information on calls for service to the other facilities owned by the applicant, which calls she identified.

Mr. Newman explained that the calls described for the Imperial Inn were primarily domestic disturbance calls.
Commissioner Tumbaga clarified that the list of calls for service which had been identified by Commissioner Williams pertained to the Pittsburg Motel 6 and were not reflective of the calls for service to the applicant’s hotels.

Chairperson Garcia spoke to the calls for service related to stolen vehicles and inquired whether or not that related to someone who was staying in one of the applicant’s facilities.

Mr. Newman explained in that case the stolen vehicle had been parked on his property. He also emphasized that he did not deal in prostitution or drugs, nor did he rent rooms by the hour.

Commissioner Ramirez commented that when a motel was built in any area it would be bound to have problems and could be controlled by management to some extent. He spoke to rental properties he owned where he could use the services of a background credit check prior to leasing to a potential tenant, although he stated the same could not be done for customers of a motel. He suggested that police reports on facilities in the City of Antioch would likely result in the same types of calls for service.

Chairperson Garcia advised that the public hearing had remained open since the last meeting.

PROPOUNENTS:

GARY OLESON, 4035 Eagle Nest Lane, Danville, explained that he owned a small trucking business in the City and was a neighbor of the subject site at 2139 Harbor Street. Having met extensively with the applicant, he suggested that the project was well designed and would bring tax revenues and jobs to the City. He described the project as a welcome development to the neighborhood in that there were too many vacant lots in the area. He suggested that the proposal would improve the overall quality of the neighborhood.

Mr. Oleson added that the applicant appeared to be an excellent hotelier, had operated a number of facilities successfully, had a substantial investment in the subject proposal and in his opinion had addressed the security issues that were inherent with any hotel operation. In his experience staying in hotels around the world, hotels tended to be good neighbors, particularly when a higher end facility as the business had been proposed.

JACK GASKINS, 5335 Broadway Terrace, Oakland, identified himself as the sales agent of the property who had worked with the applicant for some time. He acknowledged the applicant’s experience in the industry. He also acknowledged that many neighborhood residents did not want a hotel in the neighborhood. He was confident that the operator would resolve any issues related to the facility, which was centrally located. He suggested that the site was a good location for a small motel. He also spoke to the transient hotel...
occupancy tax that could be generated to the City from a lot of the subject size and suggested that there were no other projects that would offer such benefits to the community.

OPPONENTS:

KATHLEEN WEST, 1783 Peachwillow Street, Pittsburg, referenced the police reports that had been requested and in comparison to the Pittsburg Motel 6 stated that they had raised a red flag. She questioned whether or not bringing a motel to the area could invite similar problems. As to the fact that revenue information had not been included in the business plan, if the facility was to generate revenue to the City, she suggested that the finances should be considered by the Commission.

With another 100 room motel being proposed in the community and a bed and breakfast at the Marina, Ms. West questioned whether or not the project represented a prudent use of the land. Having viewed photos of the other properties in which the applicant was involved, she questioned whether or not the applicant would ensure that the facility was well maintained with high standards for an extended period of time.

Ms. West also spoke to Mr. Oleson’s comments and suggested that he might not have stayed in Mr. Newman’s motels or seen their condition. She asked the Commission to deny the request and reconsider the use of the land.

Chairperson Garcia questioned whether or not Ms. West would also object to another Albertson’s at Bailey Road with a Safeway already in her area since he had heard that could occur.

Ms. West affirmed that she would oppose an Albertson’s store in that case.

JEANNE COX, 1732 Peachwillow Street, Pittsburg, presented the Commission with copies of her written statement. While she understood that the applicant was part owner of the Best Western at the Oakland Airport, having checked the tax records for the property she had found it was owned by JBP Investments Inc. with a mailing address at 9899 MacArthur Boulevard, Oakland. She noted that address was a Crown Lodge motel owned by a Mr. Patel, which was a concern since that individual could be involved in the subject facility.

Ms. Cox explained that she had conducted a tax search of Mr. Newman and had found him to be the owner of a motel at 3255 MacArthur Boulevard, although another owner had also been listed. The tax records had shown that Mr. Newman had purchased the property in August 2004. Having contacted Mr. Newman regarding that property, she had been informed that his brother owned the property although Mr. Newman’s name was on the tax record.
Ms. Cox stated that she had also been informed that Mr. Newman’s brother operated the motel at 3255 MacArthur Boulevard and that Mr. Newman owned the Imperial Inn. She questioned whether or not Mr. Newman was the sole owner of any motel. She had been informed by Mr. Newman that he was partners in all of his motels. She added that the mailing address for Mr. Newman for the property at 3255 MacArthur Boulevard was 490 West MacArthur Boulevard, which was the Imperial Inn, and which had been listed in the tax records as being owned by RK Investments Inc. The only hotel listed with Mr. Newman named as the owner was the Highlander.

Ms. Cox presented photographs of the Highlander and Crown Lodge facilities. She walked the Commission through the photographs and expressed concern with the condition of the Highlander property which did not give her any confidence that the proposed facility would be well maintained.

Ms. Cox explained that she had attended the HOA meeting with Mr. Newman and had learned that the subject site had been chosen because it was zoned for a motel. She had also found that the Best Western was owned by three partners. She suggested that police reports should have been provided for the Highlander since it was the only motel in the applicant’s name.

Ms. Cox acknowledged that the homeowners were aware of the businesses located adjacent to his/her homes at the time of purchase. None of those businesses had involved two story buildings where tenants could potentially look down into the backyards of the residential properties, nor was there any business open 24 hours a day attracting transient activity throughout the evening. As a Realtor, she suggested that the facility would negatively affect property values.

Ms. Cox questioned who would be the clientele of the facility and she questioned how the facility would be marketed. Having reviewed the prices of the Hampton Inn in the areas of San Francisco, she had found that the rooms in the proposed facility would be similarly priced. She urged the Commission to review the Highlander Inn, as the only motel in Mr. Newman’s name.

Further, while the property was zoned for Community Commercial, Ms. Cox understood that adult entertainment or a liquor store could be allowed. If the project were not approved, she suggested that the zoning for the property be reviewed to ensure that adult entertainment was not permitted.

ALEIDA ANDERS, 1555 Freed Circe, Pittsburg Vice President of the California Rockridge Development HOA, noted that the City was not a tourist destination. She was concerned with the possible transient nature of the facility since the motel was not within close proximity to public transportation. She suggested that most tourists would choose lodging
in San Francisco or Oakland and not the Pittsburg area. She emphasized the substantial residential population in the area, with more development planned for Leland Road, south of Leland Road on both sides of Railroad Avenue and Loveridge Road, a school on Harbor Street and Loveridge Road and planned apartment development in the area.

Ms. Anders added that most of the local businesses in the area would be those supporting a residential community. She noted the number of children in the area and a number of day care services being offered. She suggested that the facility would impact traffic on Harbor Street and Leland Road. She expressed concern with possible foot traffic in the neighborhood late in the evening with possible noise impacts from the air conditioning units. She was also concerned with impacts from the flood and ambient lighting associated with the site.

Ms. Anders suggested that there could be noise impacts from the vehicles going into and out of the site. She questioned whether or not emergency exits at the rear of the building would be alarmed and monitored by video equipment. She expressed further concern with privacy impacts affecting the adjacent residential properties.

TANYA BLAKELY, 1642 Freed Circle, Pittsburg, explained that her home would be located behind the motel. She commented that she had met with Mr. Newman during the meeting with the HOA although she remained concerned with the safety of her three children living directly behind a motel. While she understood that the motel would generate money for the City, she remained concerned with the safety of her children. She questioned whether or not Commissioners would want to live behind a motel. Had she known a motel would be constructed behind her home, she would not have purchased the home. She would prefer to see a family fun center type of business that could benefit the entire community built there.

CARMEN JACOBS, 1547 Freed Circle, Pittsburg, was opposed to the facility and suggested that it would not be a benefit to the community. She pointed out that there were no tourists in the area and that a motel could bring strangers in residents’ backyards. She too preferred to see a more family oriented business at that site.

KEVIN KOLB, 1552 Freed Circle, Pittsburg, spoke to the City’s General Plan and the fact that some Commissioners had been of the opinion that the homes should not have been built where they were located. He emphasized the number of residential units in the area along with the senior housing. As such, he suggested that there be some consideration to rezone the area to allow uses other than a motel.

Mr. Kolb pointed out the number of vacant lots in the downtown, understood the City was trying to develop and expand that area and suggested that such a motel would be better situated in the downtown area.

ANTOINETTE COOPER, a new resident of Stoneman Village, Pittsburg, commented that
she visited the nearby shops and the Brenden Theater on a frequent basis and came home in the evening. She commented that she might not feel comfortable doing that if there was a motel in the area since she would no longer feel safe. For the reasons, already identified, she would like to see the motel built elsewhere and not around families.

RAPHAEL SADDLER, 390 East Leland Road, Stoneman Village I, Pittsburg opposed the facility. He suggested that a motel would invite problems. He was concerned with the safety of those living in the surrounding area, particularly families, children and seniors.

SHERLL WEAVER, an employee of Stoneman Village, expressed concern for the fact that the applicant had not contacted the residents of the surrounding area including Stoneman Village I and II and the Presidio Senior Housing.

The following individuals did not wish to speak but offered written comments:


KERRY BLAKNEY, Freed Circle, Pittsburg, “I am a resident behind the corner of Leland Rd. and Harbor St. that doesn’t approve of this motel.”


ESTRELLA GARCIA, Pittsburg, “Regarding the proposed construction of new motel on Harbor & E. Leland Rd. I vote yes because these would bring jobs & some changes in Pittsburg. I’ve lived here…”

CHASITY M. PACHECO, Pittsburg, “Regarding the Sunrise Inn. Concerned for – children, safety in neighborhood what kind of traffic/people will be in our area?”

MARY FITZER, Stoneman Village I, Pittsburg, “I do not think a motel should be built so close to where people live.”

TONY DONATO, 5248 Boulder Court, Concord, representing the applicant, Bobby Newman, explained that the project would be built to franchise standards, the building setbacks and landscaping would be in excess of what was required in the Community Commercial zoning district, and the motel would generate hotel transient occupancy taxes for the City. The motel would be aesthetically pleasing, would have ten to eleven cameras on-site, with 24-hour management, a video monitoring system in the manager’s office, and appropriate lighting and electronic keys. The facility would be as safe and as aesthetically pleasing as possible.
Mr. Donato commented that burglaries could occur anywhere. As to the Pittsburg Motel 6, he suggested that was an example of an improved building with additional security. The police reports from that facility over the past five years had reflected the decrease in calls for service since the facility had been improved. That facility also had the corridors on the outside, as opposed to the proposed facility which would have a single corridor down the middle with no outside corridors.

Mr. Donato also spoke to the 2001 General Plan review and evaluation when there had been a number of public hearings and when the property had been zoned as indicated. He noted that the applicant could have proposed an ambulance service or a restaurant with alcohol, among other uses.

Commissioner Williams questioned the ownership of the subject property.

Mr. Ibalio explained that the property was owned by the same owner of the Auto Zone, and the property had been split to allow the subject site to be sold off.

Mr. Gaskins clarified that the owner of the property, June Diaz, was the wife of Al Diaz who had recently passed away. The applicant was purchasing the property from Mrs. Diaz.

PUBLIC HEARING CLOSED

Commissioner Dolojan stated that although he had been absent during the last meeting when the project had first been discussed, he had read the meeting minutes, understood the application, and was aware of the questions and comments regarding the proposal. He was prepared to vote on the item.

Commissioner Dolojan suggested that the facility was the best possible for the City. He noted that there were no records of police reports for the El Rey Motel which was close to the Pittsburg Police Department, and he questioned the comparison of the subject site to facilities in Oakland since that involved a different city and different businesses.

Commissioner Dolojan also spoke to the police reports from the Pittsburg Motel 6, of which there were few. He found the subject site to be a secure location. He pointed out that the Pittsburg Motel 6 had balconies on the outside which could be inviting to burglars and which the subject facility would not have. He found the site, sandwiched between the existing surrounding buildings to be a good location for a motel. Based on the applicant’s résumé, he suggested that the applicant was of good character and would maintain the site.

Commissioner Gordon expressed concern with the applicant’s testimony as it compared to the testimony from the HOA which differed from what the applicant had testified. He
suggested it was clear that the HOA remained opposed to the motel. He was offended that the applicant had not contacted Stoneman Village to discuss the proposal and to address concerns. He was also disappointed to learn that the applicant resided in one of his own facilities which had a higher rate of police calls for service than other properties.

Commissioner Gordon offered a motion to deny the application. Commissioner Williams seconded the motion.

Commissioner Tumbaga spoke to the estimated payroll of the facility at $165,000 a year for nine employees. She questioned whether or not the employees would be local residents or family members.

When asked to respond, Mr. Newman clarified that the employees would be local and that all locations employed local residents. There would be nine employees for the subject facility.

Commissioner Tumbaga could not support a motion for denial.

Speaking to the police reports of calls for service, Commissioner Tumbaga acknowledged that motels generally had a higher incidence of police activity than a regular hotel. She suggested that the proposed facility should not be held to the same standards set by others that had been reviewed since there would be security provided, entry to the rooms would only occur from the inside and there were safety features in place to protect the community. She agreed with staff on the assessment of the project in that it was an appropriate use of the site that was appropriately zoned. The project also met some or most of the criteria in the General Plan and Zoning Ordinance.

Commissioner Tumbaga suggested that the development standards would not be an adverse effect. Also, the occupancy rate established as the lowest possible at 60 percent would provide additional tax revenues to the community. The project also represented more than a $2 million investment.

Commissioner Tumbaga added that she had presented the project to some of her co-workers who were also residents of Pittsburg and who were unrelated to the process. Of those she had spoken with, there had been no comments related to damaging effects and all had been impressed with the potential the project would have on the community since the facility would be attractive, at a good location that was centrally located and would likely be used by out-of-towners.

Commissioner Williams was disturbed by the testimony from the public. She noted that historically such hotels were operated by family members or members of a group hired to operate such facilities. She wanted to make certain that residents were given an opportunity to participate in the process, or have employment opportunities. She
welcomed new development and anything that would raise the standard in the City. She assured the community that its voices had been heard whether in support or in opposition of the proposal.

Commissioner Ohlson was not convinced that a motel represented the highest and best use of the land. He expressed his support for Commissioner Gordon’s motion to deny the project. He 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 independent motel.

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

**MOTION: AP-05-200 TO DENY - FAILED**

On motion by Commissioner Gordon to deny RK Sunrise Inn, AP-05-200 (UP/DR). The motion was seconded by Commissioner Williams and failed by the following vote:

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

Commissioner Tumbaga made a motion to adopt Resolution No. 9573 to approve AP-05-200 (DR/UP) with the conditions as shown. Commissioner Ramirez seconded the motion.

Commissioner Ohlson requested that the motion be amended to include an additional condition that the applicant shall not accept social service organization vouchers.

As the maker of the motion, Commissioner Tumbaga did not accept the amendment since there could be reasonable accommodations.

Chairperson Garcia requested that Condition No. 4 be revised as follows:

4. *The applicant shall maintain the site, building and landscaping in a neat and orderly manner.*

Commissioner Tumbaga accepted the Chair’s requested amendment.

Commissioner Ohlson noted that per Robert’s Rules of Order, a vote must be taken on his requested amendment. Commissioner Williams seconded the requested amendment.
MOTION: Additional Condition

On motion by Commissioner Ohlson to add an additional condition that the applicant shall not accept social service organization vouchers. The motion was seconded by Commissioner Williams and carried by the following vote:

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

Ms. Ayres commented that the motion for the additional condition might not be legal. She asked that the Planning Commission consider amending that condition to add the language, ‘if allowed by law.”

Commissioner Ohlson restated his requested condition to read: The applicant shall not accept social service organization vouchers, if allowed by law. Commissioner Williams seconded the motion.

MOTION: Additional Condition

On motion by Commissioner Ohlson to add an additional condition that “The applicant shall not accept social service organization vouchers, if allowed by law.” The motion was seconded by Commissioner Williams and carried by the following vote:

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

Commissioner Williams offered a motion to request another additional condition to address the potential noise impacts from the facility. She recommended that there be no noise after 10:00 P.M. to address potential noise impacts affecting nearby residents.

Chairperson Garcia recommended that the City’s noise regulations be incorporated into Resolution No. 9573.

Ms. Ayres suggested that would be appropriate and in the event of a violation of the City’s Noise Ordinance it would be extra grounds for a denial of the use permit.

Commissioner Gordon seconded Commissioner Williams requested additional condition.

MOTION: Additional Condition
On motion by Commissioner Williams to add an additional condition that “*The City’s regulations for noise be incorporated into Resolution No. 9573.*” The motion was seconded by Commissioner Gordon Williams and carried by the following vote:

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

**MOTION:** AP-05-200 (UP/DR)

Motion by Commissioner Tumbaga to adopt Resolution No. 9573 approving Use Permit and Design Review Application No. AP-05-200 (UP/DR), to establish a two-story, thirty-nine room motel and parking lot on a 0.76 acre parcel located on the northeast corner of East Leland Road and Harbor Street in the CC (Community Commercial) District, with the conditions as shown, with a modification to Condition No. 4 and with the following additional conditions:

4. *The applicant shall maintain the site, building and landscaping in a neat and orderly manner.*

- *The applicant shall not accept social service organization vouchers, as allowed by law; and*

- *The operation of the project shall comply with the City’s Noise Ordinance.*

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

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

Chairperson Garcia clarified the appeal process.

Chairperson Garcia declared a recess at 9:00. The meeting reconvened at 9:05 P.M. with all Commissioners present.

**COMMISSION CONSIDERATIONS**

Item 2: Bailey Estates Model Homes. AP-05-190 (DR)
Application for design review approval of architectural plans for six residential models, each with three unique façade elevations, to be built throughout the 249-unit Bailey Estates development. The project is located west of Bailey Road and north of the southerly City limits. It is zoned RS (Single-Family Residential) District; APN 097-230-005.

Associate Planner Dana Hoggatt presented the staff report dated June 28, 2005. She recommended that the Planning Commission adopt Resolution No. 9576, approving Bailey Estates Model Homes, AP-05-190, with the conditions as shown.

Chairperson Garcia spoke to a number of conditions in the resolution which were not related to the architectural review. He stated that the project already had an approved Subdivision Map. As such, he questioned the inclusion of approximately 31 conditions that were not related to the architecture or design. He pointed out that the next agenda item for Vista Del Mar was also a design review consideration and had not included similar conditions. He questioned whether or not changes were being made to the original approvals. He cited the issue relating to the affordable units as an example.

Ms. Hoggatt explained that the conditions referenced had been included for ease of staff review in that there were several conditions in the Tentative Map approval that had also been reflected in the resolution. When the plot and architectural plans were submitted to staff the design review resolution and the conditions and mitigation measures as identified would be tied to the issuance of the building permits.

Ms. Ayres clarified that conditions of approval already in place required that the developer provide granny units in up to 5 percent of the total number of units with the specific number to be determined by the Planning Commission as part of the design review process. As part of the design review process, the Planning Commission must determine how many granny units shall be built (up to 5 percent).

Chairperson Garcia noted that the resolution included dates that he could not compare since he did not have the original documents. He cited as an example Page 5 of 13, General Conditions No. 1, of Resolution No. 9576, and the dates shown.

Ms. Ayres explained that the dates shown in the report were those identifying the date the applicant had submitted his plans to the City. The stamped date was the date the plans had been received by staff.

Commissioner Ohlson spoke to Condition No. 6 of Resolution No. 9576 and noted that as shown on Page L3 of the applicant’s plans, the fencing material would be pressure treated Douglas fir, with all other wood to be rough sawn redwood or cedar. He requested that the first sentence of Condition No. 6 be amended to be consistent with the plans, as follows:

6. The developer shall fence all rear and side yards of all residential parcels
with board-on-board redwood fencing, or cedar in conformance with the height and site regulations of the zoning ordinance, except where such rear and side yard is enclosed by a masonry subdivision wall.

Staff did not oppose the requested amendment.

Commissioner Ohlson referenced Condition No. 11 and questioned whether or not the home addresses would be illuminated. As to Condition No. 13, he requested clarification on the use of the language “around the unit” and questioned whether or not the air conditioning unit must be three feet out from the side of the building. Referring to Condition No. 18, he inquired the meaning of the language “returned to the fence line.”

Commissioner Gordon explained with respect to Condition No. 18 that the stone veneer on the front elevation shall be required to wrap around the corner of the home as far back as the fence line with an appropriate stone trim cap.

Commissioner Ohlson also verified with staff that Environmental Impact Report (EIR) Mitigation Measures – Design Review 27 (b) was written as a subsection of the paragraph above and was not intended to be a complete sentence. With respect to 27 (e), he inquired of the definition of an in-home emergency response system with direct connection.

Ms. Ayres explained that the item was a mitigation measure and a requirement of the development.

Chairperson Garcia inquired whether or not the developer would have to pay the monthly fee required to maintain the in-home emergency response system, to which Ms. Hoggatt explained that was not part of the mitigation measure, only that the developer provide the system.

Commissioner Ohlson also spoke to 27 (f) and suggested that section be amended as follows:

f. Fire resistant exterior building materials such as stucco surfaces and walls and tile roofs, and non-flammable fences.

Ms. Hoggatt suggested the greatest hazard would be where a home was situated adjacent to a grassland area. In that case, there would be a wire mesh fence rather than a redwood or cedar fence.

Speaking to EIR Mitigation Measures – Roadway Improvements (b), Commissioner Ohlson questioned when the expansion of Bailey Road between State Route 4 and Leland Road would be constructed. He expressed concern that given its isolation it would have no
pedestrian or bicycle connections to the rest of the City.

Ms. Ayres explained in this instance the developer would pay a fee.

PROPOLENT:

JOHN STREMELE, 2762 Hutchinson Court, Walnut Creek, presented a number of sets of plans for the landscaping, fencing and architecture that were the same as those included in the staff report. He clarified with staff the “Received” stamped dates on the various plans to ensure that the plans were reflective of the most recent submitted to the City.

Mr. Stremel identified the project site, the properties that surrounded the project site and the southerly and main entrance, northerly entrance, and future extension through San Marco Boulevard. The project consisted of 249 single family detached units and a park location.

Mr. Stremel highlighted the access to the site, including San Marco Boulevard as the formal entry and explained that fencing along the corridor would provide a buffer from any noise along Bailey Road, until one reached a point of a 30 or 40 foot elevation difference between Bailey Road and the back of the lots. For the units, he pointed out proposed front yard lawn plantings and shrubs, solid side yard fencing along with solid front yard fencing for privacy, with common areas leading to open spaces where wire mesh fencing would be provided in the rear to allow visibility of the hills and to address fire issues.

With respect to the plans, Ms. Hoggatt clarified with the developer that the information in the applicant’s submitted landscape plans appeared to be consistent with the plans included in the Commission packets, although as to the dates on the plans she was uncertain whether or not any changes had been made to the plans since April 20. She also clarified with the developer that the fencing and landscaping would not be approved by the Planning Commission but would be approved by staff.

Commissioner Williams requested clarification that what was being presented to the Commission by the developer was consistent with the staff report and information contained in the Commission packets. She specifically spoke to the issue of inclusionary housing and noted that it was now different from what had originally been approved. She sought a review of the meeting minutes at the time that issue had been reviewed and when the project had originally been approved by the Planning Commission.

Mr. Stremel presented the Planning Commission with copies of plans originally submitted as part of the subdivision and identified the dates on the plans when submitted. He also presented architectural plans, the colors and materials board and again identified the dates of the submittal of each of the plans consistent with the application before the Commission. He also clarified, when asked, that the date on the submitted street scenes date should
read “12/29/04” but had been date stamped “Received February 2, 2005.”

Mr. Stremel walked the Commission through the various street scenes and the plans for the six residential models, each with three unique façade elevations, and identified the colors and materials proposed for each plan.

In response to Commissioner Ohlson, Mr. Stremel along with his Architect clarified that the reference to “tech” on the plans between the living and dining areas related to an area where one could do homework, work on a computer and the like.

Mr. Stremel spoke to Page 1 of 13 of Resolution No. 9576, paragraph C, as written, particularly that section of the paragraph related to (Mitigation Measure 4.7-1E) and the requirement for emergency response systems in each home. He recalled that the original conditions of approval had shown that as an optional requirement. He noted that would be offered as an option for each home which would be pre-wired. Speaking to water efficient appliances and fixtures (Mitigation Measure 4.7-7C), he requested that the third sentence of paragraph C be amended as follows:

The applicant had also identified by separate memorandum that all of the houses would have gas or EPA-certified fireplaces (Mitigation Measure 4.6-5) fire sprinklers (Mitigation Measure 4.7.1D), emergency response systems (Mitigation Measure 4.7-1E) and water efficient appliances and fixtures installed by the developer (Mitigation Measure 4.7-7C) and that houses potentially subject to noise would have mechanical heating and ventilation systems (Mitigation Measure 4.5-2).

Ms. Ayres advised that the recommended modification would be acceptable.

Ms. Hoggatt reiterated that there was no obligation for the developer to pay for the emergency in-home response system whether as an option or if requested by the homebuyer, although it would have to be installed in each home as a mitigation measure. Per the EIR, Mitigation Measure 4.7-1E specifically stated: “The developer shall install in all houses an in-home emergency response system with direct connection to emergency administration centers.”

Mr. Stremel requested that the first sentence of paragraph E, (1), Section 1. Background, on Page 2 of 13 of Resolution No. 9576, be amended to read:

1. With living area that ranges between 2,139 and 4,511 square feet, the sizes of the proposed house models are consistent with the estate housing envisioned for the southern hills under General Plan Goals 2-G-5 and 13-G-1.
Mr. Hoggatt explained that the first floor plan for Plan Four had shown a square footage of 4,151 and if there was a typographical error it would need to be shown on the plans. She added that the stamped date for Condition No.1 as shown on Page 5 of 13 of Resolution No. 9576 should be amended to read:

1. *The houses shall be built substantially in conformity with the project plans stamp dated February 2, 2005 and June 20, 2005, except as hereinafter modified.*

Ms. Ayres clarified for the discussion that she had reviewed the plans submitted by the developer and had compared them to those that had been included in the staff report and Commission packets. She verified that they were the same.

Mr. Stremel requested amendment to General Condition No. 2, as written on Page 5 of 13, as follows to add:

2. *In the event that this resolution conflicts with Resolution No. 9497, the conditions of Resolution No. 9497 shall apply.*

Given the number of recommended revisions to the resolution, Commissioner Gordon suggested that the item be postponed in order to allow the developer to address his requests with planning staff.

Commissioner Williams questioned the date when the inclusionary housing issue had been conditioned. She also questioned how the inclusionary housing units would be affordable by design in that it would allow the developer to have another product and the price of the home would increase. She questioned how the inclusionary housing units would be affordable by definition. She reiterated that she would like to see the meeting minutes when that issue had been discussed and when a decision had been made by the Planning Commission.

Chairperson Garcia commented that at the time the original application had been submitted, there had been no inclusionary housing requirements. The reason granny units had been added to the project was to substitute for the inclusionary housing. He reiterated that he would have liked to have seen the original resolutions that had been adopted since he could not compare what was before him now with what had originally been approved.

Ms. Ayres explained that almost every condition in the resolution related to design and placement of the homes or a recap of mitigation measures in the EIR and Mitigation and Monitoring Plan (MMP) related to the home construction phase of the development and they had been brought forward in this resolution as information for the staff who would be
reviewing buildings permits.

Chairperson Garcia agreed as long as the information now being considered by the Commission matched what had originally been considered by the Commission.

Ms. Ayres explained that the Council resolutions were in the computer system for tracking, and official ordinances and resolutions adopted by the Planning Commission and City Council were on record, with reference to the mitigation measures for tracking purposes. She apologized that the MMP had not been attached to the staff report.

Mr. Stremel inquired of staff whether or not any conditions had been changed from the original conditions, to which Ms. Ayres explained that there were new conditions related to the design and placement of the homes on the lots although no changes were proposed to the lots or the conditions related to the map itself.

Commissioner Gordon referenced Resolution No. 8931 and requested clarification.

Ms. Ayres explained that Resolution No. 8931 was a resolution adopted by the Planning Commission dealing with standards applicable to all design review projects such as homes being required to have an address plate, that the pipes on the top of the roof must match the color of the roof, and metal gutters must be painted the same colors as the fascia, among others. She added that in the event of a conflict with Resolution No. 8931 and any other approved resolution specific to the project, the resolution specific to the project would apply.

Commissioner Gordon understood that if there was a difference between the Tentative Map and the subject resolution, the Tentative Map would apply. Staff affirmed that was the case.

Mr. Stremel referenced General Conditions, Condition No. 6 of Resolution No. 9576 and requested the following modification to the last sentence:

6. Fencing height and types, as well as retaining walls, on and adjacent to each residential lot shall also be indicated on the plot plans required prior to building permit issuance, and shall be consistent with and as shown on the approved landscape and fencing plan.

Ms. Hoggatt reiterated that the subdivision fencing plans would be reviewed as part of the final improvement plans for the entire subdivision and were a condition of approval of the Tentative Map. Individual lot fencing would be shown on the plot plans, which was the intent of the condition as originally written.

Ms. Hoggatt went on to explain that there had been some changes that staff would like the
developer to make which had been discussed with the developer. There was a 9 foot tall wall, as noted, that had been required by a mitigation measure but was no longer applicable to the project. As a result, there were elements of the landscaping and fencing plan that would have to be clarified in the process related to the final improvement plans and building plot plans. The landscaping plan had also shown fences, although some of the fences encroached into corner side yard setbacks. The resolution had originally been worded to address those situations.

Chairperson Garcia requested that staff and the developer work out the details of Condition No. 6.

Commissioner Ohlson requested and there was Commission agreement that the first sentence of Condition No. 6 be amended to read as follows:

6. *The developer shall fence all rear and side yards of all residential parcels with board-on-board redwood or cedar fencing in conformance with the height and site regulations of the zoning ordinance, except where such rear or side yard is enclosed by a masonry subdivision wall.*

Mr. Stremel requested that Condition No. 7 be amended to read:

7. *All masonry walls constructed as part of this development shall be constructed with a decorative wall cap subject to Planning Department approval, as shown on the preliminary landscaping plans.*

And that Condition No. 12 read:

12. *Sectional garage doors installed on each residential unit shall be equipped with automatic openers, for at least two spaces.*

Chairperson Garcia requested further amendment to the same condition:

12. *Sectional garage doors installed on each residential unit shall be equipped with automatic openers, on the double doors.*

The change requested by the Chair to Condition No. 12 was acceptable to the developer and the Commission.

Mr. Stremel asked that Condition No. 13 be amended as follows:

13. *Air conditioning units shall be placed along the wall in the rear or side yards with a minimum of three feet unobstructed access on either side of the unit.*
To Condition No. 19, Mr. Stremel asked that it be amended to read:

19. A raised ledge detail shall be added between the first and second stories on all side and rear, two-story wall elevations, specifically on those visible from an arterial where consistent with Condition No. 20.

Ms. Hoggatt explained that the intent of Condition No. 19 was separate from Condition No. 20 in that the condition was not limited only to elevations visible from rights-of-way but for all homes.

Commissioner Tumbaga suggested that Condition No. 19 remain as shown in the resolution and not be modified further, which was acceptable to the Commission.

Mr. Stremel asked that the first sentence of Condition No. 20 be amended to read:

20. Wherever possible, architectural details such as shutters and decorative railings used on front elevations shall be incorporated into side and rear elevations, where such elevations would be visible from and generally backs on to a public right-of-way (street side elevations of Corner Lots, 1, 11, 29, 39, 40, 56, 57, 64, 82, 85, 102, 118, 127, 136, 147, 154, 156, 157, 162, 164, 195, 211, 217, 229, 230, 236, 241, 243, 249 and rear elevations of Lots 1 through 6, 12 through 28, 64, through 70, 148 through 153, 156, 157, through 162, 167 through 168 as indicated on Vesting Tentative Map No. 8406.)

Chairperson Garcia requested that Condition No. 20 be worked out between the developer and staff.

Mr. Stremel requested the elimination of the last sentence of Condition No. 21 and requested that he be allowed to work with staff on a 25 percent ratio as opposed to a 75 percent ratio of the lots visible from the identified roadways, to reduce the building mass when viewed from the public rights-of-way, as shown in that condition.

At this point the Commission did not agree with the proposed modification from 75 to a 25 percent ratio as shown in Condition No. 21 but would accept a portion of the elimination of the last sentence of that condition which would now read:

The last sentence of Condition No. 21 to read:

No more than two of Plan Two, Plan Four or Plan Five Model shall be built adjacent to one another.

Speaking to EIR Mitigation Measures – Design Review, (e), as written, and as shown in Resolution No. 9576, Ms. Hoggatt explained that she could not find the specific condition in the Tentative Map approval, although it was a mitigation measure of the EIR and applicable
to design review, which was why it had been identified in the resolution. She reiterated that the developer shall install the in-home emergency response system although staff had not intended to direct the developer to install a specific brand name. Again, there was no obligation in the MMP for the developer to pay for the system for each home, simply that the system be installed.

Referring back to Condition No. 21, Ms. Hoggatt explained that staff’s preference was that all of the lots visible from public rights-of-way be either Plan One, Three or Six, with a rear elevation with the sloped roof, or pitched roof on the back, a wall break on the back or the single story elevation. She noted that had been based on experience driving down I-680 towards San Jose where walls of all two story homes were monotonous at the rear. She otherwise understood the lot size limitations and that certain homes would not fit on certain lots.

While it was unreasonable to require 100 percent, in a review of the footprints of the homes and based on what could fit on the site plan, Ms. Hoggatt suggested that three quarters of those lots could be an alternative model. If the ratio was too high, she understood, but she still did not want to see views of massive walls.

Chairperson Garcia suggested that the buyers should decide what he/she wanted on the lot. For those lots visible from Bailey Road, trees could be planted that could grow tall to obscure those homes. He suggested that would offer a better solution than insisting on a 75 percent ratio.

Commissioners Gordon and Williams agreed with staff, but would agree to a 50 percent ratio.

Mr. Stremel requested that EIR Mitigation Measures – Roadway Improvements, No. 30 be amended to read:

30. Prior to issuance of the 51st building permit for the development, the developer shall:

And to 30 (b):

b. Pay regional and local traffic mitigation fees to help fund the expansion of capacity of Bailey Road between State Route 4 and Leland Road, to be paid at building permit issuance on a per lot basis. (EIR Mitigation Measure 4.4-3).

Ms. Hoggatt explained that the requirement had come directly from the MMP and the timing adopted in the MMP was prior to the issuance of the first building permit.
Senior Civil Engineer Alfredo Hurtado added that with most of the user fees in the City’s ordinance, the developer was required to pay all fees prior to the issuance of any building permits. The fees could be paid for the 249 total homes in total or could be paid individually.

Ms. Ayres was comfortable with the developer’s requested change in that paying traffic fees with individual building permits was standard practice. As to Mr. Stremel’s requested amendment to EIR Mitigation Measures – Roadway Improvements, No. 30, she noted that if it was an adopted mitigation measure, she did not see that the condition could be modified.

Ms. Hoggatt affirmed that the condition was, in fact, a mitigation measure.

Mr. Stremel reiterated his request but understood the requirement.

Mr. Stremel requested further amendment to EIR Mitigation Measures – Utilities/Facilities Improvements, No. 31:

31.  Prior to issuance of the first residential building permit, [except the models], for the development, the developer shall provide a minimum fire flow of 2,000 gallons per minute (gpm) for a minimum of two hours, and provide adequate fire suppression acceptable to the City Engineer.

Ms. Hoggatt explained that the timing of the condition was based on the adopted MMP which had not specified a difference between a model home or a for sale unit, and was identified as an improvement required prior to the issuance of the first building permit.

Ms. Ayres also understood that the condition was a standard Contra Costa County Fire Protection District (CCCFPD) requirement.

Mr. Stremel requested amendment to EIR Mitigation Measures – Utilities/Facilities Improvements, No. 34:

34. Prior to issuance of the first residential building permit, except as provided in Condition Nos. 31 and 32 above, the developer shall construct and have operational the following:

Ms. Hoggatt reiterated that it would depend on the timing in the MMP which had stipulated “prior to issuance of the first residential building permit.”

Ms. Ayres noted that the CCCFPD required adequate water to fight a fire before any construction occurred.

Commissioner Gordon suggested that if the condition were adequate to the CCCFPD then
it should be could be acceptable to the City.

Mr. Hurtado clarified that the CCCFPD would approve the building plans for the developer and if there was no adequate supply of water the district would not approve the plans.

On the discussion, Ms. Ayres suggested that Mitigation Measures – Utilities/Facilities Improvements, No. 31 and 34 may be able to be amended to read:

31. Prior to issuance of the first residential building permit, the developer shall provide adequate water facilities subject to the satisfaction of the Contra Costa County Fire Protection District standards.

34. Prior to issuance of the first residential building permit, the developer shall provide adequate water facilities subject to the satisfaction of the Contra Costa County Fire Protection District standards.

In response to Ms. Hoggatt’s comment that the conditions contained in the resolution had been taken directly from the MMP and the EIR and could not be changed, Ms. Ayres acknowledged that the mitigation measures had already been adopted as part of the adoption of the EIR. Therefore, she acknowledged that the time to have argued those conditions would have before when the MMP and the EIR had been approved.

Mr. Stremel requested amendment to the first sentence of Condition No. 40:

40. This design review approval will expire on the second year anniversary of the date of the approval of the final subdivision map for this development unless work had commenced.

Ms. Ayres explained that the first part of the amendment would be acceptable to staff for the design review approval to expire on the second anniversary of the date of the approval of the final subdivision map, although the date of the validity of the building permit was based on other rules. To keep them valid, regular inspections were made. Also, the Planning Commission had no authority to change the building permit regulations.

Condition No. 40 was then amended to read:

40. This design review approval will expire on the second year anniversary of the date of the approval of the final subdivision map for this development unless a building permit or grading permit had been issued for this development, or a written request for extension is filed with the Planning Department prior to the expiration date and subsequently approved by the Planning Commission.
MOTION: AP-05-190

Motion by Commissioner to Gordon to adopt Resolution No. 9576, approving AP-05-190 (DR), Design Review approval of architectural plans and elevations for six models of houses to be constructed in the Bailey Estates development, with the conditions as shown as modified as follows:

Page 1 of 13, third sentence of paragraph C:

The applicant had also identified by separate memorandum that all of the houses would have gas or EPA-certified fireplaces (Mitigation Measure 4.6-5) fire sprinklers (Mitigation Measure 4.7.1D), emergency response systems (Mitigation Measure 4.7-1E) water efficient appliances and fixtures installed by the developer (Mitigation Measure 4.7-7C) and that houses potentially subject to noise would have mechanical heating and ventilation systems (Mitigation Measure 4.5-2).

Page 5 of 13, General Conditions, Condition No. 1:

The houses shall be built substantially in conformity with the project plans stamp dated February 2, 2005 and June 20, 2005, except as hereinafter modified.

Page 5 of 13, General Conditions, Condition No. 2:

The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Planning Commission Resolution No. 8931 and the conditions of identified herein, the specific conditions of this resolution shall apply. In the event that this resolution conflicts with Resolution No. 9497, the conditions of Resolution No. 9497 shall apply.

Page 6 of 13, Design Review Conditions, first sentence of Condition No. 6:

The developer shall fence all rear and side yards of all residential parcels with board-on-board redwood or cedar fencing in conformance with the height and site regulations of the zoning ordinance, except where such rear or side yard is enclosed by a masonry subdivision wall.

Page 6 of 13, Design Review Conditions, Condition No. 7:

All masonry walls constructed as part of this development shall be constructed with a decorative wall cap subject to Planning Department approval, as shown on the...
preliminary landscaping plans.

**Page 6 of 13, Design Review Conditions, Condition No. 12:**

Sectional garage doors installed on each residential unit shall be equipped with automatic openers, on the double doors.

**Page 7 of 13, Design Review Conditions, Condition No. 13:**

Air conditioning units shall be placed along the wall in the rear or side yards with a minimum of three feet unobstructed access on either side of the unit.

**Page 7 of 13, Design Review Conditions, Condition No. 20:**

The applicant to work with staff on that condition, specifically, Lots 1 through 8.

**Page 7 of 13, Design Review Conditions, Condition No. 21:**

To reduce building massing at the northerly project entrance, Lot 1 shall be developed with a single-story Plan One Model. To reduce building massing of the project when viewed from the public rights-of-way on Bailey Road and Street “N” at least 50 percent of the lots visible from these roadways (Lots 2 through 6, 13 through 28, 64 through 69, 148 through 153, 157 through 162 and 166 through 168, as indicated on Vesting Tentative Map No. 8406 shall be developed with Plan One, Plan Three or Plan Six model. No more than two of the Plan Two, Plan Four or Plan Five model shall be built adjacent to one another.

**Page 9 of 13, EIR Mitigation Measures – Roadway Improvements, No. 30 (b):**

Pay regional and local traffic mitigation fees to help fund the expansion of capacity of Bailey Road between State Route 4 and Leland Road, to be paid at building permit issuance on a per lot basis. (EIR Mitigation Measure 4.4-3)

**Page 9 of 13, EIR Mitigation Measures – Roadway Improvements, No. 30 (c):**

Pay a fair share contribution toward the following improvements at the Bailey Road/Leland Road intersection, to be paid at building permit issuance on a per lot basis.

**Page 12 of 13, Term of Approval, first sentence of Condition No. 40:**

This design review approval will expire on the second year anniversary of the date of the approval of the final subdivision map for this development unless a building
permit or grading permit had been issued for this development, or a written request for extension is filed with the Planning Department prior to the expiration date and subsequently approved by the Planning Commission.

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

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

**Item 3: Vista Del Mar Design Review AP-03-33 (DR)**

Application by William Lyon Homes requesting design review approval to construct 521 single family residential homes, install front yard landscaping on all residential lots, and install landscape improvements at the project entrance on a 293 acre site, commonly known as the Alves Ranch site, south of the proposed West Leland Road Extension, for the Vista Del Mar development. APN 097-160-013, 097-160-014, 097-160-015, 097-160-047, and 097-180-004.

For the benefit of the Commission, Ms. Ayres stated that Condition No. 4 of Resolution No. 9575 stipulated that the applicant shall comply with all conditions of approval outlined in all of the other resolutions and ordinances already approved for the project.

Associate Planner Noel Ibalio presented the staff report dated June 28, 2005. He recommended that the Planning Commission adopt Resolution No. 9575 approving AP-03-33 (DR), with the conditions as shown.

Commissioner Ohlson spoke to Plan 2.0 of Neighborhood D, which had shown a coat closet with the term “SH & P.” He requested clarification from the applicant.

**PROONENT:**

DOUG EIKENBARY, William Lyon Homes, 2603 Camino Ramon, Suite 150, San Ramon, expressed his agreement with the conditions of approval, although he clarified that the matrix shown on Page 2 of 8 of the staff report should be modified to reflect that Neighborhood B would have more design themes than had been shown in the matrix. He acknowledged that had been addressed in the written portion of the staff report.

Mr. Eikenbary also requested an amendment to Condition No. 1 of Section 3. Approval, of Resolution No. 9575 as follows:
1. The project shall be constructed in substantial conformance with the project plans submitted on May 13, 2005, and materials samples submitted October 13, 2003, except as hereinafter may be modified, with the developer to have the ability to add more exterior colors. (Subject to staff approval).

Staff expressed agreement with the requested amendment.

Commissioner Ohlson commented that Page 4 of 8 of the staff report had shown Neighborhood D with lots at 6,000 square feet in size. He requested clarification from staff.

Mr. Ibalio clarified that the minimum lot size would be 6,000 square feet for the neighborhood and would range in terms of the lot size depending on the grading. The individual lot would not be subdivided but would be part of the neighborhood layout.

Mr. Eikenbary added that there were four different communities. Neighborhoods C and D would consist of 6,000 plus square foot lots.

Commissioner Ohlson also spoke to Vista Del Mar, Neighborhood C, Preliminary Landscaping Plan, and the reference to a 6 foot 0 inch AC trail, noting that the East Bay Regional Park District (EBRPD) standard trail was 10 feet. He asked that a condition be added that the developer follow the EBRPD standard for trail design.

Mr. Eikenbary expressed a willingness to accommodate such a condition. He also clarified that the reference to "SH & P" in the coat closet, as shown on the plans, referred to a shelf and a pole.

MOTION: AP-03-33

Motion by Commissioner Ramirez to adopt Resolution No. 9575, approving Design Review Application No. AP-03-33 (DR), to construct 521 single family residential homes, install front yard landscaping, and install landscape improvements at the project entrance on a 394 acre site, commonly known as the Alves Ranch site, for the Vista Del Mar development located at the western terminus of West Leland Road; APN 097-160-013, 097-160-014, 097-160-015, 097-160-047 and 097-180-004, with the conditions as shown, an amendment to Condition No. 1 as shown and with the following additional condition:

- The developer to follow the East Bay Regional Park District (EBRPD) standard for trail design.

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

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Williams, Garcia
Item 4: Pittsburg Marina Bed and Breakfast. AP-05-220 (DR)

Application by the City of Pittsburg Redevelopment agency, requesting design review approval to construct an eight room, three-story bed and breakfast inn with a dining room and a library, at 51 Marina Boulevard, in the Marine Commercial Zoning District/General Plan Land Use Classification, APN 085-071-040.

Associate Planner Noel Ibalio presented the staff report dated June 28, 2005. He recommended that the Planning Commission adopt Resolution No. 9574 approving AP-05-220 (DR), with the conditions as shown.

PROONENT:

URSULA LUNA, Project Manager, Pittsburg Redevelopment Agency, explained that the project was sponsored by the Redevelopment Agency/City with an overall vision for a first class resort marina. The project was intended to help realize that vision through a strong visual tie to Old Town and through the eclectic architectural design. The building would be three stories, with eight executive style suites, ranging from 400 to 600 square feet. Each room would have its own balcony overlooking the water, Jacuzzi tub separate from the bathroom tub, and electric fireplace.

Each room would also have its own theme. The ground floor would have a front desk, lobby area, and innkeeper’s suite, with an on-site innkeeper. Two fireplaces would be located on the ground floor, one in the lobby and one in the library with a dining room, and outdoor dining terrace. The grounds would be expansive for the urban infill project with a garden setting, a fountain, a gazebo and benches, which area had been envisioned could be used for outdoor wedding ceremonies.

Ms. Luna reported that two public workshops on the project had been held on April 21 and June 15. The Marina Master Plan could be reviewed at City Hall in her office and was intended to be presented to the Planning Commission at some point in the future.

In response to Commissioner Ohlson, Mr. Ibalio defined the use of dentil moldings as being a part of the cornice and small blocks mounted below the cornice or below the roof edge.

JIM MILLER, Miller Architects, also clarified that the dentil molding would be located directly underneath the eave and would be blocked, reminiscent of teeth, and provide a break and shadow under the eave. Corbels were a protrusion design element from the structure which would hold up a decorative section under the vertical elements and which
would be located on the staircases.

Commissioner Ohlson inquired of the cost of the building and the occupancy rate that was anticipated.

Ms. Luna explained that the project involved a $2.9 million investment which had been approved by the City Council but which had not included the cost of the landscaping. When the Redevelopment Agency had presented its list of projects, an additional amount had been added to the Agency budget for the landscaping, for a total project budget of $3.5 million. The Agency hoped to recapture its investment over time since the project would be paid through a recent Agency bond issuance. The project would be a public project intended to revitalize the area. With the right marketing and innkeeper, the project would be successful. She expressed a hope of having a 100 percent occupancy.

Commissioner Gordon made a motion to adopt the resolution of approval, with the conditions as shown. Commissioner Ramirez seconded the motion.

Speaking to Condition Nos. 4 and 16 and the potential that those conditions could conflict with each other, Ms. Luna inquired which condition would prevail.

Ms. Ayres recommended that Condition No. 16 be amended as follows:


Ms. Luna also questioned those conditions relating to the payment of City fees and asked that the conditions be amended to add the clause, “as applicable” to the last sentence of those conditions.

Ms. Ayres suggested that such an amendment would be acceptable since the Agency would not be the owner or builder, and as a City project the City would not pay itself. She recommended that any conditions regarding City fees be amended to include the clause “as applicable.”

Given the discussion and changes to the conditions after the motion had been made, Commissioner Gordon withdrew his motion, and Commissioner Ramirez also withdrew his second to the motion.

Ms. Luna requested that Condition No. 15 be amended to read:

15. *The applicant shall construct pedestrian/bicycle access facilities that are acceptable to the City Engineer, to be addressed with the Marina Master Plan.*
MOTION: AP-05-220

Motion by Commissioner Gordon to adopt Resolution No. 9574, approving Design Review Application No. AP-05-220 (DR), to construct an eight room three-story Bed and Breakfast Inn with a dining room, and a library, located at 51 Marina Boulevard, in the Marine Commercial General Plan Land Use Classification; APN 085-071-040, with the conditions as shown and with amendments to Condition Nos. 15 and 16, as shown and a modification to any conditions relating to City fees, to include the clause “as applicable.” The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

STAFF COMMUNICATIONS:

Ms. Ayres reported that Associate Planner Noel Ibalio had accepted a position with the City of El Cerrito as a Senior Planner and this would be his last meeting. She thanked him for his service to the City.

Mr. Ibalio thanked the Commission and commented that it had been a pleasure serving the Planning Commission as a staff person.

The entire Commission expressed its appreciation to Mr. Ibalio for his service to the City and wished him well on his new endeavors.

Ms. Ayres reported that the Commission had been provided with information on the plans from Burlington Northern/SF for the expansion of the rail line near Solari Street which would require widening of the bridge, the width of the road and sidewalks to be installed, and hopefully bike lanes.

Ms. Ayres also recognized that this was the last meeting for Commissioner Gordon. She expressed her appreciation to him for his work on the Planning Commission.

COMMITTEE REPORTS:

Commissioner Ohlson reported that the TRANSPLAN Committee had met and had been provided an update of the East Contra Costa Bicycle Plan.

COMMENTS FROM COMMISSIONERS:
Commissioner Ohlson reported that on June 30 East Contra Costa County and the Global Marketplace developing an International Business Community would be holding a seminar at Los Medanos College, which seminar would be free to the public.

Commissioner Tumbaga advised that on July 2 and 3 there would be an Old Town Art and Wine Festival, with fireworks scheduled for the Fourth of July.

Commissioners also expressed his/her appreciation and recognized the work and efforts of Commissioner Gordon during his tenure on the Planning Commission. Commissioners also recognized Mrs. Gordon’s continued work on behalf of the community as a member of the Community Advisory Commission (CAC).

Commissioner Gordon thanked staff, particularly Melissa Ayres for her help during his tenure on the Planning Commission commenting that it had been a pleasure to serve on the Planning Commission.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 11:40 P.M. to a regular meeting of the Planning Commission on July 12, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission