MINUTES

OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

February 23, 2005

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Wednesday, February 23, 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 Ken Strelo, Assistant Planner Christopher Barton, Planning Intern Jill Pirog, Economic Development Director Brad Nail, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, February 18, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Williams led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:
There were no presentations.

CONSENT:

a. Minutes – February 8, 2005

MOTION:

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

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

Noes: None

Abstain: None

Absent: None

Commissioners Gordon and Tumbaga excused themselves as a result of a potential conflict of interest with the public hearing for Ramar Foods.

CONTINUED PUBLIC HEARING:

Item 1: Ramar Foods at Marina Skate. AP-04-164 (UP/DR)

Application by Primo Quesada of Ramar Foods International requesting approval of a use permit to establish a food processing plant, and design review of architectural and site development plans to add 15,000 to 18,000 square feet to an existing 18,595 square foot building located at 335 Central Avenue (old Marina Skate building), CN (Neighborhood Commercial) District, Service Commercial General Plan Land Use designation (Ordinance No. 04-1215) APN 086-132-022. (Continued from February 8, 2005)

Assistant Planner Christopher Barton presented the staff report dated February 23, 2005. He recommended that the Planning Commission adopt Resolution Nos. 9554 and 9555 approving Use Permit and Design Review Applications No. AP-04-139, respectively.

Ms. Ayres reported that the rezoning portion of the application had been considered by the City Council on February 22, 2005 when the Council had adopted the Negative Declaration and had introduced the ordinance for the rezoning which would be returned to the Council in two weeks for its adoption. The resolutions for the use permit and design review would not become effective until the rezoning was approved by the City Council.

In response to Commissioner Ohlson as to whether it would be typical to underground the utilities from the street into the building, Senior Civil Engineer Alfredo Hurtado explained
that in this instance there was an existing structure and City code did not require that the utilities be underground.

Commissioner Williams commented that during the prior Commission meeting some concern had been expressed that it would be cost prohibitive for the applicant to underground the utilities. She inquired whether or not that issue had been resolved.

Mr. Barton explained that the applicant would be following the original plans with the parking lot transformers to either be relocated to avoid interfering with the parking lot modifications, or to be underground, if feasible.

Commissioner Ohlson understood that the transformers could be underground or above ground although from the street to the transformer he understood it was standard practice to place the wires underground. He questioned whether the City or the applicant would pay for the underground work from the pole to the transformer.

Mr. Hurtado commented that usually such work was done through an underground district created by the City with existing surrounding commercial or residential properties to be informed to be prepared to underground the lines from the poles to the homes. In this instance, the undergrounding of the utilities was not being requested given that no such district had been created in the area. If the Commission wished, the applicant could be directed to prepare the area for future underground work from the pole to the site, although the applicant could not be obligated to do more than that since no underground district had been created.

Chairperson Garcia understood that it was City policy for new construction to require underground utilities. Given the existing building in this case, there was no requirement for the applicant to underground any of the utilities unless it was to his/her advantage to do so.

PUBLIC HEARING OPENED

MICHAEL KEE, Architect, 440 Railroad Avenue, Suite 210, Pittsburg, representing the applicant Ramar Foods, presented a revised site plan based on the comments offered by the Planning Commission at its prior meeting. Revisions to the site plan included the addition of parking spaces with a reduction in the landscaping. The landscaping was currently at approximately nine percent of the site where seven percent was required. The previous site plan had shown the landscaping at 13 percent. He described the dispersement of trees on the site with a couple of trees in the parking areas, in front of the patio area to provide some screening, and dispersed along the west portion of Railroad Lane.

Mr. Kee commented that in order to have double sided parking along the Railroad Lane elevation, the parking had been moved slightly closer to the building. There would also be a reduction in the landscaping strip along Railroad Lane as permitted by City code.
Mr. Kee identified where the revised plan included parking along the front at Central Avenue. The building had also been moved back against the property line, extended back and narrowed slightly with no change to the square footage. A passageway through the rear portion of the site had been eliminated. A gate would be placed in that area to prevent accessibility to the docking area after hours. Further, the trash area had been moved to the far corner to be more accessible for trash collection per City standards.

Additionally, Mr. Kee identified the intent to remove the pole and transformer in the parking lot with an above ground pad mounted transformer to be placed at the rear portion of the property, and with the intent to have the on-site utilities underground.

Mr. Kee also clarified the parking count and noted that the bicycle parking had been placed in the courtyard area. A second bicycle parking area had been proposed near the front entry to the building. There would be a total of 77 parking spaces, where 41 parking spaces were required, including four handicap parking spaces. The applicant had proposed additional parking to accommodate occasional seasonal employees.

Mr. Kee also clarified, when asked, that there would be 23 trees along Central Avenue when 13 trees were required. The project would provide a total of 45 trees on the site.

Ms. Ayres cautioned the Planning Commission in approving the revised plan at this time in that the applicant had reduced the landscaping along Railroad Lane to eight feet where the Municipal Code required ten feet. She advised that there had been no request for a variance or an overlay zone request to change that landscaping provision. There had also been no notification to the public of a possible variance or overlay zone.

Mr. Barton affirmed that the three street frontages on the property required 10 foot minimum setbacks with no request from the applicant for exceptions in that regard.

Chairperson Garcia commented that two to three Planning Commissioners had previously agreed that the parking would be more valuable than the landscaping. He sought a consensus from the Planning Commission on that issue.

Ms. Ayres emphasized that there has been no public notice of that issue and the applicant would have to request a variance through a separate application before the Planning Commission could find the revised plan consistent with the zoning. She stated that could not be done after the fact.

Mr. Kee explained that a 27 foot backup aisle was required for 90 degree parking. If the parking along Railroad Lane was changed from 90 degree stalls to 30 or 60 degrees, he stated the aisle could be reduced to 27 feet.

Ms. Ayres noted that stalls on both sides of the aisle would have to be changed to angled stalls to reduce the aisle width to the 27 foot backup.
Chairperson Garcia recommended that issue be worked out between the applicant and staff so that the applicant would not have to return to the Commission for a variance since he understood that time was of the essence for the project.

Ms. Ayres suggested that could be done if the applicant agreed to modify the parking design to fit within that area and to maintain the ten foot landscaping strip as a condition of project approval.

PRIMO QUESADA, Ramar Foods International, 1101 Railroad Lane, Pittsburg, suggested that the issue could be resolved if the sidewalk was reduced to four feet to maintain the ten foot landscaping strip. He noted that the sidewalk on Railroad Lane was now three feet. There was no sidewalk on the other side.

Ms. Ayres reported that the City Council adopted street standard was for six foot sidewalks although she acknowledged that there were older portions of the community that had sidewalks smaller in width. When building occurred in those areas, she explained that the sidewalks were matched rather than complying with the current standards. She added that new sidewalks must also meet Americans with Disabilities Act (ADA) requirements.

Mr. Hurtado asked to be allowed to research that issue in that he could not provide clear direction on that issue at this time. He suggested that staff be allowed to work with the applicant to determine what could be done to meet the City code for the sidewalk, landscaping and parking.

Mr. Kee was confident that a solution could be reached to allow the project to meet the code requirements.

Commissioner Ohlson pointed out that the trash enclosure appeared to block trucks backing into the loading area.

Mr. Kee explained that the intent was for the trucks to travel down Railroad Lane, to loop around heading towards Central Avenue and to back in. The existing 40-foot drive would be widened to allow trucks to back into that space.

EVANGELINE SANTOS, representing the Fil-American Association of Pittsburg, stated that the Fil-American Association was pleased with and supported the project.

The Fil-American Association also was pleased with the increase in parking and recognized the good works of the applicant who had helped the community by providing employment opportunities.

OPPONENTS: None

PUBLIC HEARING CLOSED
MOTION:  AP-04-164 (UP)

Motion by Commissioner Ramirez to adopt Resolution No. 9554, approving Use Permit Application No. AP-04-164 (UP), a use permit to establish a frozen food processing facility at 335 Central Avenue for “Ramar Foods at Marina Skate,” with the conditions as shown, and based on the revised plans submitted by the applicant this date, February 23, 2005 and adding a new condition on that the applicant work with staff to resolve the issues with the parking and landscaping to ensure compliance with the Pittsburg Municipal Code. The motion was seconded by Commissioner Williams and carried by the following vote:

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

MOTION:  AP-04-164 (DR)

Motion by Commissioner Ramirez to adopt Resolution No. 9555, approving AP-04-164 (DR), Design Review of architectural and site development plans to add approximately 11,280 square feet to an existing 18,920 square foot building located at 335 Central Avenue for “Ramar Foods at Marina Skate, with the conditions as shown and based on the revised plans submitted by the applicant this date, February 23, 2005; and with a new condition that the applicant work with staff to resolve the issues with the parking and landscaping to ensure compliance with the Pittsburg Municipal Code.

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

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

Commissioners Gordon and Tumbaga returned to the dais at this time

PUBLIC HEARINGS:

Item 2: JFK University Satellite Campus. AP-05-191 (UP)

Application by Brad Nail, City Economic Development Director, requesting that a use permit be approved to allow the establishment of a private university in an existing building owned by the City located at 2020 Railroad Avenue in the GQ (Governmental and Quasipublic District); APN 086-100-007-3.
Planning Director Melissa Ayres presented the staff report dated February 23, 2005. She recommended that the Planning Commission adopt Resolution No. 9556, approving Use Permit Application No. AP-05-191, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOSER: City of Pittsburg, Economic Development Director

BRAD NAIL, Economic Development Director, reported that the City had been working on the project for several years and were pleased it was coming to fruition. The project had been supported by the City Council and the Redevelopment Agency and included a proposal to renovate the building at 2020 Railroad Avenue for the proposed use. With the exception of the siding on the modular building, only interior improvements would be made to the building.

Mr. Nail also understood, when asked by Commissioner Ohlson, that bicycle racks were located to the rear and front of the building.

Commissioner Gordon congratulated staff on the project. He inquired of the type of counseling that would be provided by the university.

Mr. Nail stated that the counseling services would be for marriage and family therapy and an elder law clinic.

Commissioner Williams understood that there would be two classes which would also be provided in the Pittsburg Senior Center.

Mr. Nail explained that JFK University was very anxious to begin classes. Since the property at 2020 Railroad Avenue would not be fully renovated until July, the City had made accommodations for JFK to hold two academic classes in the Senior Center until the property at 2020 Railroad Avenue had been completely renovated.

K. SUE DUNCAN, Vice President of Enrollment Services, JFK University, emphasized that JFK was excited about the project. She clarified that the university utilized a quarter system with the spring quarter starting in April.

Since the building on Railroad Avenue would not be ready until summer and since JFK’s next programs would begin in April, two programs would be offered at the Pittsburg Senior Center. Those programs included a Bachelor of Science Completion program, Business Administration and Single and Multiple Teaching Credential programs. Additional programs had been planned in the fall for graduate and psychology programs. In addition, a Counseling Center would operate during the day and evenings for marriage and family therapy. Efforts were ongoing for agreements for interns to go into the school system to offer therapy. The students in the Counseling Center would be graduate students in the
third year of clinical training programs from JFK’s Pleasant Hill campus. An elder law clinic
would also be offered on Saturdays.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-191

Motion by Commissioner Gordon to adopt Resolution No. 9556, approving AP-05-191, A
Use Permit to establish a private college in two existing buildings at 2020 Railroad Avenue
for “JFK University Satellite Campus,” with the conditions as shown and with the additional
condition:

• In the event bicycle racks did not exist at the site, bicycle racks were to be added.

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

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

Noes: None

Abstain: None

Absent: None

Item 3: Rose Glen Residential Subdivision. AP-04-154 (Subdivision 8845)

Application by Salvatore Evola of Discovery Builders requesting approval of 1) a parcel
map to subdivide an existing 15.71 acre lot into three lots (one 13.24 acre lot (Parcel “A”),
one 0.81 acre lot (Parcel “B”), one 1.66 acre lot (Parcel “C”); 2) a vesting tentative map to
subdivide Parcel “C” into 7 lots; and 3) design review approval of three models to be built
on Parcel “C”. The property is located on both sides of West Leland Road approximately
350 feet south of Range Road. Parcel “C” is located north of West Leland Road. Portion
of APN 095-150-013.

Assistant Planner Chris Barton presented the staff report dated February 23, 2005.

Mr. Barton recommended that the Planning Commission approve Resolution No. 9550,
approving Minor Subdivision Application No. AP-04-154 (MS-677-05) with the conditions
as shown, approve Resolution No. 9551, approving Subdivision 8845 with the conditions
as shown, and adopt Resolution No. 9552, approving Design Review Application No. AP-
04-154, with the conditions as shown.
Commissioner Ohlson spoke to Page 4 of 8 of the staff report, Table One regarding the building materials. Of the materials listed, he requested clarification on the defined use of a “bracket” and how it would accent a home.

Mr. Barton noted that window treatments used brackets to improve aesthetics. Commissioner Ohlson also spoke to Page four, Section 4, Approval, No. 2 of Resolution No. 9550, and requested clarification from staff as to the intent of that condition.

Mr. Hurtado explained the requirement for the applicant to provide an owner’s statement on the parcel map reflecting relinquishment of abutter’s rights along the West Leland Road portion of Parcel C, which would restrict any construction of drives into Leland Road from the properties that would be created. By placing the condition in the parcel map, any drives, including a road, would be precluded.

Mr. Hurtado also clarified, when asked by Commissioner Ohlson, that the financial figure as shown on Page 8 of 11, Engineering Condition c. of Resolution No. 9551 should be corrected to read “$500,000.”

Commissioner Williams inquired of the price range of the proposed homes, to which Mr. Barton suggested that the applicant clarify that issue.

Mr. Barton stated that the applicant had proposed all two story homes although staff had recommended that at least one of the homes be one story, closer in scale with the existing neighborhood. The size of the one story unit would be smaller than the two story homes although the actual building footprint could be close to or greater than the two story units depending on the model used for the single story home.

Commissioner Williams inquired of the price the City’s Redevelopment Agency had sold the property to the applicant.

Ms. Ayres stated that she was unaware of the exact sales price of the property, although she acknowledged that information was public record.

Commissioner Tumbaga questioned why only one of the seven total units would be a single story unit and she asked if that same single story unit would be designated as the affordable unit.

Ms. Ayres explained that staff had not recommended that the single story unit be designated as affordable since that was a decision to be made by the applicant. She understood that one story units actually cost more to build given the need for more foundation, roof and oftentimes more siding. She added that the applicant had complied with the affordable housing requirement to provide 15 percent of the total number of units as affordable, with one affordable unit based on a total of seven units.
Commissioner Ramirez requested clarification from staff as to the number of lots located on Shadow Court.

Mr. Barton advised that there were six lots with a flag lot hiding one of the homes in the rear of the cul-de-sac. Commissioner Ramirez questioned whether the project would then tie into Shadow Court and if there was room to open it up or if one of the homes would have to be eliminated from the plan.

Mr. Barton stated that there would be no taking of property other than a modification to the terminus of Shadow Court. There was also no impact on the sidewalk leading to the cul-de-sac.

For the record, Chairperson Garcia reported that DAWNNE SANCHEZ, Pittsburg, had presented him with a list of questions regarding the proposal including concerns with the size of Lot 7 at 17,647 square feet since it would back onto Lots 459, 460, 461 and 462. Concerns were raised with the proposed 6-foot fence in the rear yard and with the loss of existing views. Concerns had also been raised with a sliver of land on Lot 7 which residents understood was owned by the Contra Costa Flood Control District, although the Chair understood that the City owned that piece of the property.

Mr. Barton advised that a 6-foot high fence was allowed in the rear yard for a residential development. The applicant had proposed 6-foot high wooden fences throughout the subdivision. He explained that when work was being done on the multipurpose pipeline on the canal property, it was possible that the City had allowed workers on that site as a convenience to do the work. He noted that the parcel map had clearly shown the ownership of that piece of land.

Chairperson Garcia also understood that the future homeowner of Lot 7 would be required to maintain that piece of the property. Mr. Barton affirmed that was the case.

Ms. Sanchez had also raised additional concerns with conditions imposed by the two year canal project and had recommended that there be a soil erosion test for Lot 7 and that a pool sprinkler system be installed since heavy structures could cause erosion to lower the levels of Lots 462, 461, 460, 469 and 458. It was also recommended that the water be required to drain away from the neighbors’ properties.

Mr. Barton explained that any new development would be reviewed by the Engineering Department. Drainage must drain to an improved area, which was typically the street. A geotechnical exploration report would have to be prepared for any new structure prior to the issuance of a permit from the Engineering Department.
The Chair commented that Ms. Sanchez had also requested that the hours of construction be restricted and that the exterior lighting not impact neighboring properties.

Chairperson Garcia noted that the City did have restrictions on the hours of construction during the week and on weekends for all construction projects in the City. The developer would be required to comply with those regulations.

Mr. Hurtado added that the restriction on the hours of construction were included in the City’s Grading Ordinance and had been included in the conditions of approval of which the applicant must also comply.

Mr. Barton advised that lighting would be required to remain on site as a standard condition of development. As part of the project, only one new street lamp would be located at the terminus of the extension of Shadow Court.

The Chair further commented that Ms. Sanchez requested that trucks hauling soil, sand or loose material be required to maintain two feet of freeboard and the minimum required space between the top load and the top of the trailer. She also asked that the site be swept daily with water sweepers, and that all paved access roads, parking areas and staging areas of the construction site and the streets be swept daily if visible soils materials carried onto adjacent public streets.

Mr. Hurtado reiterated that such matters would be handled through the Grading Ordinance, which also addressed requirements for air quality and dust control of which the applicants must comply as a condition of development. He identified Condition No. 8 of Resolution No. 9552, which identified the requirement to comply with Title 24 regulations regarding sediment and erosion control.

Chairperson Garcia advised that Ms. Sanchez’s comments would be included in the public record.

Commissioner Tumbaga inquired if the space between Lots 6 and 7 would be public access to the long strip of land behind Lot 7.

Mr. Barton explained that the purpose of the 10-foot access easement had been to relocate a power line currently on the property to serve a gate serving the Contra Costa Canal, which would be relocated along the 10-foot easement between Lots 6 and 7. That strip of land would be on Lot 7 and would have to be maintained by the future property owner of that lot.

Mr. Barton clarified, when asked, that the property owner would have the right to build an accessory structure in the rear yard as long as it met the zoning requirements, which would allow a structure as long as it was set back at least 5 feet from the side property line, with a
10-foot setback from the rear property line. A secondary unit would also be permitted for any single family residence in compliance with City and State regulations.

PUBLIC HEARING OPENED

PROPONEHT:

SALVATORE EVOLA, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, agreed to all of the conditions in the resolutions including the staff recommendation for a single story unit. As to the inquiry as to the use of the design brackets, he noted that on some elevations of Plan Three, Elevation A, an artificial foam pop out design element would be used as had been utilized on other home designs. It could be a corbel [bracket] or a foam pop out in conformance with the design guidelines providing four sided architecture and relief.

Commissioner Ohlson expressed a preference for a masonry fence along West Leland Road, which was an arterial street, as opposed to the proposed wooden fence.

Mr. Evola expressed the willingness to work with staff on that issue.

Ms. Ayres explained that the homes would back on to West Leland as did other homes in the area where there was already a wooden fence. The intent was to match the fencing with the homes adjacent to the subject site. She added that block walls were often required to address noise issues, although the noise contours in this area were not excessive and would not require a block fence for that reason.

Commissioner Dolojan stated that he also preferred a masonry fence rather than the wood fence.

In response to Commissioner Tumbaga as to which lot would have the single story unit, Mr. Evola stated that Lot 7 had been envisioned to be a single story unit, with a larger footprint and had been envisioned for the developer’s 1,785 square foot plan. Speaking to the concerns with the affordable unit, he noted that the developer had not designated the affordable unit as yet and was not an advocate of making the single story an affordable unit. Lot 7, in its inherent nature and topography, had a large back yard and he would not want to encumber the buyer of an affordable unit with the maintenance of that large a rear yard. He stated that the issue of the designated affordable unit would have to be reviewed internally before a decision was made.

In response to Commissioner Tumbaga, the Chair expressed his understanding that all the homes on Shadow Court were single story homes.
Commissioner Tumbaga found the site plan interesting and liked the project. She otherwise inquired how the City would ensure that one affordable unit would be included as part of the project.

Ms. Ayres noted that the applicant had entered into a Disposition and Development Agreement (DDA) with the Redevelopment Agency which would require an Affordable Housing Agreement and which would be monitored in the same fashion as units in the City’s Inclusionary Housing Ordinance.

Commissioner Williams stated that she was excited with the new projects coming into the City. To make it easier for residents to be able to purchase a home, she would have preferred to see two rather than one affordable unit, although she noted that one was better than none.

Mr. Evola emphasized that they had committed to the one affordable unit a year before the City’s Inclusionary Housing Ordinance had been adopted. He added that the project met the 15 percent affordable requirement.

Commissioner Ohlson recommended consideration of vertical landscaping, such as tall thin trees close to each other along the chain link fence which fenced off the canal property.

Mr. Evola advised that the developer typically did not provide rear yard landscaping which was left to the discretion of the homeowner. If it was a matter of privacy, slats could be added to the chain link fence, or a solid wood, good neighbor fence could be considered subject to approval of the City and the Contra Costa Water District (CCWD), which owned the fence against the canal property.

Commissioner Gordon commented on his understanding that the CCWD would not permit any type of landscaping on that fence, which it owned.

Mr. Evola commented that homebuyers oftentimes would like to add solid good neighbor fencing, which had been accommodated in other communities and which could be considered for this project as well.

Commissioner Dolojan commended the applicant for the development of the project on an odd shaped parcel, with the required affordable unit. He expressed his hope that more projects, such as had been proposed, would be constructed in the community.

Commissioner Tumbaga spoke to the West Leland Road side of the subdivision and inquired if it was at the same grade as Leland Road or higher, to which Mr. Evola noted that the subdivision was a bit higher and the rear yards therefore offering more privacy. Commissioner Tumbaga commented that although she too would have preferred a masonry fence, a wooden fence would be acceptable to her given the grade difference.
In response to Commissioner Williams, Mr. Evola advised that the price range of the homes would likely not be less than $500,000, although it would depend on what the market would bear at the time of construction.

Chairperson Garcia encouraged the applicant to contact the closest neighbors to inform the neighbors of the proposed construction activities to prevent any future problems.

Mr. Evola explained that typically for their infill developments, the Project Manager would go door to door to speak to the neighbors prior to construction. The developer also usually sent out notices prior to construction with the telephone numbers for the Project Manager and Superintendent whom residents could contact with any concerns or inquiries.

INTERESTED SPEAKERS:

ANA WALLACE, 2202 Ackerman Drive, Pittsburg, expressed concern with Lot 7 since her home was located at a lower elevation than the proposed lot. If Lot 7 was not maintained properly, through a lack of maintenance of water or sewage from the property, she stated her property would be impacted. She expressed concern with water damage from sprinklers or from a pool. She questioned the possibility of designating Lot 7 as an affordable unit given the size of the lot. She added that the proposed 6-foot high fence would impact her existing views.

Ms. Wallace also asked why the homeowners had not been allowed to purchase that parcel under agreement between the City’s Redevelopment Agency and the developer since the homeowners would have ensured the maintenance of that lot. As the owner of Lot 459, she expressed an interest in purchasing that parcel to ensure that her property was not damaged in any way by future development.

Mr. Evola commented that when the developer spoke with the Redevelopment Agency it had been discussed whether or not to approach the homeowners to determine his/her interest in the purchase of that parcel based on fair market value since it would have reduced the developer’s purchase price of the land. However, there had been concerns with the landlocked parcel if not all of the property owners were interested. That consideration had therefore not been further explored.

In response to the comments related to drainage, Mr. Hurtado reiterated that single family lot developments were required to maintain their own water and could not drain towards adjacent properties. During the process of grading and final grading, final inspections would be done by City Inspectors to ensure that the drainage was adequate and designed per City code. In the event residents witnessed any problems with grading or drainage, he stated that those problems should be reported to the City.
As to the residents’ potential interest in purchasing the land under agreement between the developer and the City, Mr. Evola stated that he would be more than willing to speak to the neighbors on that issue.

DAWNNE SANCHEZ, Pittsburg, and the owner of Lot 461, stated that she had presented the Chair with a number of questions, earlier discussed. Attached to those questions had been a copy of the parcel map which had been included in her mortgage paperwork and which had shown a sliver of Lot 7 as being owned by the CCWD which abutted directly to her property. She emphasized that her home had been marketed to homeowners with the fact that no development would be permitted in the rear and that the views from that lot would be protected. She stated that the proposed 6 foot high fence would impact her views.

Ms. Ayres stated that the property in question had been sold by the City’s Redevelopment Agency to the developer. The telephone number for the City’s Planning Department was identified for residents to contact to clarify the ownership of the property.

Mr. Evola explained that before the project had been laid out, the City’s Redevelopment Agency, at the developer’s expense, had required a title report which had been done with a Builder Book having been prepared and which included all of the underlining documents in support going back to the days of Camp Stoneman. That was where the parcel map had been mapped out and the information gleaned. He noted that oftentimes title companies had different ways of researching documents and until it was mapped out by an engineer and based on the title report, it was possible that a different title company might have shown something different. The property in question had been shown as property owned by the City of Pittsburg and the developer was in contract with the City to purchase that property.

Chairperson Garcia understood that if the City did not own the property, Lot 7 would still be there, which Ms. Ayres affirmed was the case. The Chair also added that if the City did not own the land, it could not be sold.

Mr. Barton commented on the possibility that the parcel map presented by the resident had been based on an old title map, although that issue could be researched further in that there was a substantial amount of paperwork supporting the parcel map as presented to the Commission at this time.

Commissioner Gordon inquired if the parcel could have been part of the Flood Control District property in that both parcel maps could have been right although one could have been older than the other, and the Flood Control District could have deeded that parcel to the City at some time.
Mr. Evola expressed the willingness as the developer to conduct more title searches, although he reiterated that the information had come from two reliable title companies; First American and Old Republic Title companies.

JOHN WALLACE, 2202 Ackerman Drive, Pittsburg, requested that the parcel maps be reviewed from more than 10 years ago since the history on that strip of land exceeded that period. He noted that the CCWD had installed the chain link fence and that those residents backing to the canal had taken down fences to extend his/her properties to the CCWD chain link fence. As a resident for the past 10 years he encouraged staff to review that issue.

Chairperson Garcia emphasized that nothing would be built until that issue had been completely researched and there was no question as to the ownership of the property.

Ms. Ayres clarified, when asked by Ms. Sanchez, that the reference to the square footages for the lots, as shown on Page 2 of 8 of the staff report were incorrect and those on the map were correct.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-154 (MS-677-05)

Motion by Commissioner Ramirez to adopt Resolution No. 9550, approving Tentative Parcel Map Application No. AP-04-154 (MS-677-05) a Tentative Parcel Map to subdivide a 15.71 acre parcel into 3 lots located on both sides of West Leland Road approximately 350 feet southwest of Range Road for “Rose Glen Residential Subdivision” with the conditions as shown. The motion was seconded by Commissioner Gordon and carried by the following vote:

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

MOTION: AP-04-154 (Subdivision 8445)

Motion by Commissioner Ramirez to adopt Resolution No. 9551, approving Vesting Tentative Map Application No. AP-04-154 (Subdivision 8445), for a 7-lot single-family residential subdivision n 1.66-acres located on the north side of West Leland Road approximately 350 feet southwest of Range Road for “Rose Glen Residential Subdivision,”
with the conditions as shown. The motion was seconded by Commissioner Gordon and carried by the following vote:

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

MOTION: AP-04-154 (DR)

Motion by Commissioner Ramirez to adopt Resolution No. 9552, approving Design Review Application No. AP-04-154 (DR), for proposed home designs for a seven lot residential subdivision located on the north side of West Leland Road approximately 350 feet southwest of Range Road for “Rose Glen Residential Subdivision,” with the conditions as shown. The motion was seconded by Commissioner Williams and carried by the following vote:

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

COMMISSION CONSIDERATIONS:

Item 4: Stoneman Plaza Starbucks. AP-04-185 (DR)

Application by Dinesh Sawhney requesting design review approval for exterior building modifications and site development plans to convert an existing building (formerly Wienerschnitzel) into a Starbucks coffee house with drive-thru service at the existing Stoneman Plaza shopping center, located at 2285 Railroad Avenue, in the CC (Community Commercial) District, APN 088-183-024-4.

Planning Intern Jill Pirog presented the staff report dated February 23, 2005. She recommended that the Planning Commission adopt Resolution No. 9553, approving Design Review Application No. AP-04-185 (DR), with the conditions as shown.

Commissioner Tumbaga understood that this would be the fourth Starbucks in the City. She otherwise commented that the ingress/egress at the center was difficult due to the grade at the driveway entrance, which was steep, and with the speed of traffic along Railroad Avenue.

Chairperson Garcia advised that the grade of the driveway has been reduced, although the
parking lot had not yet been striped or ADA parking requirements met.

Commissioner Gordon pointed out that the business had the right to locate multiple businesses in the City and the City could not deny the company from making such a decision.

Commissioner Williams clarified with staff the number of existing Starbucks in the community, three of which included drive through windows.

Commissioner Tumbaga stated for the record that she was not opposed to Starbucks, but was making the observation on the number of Starbucks in the community.

PROponent:

DINESH SAWHNEY, 418 Jefferson Street, Oakland, suggested that the use would be an asset to the City, improve the quality of the property, the Railroad Avenue area and add revenue to the City. He clarified that the slope of the driveway had, in fact, been reduced. As to the Chair’s comments that the parking lot was not yet striped or ADA parking requirements met, he emphasized that work would be completed soon.

Commissioner Ramirez inquired whether or not the interior of the building would be renovated, to which Mr. Sawhney explained that the building layout would remain the same, although the building interior would be gutted and rebuilt. Also, the landscaping for the entire center had been completed and more outside seating areas had been provided.

Commissioner Ohlson inquired if the trees around the building were similar to those in the entire center. He suggested given the summer heat experienced in the area, that the applicant consider large leafy trees to shade the patio area.

Mr. Sawhney reiterated that the landscaping for the center had already been completed through a prior application which had been approved by the Commission, although he understood that umbrellas could be added to the outside area to provide shade.

Chairperson Garcia affirmed that the center remodel and landscaping had been previously approved by the Commission and was currently complete, with the exception of the parking lot striping and compliance with ADA requirements.

OPponents: None

MOTION: AP-04-185 (DR)

Motion by Commissioner Gordon to adopt Resolution No. 9553, approving Design Review Application No. AP-04-185 (DR), Design Review application to establish the Stoneman Plaza Starbucks, a 2,400 square foot building at the former Wienerschnitzel, located in
Stoneman Plaza at 2285 Railroad Avenue (APN 088-183-024-4), with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

**Item 5: East Leland Subdivision II. AP-04-179 (GP, RZ, SUBD, DR) (STUDY SESSION)**

A study session on a request that the General Plan land use designation/zoning classification on two vacant sites located at the intersection of East Leland Road and Gladstone Drive be changed from Business Commercial/CO (Office Commercial) District to Medium Density/PD (Planned Development) District and that a tentative map and design review application be approved in order to accommodate a 65-unit small lot single family development. APNs 088-521-020, 021, 022, 046, 047 and 048.

Associate Planner Ken Strelo presented the staff report dated February 23, 2005. He recommended that the Planning Commission provide feedback to staff and the applicant on matters related to the proposed General Plan Amendment and that the Commission provide feedback on the proposed PD Plan, subdivision layout and home designs.

Chairperson Garcia suggested that rather than go through the specific details of the project at this time the Commission should discuss whether or not there was any support to change the General Plan land use designation/zoning classification. As a member of the Planning Commission when it had been decided that the General Plan not be changed and that the property be left as Business Commercial, in his opinion, he would not support a change in that the site was one of the last properties that faced Leland Road and which had two corners available for an office/commercial business. He commented that many people interested in doing business in the City had been going elsewhere given the lack of viable land for business in the City.

Commissioner Tumbaga was not opposed to considering a change of the General Plan land use designation/zoning classification in that there was existing housing in the area, although she acknowledged that housing was primarily rental housing.

Commissioner Tumbaga suggested that the proposed single family development could assist the City in meeting its affordability goals. There was also single family housing on Gladstone Drive beyond the Doctors Business Park.

Commissioner Ohlson agreed with the Chair that the General Plan land use designation/
zoning classification should not be changed and should remain as currently shown in the
General Plan. While Railroad Avenue had been the City’s main street in the past, Leland
Road now appeared to be the main street of the community.

With the hospital on one side and the college on the other, Commissioner Ohlson opposed
interposing single family housing between those areas.

Commissioner Gordon commented that historically the entire corridor of Leland Road had
been office/business/commercial, although it had not been found to be conducive to
businesses since the traffic traveled from the west and east of the City to outlying areas
and did not stop. As examples, he cited the Nissan dealership and Fowler’s Furniture as
businesses which had suffered from being situated along the Leland Road corridor.

Commissioner Gordon stated that while he was not entirely in agreement to change the
General Plan land use designation/zoning classification, he would entertain the idea. He
agreed that the City had affordable housing requirements to meet, and although Planned
Development such as a townhome development could be expensive, affordable housing
near the college would be a great idea. Also with Los Medanos Hospital now a clinic, he
suggested that the property was not the place for an office/commercial, retail operation or a
light industrial use.

Commissioner Ramirez stated that he had envisioned office buildings on the corner
since Gladstone Drive had medical offices located down the street. He suggested that
single family residences would not blend in with the traffic situation along Leland Road and
Gladstone Drive which had been closed at one time and which had later opened for limited
through traffic. East Leland Road was also heavily traveled. With more homes, there
could be difficulties with traffic getting in/out onto East Leland Road. He preferred that the
General Plan land use designation/zoning classification remain as shown in the General
Plan.

Commissioner Dolojan agreed that the General Plan land use designation/zoning
classification should not be changed and that the property should remain Business
Commercial since it would produce a continuation of commercial development up to the
side of Los Medanos College. He suggested that there were too many single family homes
in that area. He also noted that the residents had been trying to prevent through traffic on
Gladstone Drive for some time. The street currently allowed limited through traffic. With
more single family development, the street could be closed.

Commissioner Dolojan also noted that Los Medanos College was expanding and the
property could be an area envisioned as a walk through area with businesses on the side
allowing people to walk to the college campus.

Commissioner Dolojan commented that the other side of the street was all commercial
development and both sides of Leland Road should have commercial development. He also spoke to the fact that there was a vacant lot near the Harley Davidson building which was being used for storage and which was the loss of another commercial site. He sought more exploration for the property to be used as a commercial site.

Commissioner Williams stated that she was uncertain what was best for the City in that the Commission should try to make decisions not based on personal decisions but based on what the constituents wanted. She would like to touch base with the community to garner feedback. While she agreed with some of the comments, she wanted to make the right decision and allow the citizenry to have a vote.

Commissioner Gordon commented that in the past such a project would have gone before an Ad Hoc Subcommittee of the City Council and the Planning Commission. He asked the Chair to direct staff to recommend that the City Council take the item up through such a committee and to allow a report back with more feedback on what type of development the Council preferred to see on the property.

Commissioner Tumbaga suggested that the Ad Hoc Subcommittee also include not only the Chair of the Planning Commission but a broad spectrum of the Commission. She recommended that two Planning Commissioners be appointed to such a committee.

Chairperson Garcia agreed and if two Commissioners were appointed, he suggested that there be one Commissioner in support and one in opposition to the proposal to create a balanced Ad Hoc Subcommittee. He noted that all Commissioners made decisions based on what was good for the City. While there was nothing wrong with the project being proposed, in his opinion the site was not the proper place to develop the project. There was still land in the City for residential development although there was little land left for commercial and office space. He agreed that the Council should be asked to form the Ad Hoc Subcommittee. If that was approved, he would appoint Commissioners Ramirez and Gordon to serve in that capacity since they would offer opinions from both sides.

Commissioner Williams commented that her emphasis was for community support and not just input from the Planning Commission to ensure that the public, which would be impacted by any development, had the opportunity to address any and all concerns.

Commissioner Tumbaga stated that Commissioners had been appointed by the Council to represent the community and this was the forum for community input.

Commissioner Tumbaga emphasized that the community had always been informed of any project before the Commission and would be so informed at such time as a formal project had been proposed.

Ms. Ayres explained that the intent of the study session had been to provide guidance to staff and the applicant on the requested entitlements. She would defer to the applicant as
to whether or not the applicant desired to proceed with the project. If the Commission sought the formation of an Ad Hoc Subcommittee she would draft a letter with the Chair’s signature, to be forwarded to the City Council. She noted that the City Manager had acknowledged the Commission’s comments during his presentation at the prior Commission meeting.

The City Manager planned to forward the Planning Commission meeting minutes of February 8, 2005, to the City Council, once approved by the Commission, since those minutes would contain the discussion of that issue, and include a cover letter advising of the Commission’s interest to reestablish the Ad Hoc Subcommittee process.

MARK HUGHES, Manager of Forward Planning, KB Homes, commented that the interest in the approved development down the street was overwhelming and the developer was hopeful there would be support for a sister development to the KB Homes development located on Piedmont and Freed Way. He spoke to the history of the unsuccessful efforts to market the site for commercial uses. As noted in the staff report, the Planning Commission had in the past recommended that the land use designation be changed to residential.

With those considerations, the developer had put the property under contract and had met with staff and some Councilmembers to discuss the proposal. KB Homes also contemplated community meetings near the site to solicit comments on the proposal.

Mr. Hughes stated that KB Homes would be more than willing to work with an Ad Hoc Subcommittee as soon as possible, hopefully within the next 30 days, to learn whether or not the proposal would be viable.

Chairperson Garcia advised that he had unofficially spoken with the City Manager to request the formation of the Ad Hoc Subcommittee.

Ms. Ayres explained the decision to form the Ad Hoc Subcommittee would be a decision made by the City Council. She reiterated that she would be more than happy to forward a letter to the City Council advising of the Commission’s request.

Mr. Hughes otherwise commented that the proposed development would be similar to KB Homes’ development on Freed and Piedmont Way and would be affordable by design. As noted in the staff report, by changing the land use designation it would not compromise the City from reaching its jobs to housing balance.

BRUCE BOWER identified himself as a representative of the property owner and noted that the property was part of a trust to be disposed by the trustee with the proceeds and assets to go to members of the community, such as nurses or businesses who had paid or who had provided supplies and services to the Los Medanos Community Hospital District.

Mr. Bower stated that when the District had failed, the land had been set up as a means to
provide proceeds to those persons. The sale of the land, including the corner piece which was currently in escrow, would go to those people, not a private party or an entity. He emphasized the importance that the Commission be aware of that fact since there had been efforts for years to sell the property with limited success.

Mr. Bower also commented that he had attended the General Plan update meetings when the then Planning Commission recommended changing the land use designation on the property to residential and the City Council had subsequently chose not to. He asked the Commission to consider the members of the community who would benefit from the sale of the property.

**STAFF COMMUNICATIONS:**

1. Notice of Intent (to review/approve project at staff level).
   a. San Marco Unit #6 House Plans.

The Commission acknowledged the receipt of the Notice of Intent, as shown.

Ms. Ayres reported that the Statement of Economic Interest documents, as provided to the Commission, were due to be turned in to the City Clerk by March 15, 2005. Also, the Commission was presented with information from the Mt. Diablo Unified School District (MDUSD) regarding its adoption of the School Facilities Needs Analysis. Commissioners were welcome to comment individually or as a Commission prior to a public hearing which had been scheduled for March 22, 2005.

**COMMITTEE REPORTS:**

Chairperson Garcia reported that the TRANSPLAN Committee had met on February 10 and had approved a 2005-2006 program operated by Lynn Osborne which provided tickets for bus transportation. The State Route 4 Bypass Authority had met where TRANSPLAN had decided to provide a letter of credit to allow bids for projects that were part of the SR4 Bypass project. The new eBART Partnership Policy Advisory Committee (ePPAC) had also met when the City of Pittsburg had, through correspondence presented to the committee, strongly urged consideration of obtaining an eBART Station in Pittsburg.

Commissioner Ohlson added that he had attended the recent Contra Costa Transportation Authority (CCTA) Board meeting where there had been support of the letter of credit to the TRANSPLAN Committee.

Ms. Ayres also reported that she had attended the ePPAC meeting and that funding had been approved to start the environmental review for the eBART extension. She noted that City staff had scheduled a meeting with MIG, a planning firm working with BART on the land use planning for the eBART extension, to discuss master planning for the Civic Center block and the southeast corner of the intersection in anticipation of the City’s vision to build
up the land use capacity of the area to support a BART Station at that location. All recent conversations between the City staff, BART and the CCTA staff on the matter had been favorable.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Ohlson commented that Seeno Construction was to build a Class One bicycle/walking trail along the west side of San Marco Boulevard between Delta View School and the now signalized West Leland intersection. While the developer had built one segment near the school, the major percentage of the trail had not been constructed. He questioned the status of that trail. He also noted that bicyclists desired curb cuts in the direction of the trail and were concerned with the signal control box being located in the middle of the crosswalk since that was another obstacle a bicyclist would have to go around.

Mr. Hurtado reported that San Marco Unit 6 improvement plans were being plan checked and showed the continuation of the bike lane along San Marco Boulevard. The trail would be included moving forward north from the school site. Unit 6 had included some retaining walls since they were a bit higher and the developer was also attempting to bring some bicycle lanes from the cul-de-sacs in Unit 6 to the new bicycle trail. He clarified that the bicycle trail would follow along the west side of the creek.

Ms. Ayres also commented that the work was being done during each respective phase of the final map process.

Commissioner Tumbaga referenced the recent presentation from the City Manager on his vision for the City. She remained concerned that the Historical Resources Commission (HRC) remained inactive although it had been approved. Since the City Manager’s vision impacted a good deal of the downtown properties, she emphasized that there needed to be a voice in the community through the HRC to study any impacts on the history of the community when new projects were proposed for the downtown. She urged the Commission to support reactivating the HRC as soon as possible.

Ms. Ayres reported that she had recently met the curator of the Pittsburg Historical Museum and had been working on the HRC bylaws. She stated that as soon as the City Council approved the revised Commission bylaws, staff could move forward with the HRC.

Commissioner Tumbaga spoke to the recommended makeup of the members of the HRC and suggested that City staff members not be members of the HRC since they would be beholden to the City Manager and not the community. She urged that the makeup of the HRC be reconsidered before the bylaws were approved by the City Council. She urged Commissioners, if they were in agreement, to contact the Council prior to the adoption of the bylaws to see that the HRC membership did not include City staff persons.
Commissioner Dolojan suggested that the individual representing the property owner regarding the East Leland Road subdivision project had been inaccurate in his statements in that when Los Medanos Hospital had been turned over, it had been done to pay all of the obligations of the hospital.

Chairperson Garcia reported that in the area of Gladstone Drive and Bobo Court the landscaping from the buildings from Leland Road to Bobo Court needed to be maintained with the weed and trash to be removed. He also noted that the City owned an easement on Brookside Drive which connected to Buchanan Park although a bridge had not been built over Kirker Creek to access the park. Currently, half of the fence was missing and the current homeowner had taken over the easement and placed an inoperable vehicle in that area. The area had also been used to dump debris. He requested that the Code Enforcement Division review that property.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:05 P.M. to a regular meeting of the Planning Commission on March 8, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission