MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
July 13, 2004

A regular meeting of the Pittsburg Planning Commission was called to order by Commissioner Garcia at 7:02 P.M. on Tuesday, July 13, 2004, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Ramirez
Absent: None
Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Ken Strelo; Associate Planner Noel Ibalio; Assistant Planner Christopher Barton; Senior Civil Engineer Alfredo Hurtado; and City Clerk Lillian Pride.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, July 9, 2004.

PLEDGE OF ALLEGIANCE:

City Clerk Lillian Pride led the Pledge of Allegiance.

REORGANIZATION:

1. Oath and Seating of Newly Appointed Commissioners

City Clerk Lillian Pride presented the Oath of Office to newly appointed Commissioners Frank Gordon, Bruce Ohlson and Elizabeth Williams and to Reappointed Commissioner Rosemary Tumbaga, all of whom were welcomed to the Planning Commission and seated at the dais.

2. Election of Chair, Vice Chair and Committee Appointments
Commissioner Dolojan nominated Jack Garcia as the Chair of the Planning Commission. Commissioner Ramirez seconded the nomination. There were no other nominations and the nominations were closed. Jack Garcia was unanimously elected as the Chair of the Planning Commission.

Commissioner Dolojan nominated Ralph Ramirez as the Vice Chair of the Planning Commission. Commissioner Tumbaga seconded the nomination. There were no other nominations and the nominations were closed. Ralph Ramirez was unanimously elected as the Vice Chair of the Planning Commission.

The following Committee Reassignments were recommended by the Chair and reflected in an Inter-Office Memorandum dated July 14, 2004:

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<th>Committee</th>
<th>Assignment</th>
<th>Alternate</th>
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<tr>
<td>TRANSPLAN</td>
<td>Jack Garcia</td>
<td>Bruce Ohlson</td>
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<td>School District Liaison</td>
<td>Elizabeth Williams</td>
<td>Frank Gordon</td>
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<td>Historical Resources</td>
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<td>Rose Mary Tumbaga</td>
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<td>Foreign Trade Zone Committee</td>
<td>Orlando Dolojan</td>
<td>Ralph Ramirez</td>
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DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), expressed his hope that the newly organized Planning Commission would be objective and non-partisan when making its decisions in the upcoming year.

PRESENTATIONS:

There were no presentations.

CONSENT:

A. Planning Commission Minutes June 22, 2004

MOTION:

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

Item 1: Faith Worship Center II. AP-04-137. (UP and DR)

Public hearing on an application by Anthony Blackman requesting a use permit to establish a Religious Assembly use, and design review approval of architectural plans for the construction of a 17,500 square foot building housing a sanctuary, classrooms, administrative offices, and meeting rooms on an undeveloped 1.8-acre parcel located at 579 Garcia Avenue, IP-O (Industrial Park with a Limited Overlay) zone; APN 088-183-035.

Assistant Planner Christopher Barton presented the staff report dated July 13, 2004. He recommended that the Planning Commission adopt Resolution Nos. 9499 and 9500, approving AP-04-137 (UP and DR).

Commissioner Ohlson requested that bicycle parking be included in the project.

PUBLIC HEARING OPENED

PROPONENT:

MICHAEL KEE, the Project Architect representing the applicant, advised that the plans were essentially a resubmittal of the original approval two years ago. Through no fault, the church had been unable to obtain building permits. The building drawings were currently in plan check and permits were anticipated. As to the request for bicycle parking, he noted that the State required facilities of a certain size to provide bicycle parking spaces. If the property owners were amenable, bicycle parking could be added. He also affirmed, when asked, that he was in agreement with the staff recommended conditions of approval.

In response to Commissioner Dolojan, Mr. Kee was uncertain whether or not the subject building would be the first fabricated building to house a church in the City. The building manufacturer had manufactured numerous similar buildings that had been used for churches, schools and other facilities. The manufacturer heavily marketed its products to churches and other assembly types of uses.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-103 (UP)
Motion by Commissioner Ramirez to adopt Resolution No. 9499, approving AP-04-137 (UP) a use permit to allow Religious Assembly at 579 Garcia Avenue for "Faith Worship Center," with the conditions 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

MOTION: AP-04-137 (DR)

Motion by Commissioner Williams to adopt Resolution No. 9500, approving AP-04-137 (DR), design review approval of architectural plans to construct a 17,500 square foot building for a Religious Assembly use at 579 Garcia Avenue, for "Faith Worship Center," 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, Williams, Garcia
Noes: None
Abstain: None
Absent: None

Item 2: Amendment to Housing Element

Public hearing on a City initiated proposal to amend the City Housing Element to incorporate changes in response to comments received by the State Department of Housing and Community Development.

Planning Manager Melissa Ayres presented the staff report dated June 13, 2004. She recommended that the Planning Commission open the public hearing, provide feedback and direction to staff on the proposed changes, and then continue the public hearing until August 10, 2004 for formal action.

Commissioner Gordon identified a typographical error on the first page of the staff report, noting that the City Council had adopted the most recent Housing Element on November 17, 2003, not 2004, as shown. Commissioner Gordon also spoke to the Housing Needs Assessment for 1999-2003 as shown on page 5 of 6 of the July 13, 2004 staff report, and inquired whether the figures had been based on information from the Association of Bay Area Governments (ABAG) allocation or whether the figures had been pulled directly from the City’s Housing Element. He sought any information available from neighboring cities as to the percent accomplishment of the 1999-2003 ABAG allocations for those cities. As an example, he requested information from the cities of Antioch, Pinole and Lafayette.
Ms. Ayres advised that the information could be provided to the Planning Commission when the item was returned to the Commission on August 10.

Commissioner Ohlson requested the same information from all East County cities, including Antioch, Brentwood, and Oakley.

Chairperson Garcia spoke to the construction numbers, which did not appear to fit with what was occurring in East County, including the City of Pittsburg. He also noted that while the State Department of Housing and Community Development (HCD) had been concerned with the cost of living wages and had suggested that $23 to $50 was too expensive, that was what had increased the cost of the homes. He noted that if the home buyer did not make that level of income, he/she could not afford the home.

Chairperson Garcia also referred to page 13-98 of the Housing Element and "Group Residential Homeless Shelters" that had been included in single family residential areas. Not opposed to the homeless, it was his opinion that was not an appropriate place to site homeless housing. He also spoke to page 13-136 of the Housing Element, which noted that inclusionary housing units were not to be distinguishable from market rate units.

Ms. Ayres explained that the Chair was referencing 1990 Housing Element policies and the table being discussed had shown what had or had not been accomplished. Pursuant to Housing Element law the new element had to show the previous policies and what was or was not done. Those were not the same policies being implemented in the new Housing Element.

Commissioner Ramirez spoke to the same section which referenced that the first priority for the selection of buyers or renters shall be qualified persons who lived or worked in Pittsburg. He inquired whether or not that restriction was still valid.

Ms. Ayres noted that since the City did not have an Inclusionary Housing Ordinance at this time there was no such regulation in place.

Chairperson Garcia referenced page 13-154-F which had shown a percentage of single family homes that had to be built within a subdivision. In his opinion, the free market should dictate what was to be built.

Ms. Ayres explained that section had been adopted by the City Council on the basis of information from the "Special Needs for Senior Housing" in finding that as the senior population increased there should be opportunities for single story homes.

Chairperson Garcia again opposed that limitation and recommended that the marketplace dictate whether to build single story homes.

Commissioner Ohlson spoke to page 13-73 and the discussion of infrastructure for most
infill sites in the City which had access to appropriate services and facilities including sewage collection and treatment, domestic water supply, septic tanks and wells. He inquired whether or not the City permitted new building construction with septic tanks within the City limits.

Ms. Ayres advised that it was an option available to developers when connection to public systems wasn’t possible.

Commissioner Gordon understood that section was speaking to the City’s Sphere of Influence (SOI) and not just its city limits. Since the SOI went beyond the city limits, he suggested there could be an issue with such development.

PUBLIC HEARING OPENED

BOB GLOVER, Martinez, identified himself as a representative for the Home Builders Association of Northern California (HBA). He presented the Planning Commission with copies of a study prepared in April 2004 by two San Jose State Professors who had been published by the Recent Public Policy Institute. The study had reviewed all Bay Area communities that currently had inclusionary zoning and had concluded that affordable housing mandates acted as an attack on new housing construction and restricted the number of homes, driving up prices. The study had stated that over the last 30 years inclusionary zoning ordinances had not improved home affordability and had shrunk the supply of homes making new homes less affordable for the vast majority of home buyers. Mr. Glover explained that the study was the first thorough empirical analysis of the effects of inclusionary zoning and had come to the final conclusion that inclusionary zoning was a failed public policy that in most cases had a detrimental effect on the building of affordable units. He stated that was the very reason that cities such as Antioch and Oakley had decided against inclusionary zoning and why the City of Brentwood was reviewing its own policy.

Mr. Glover commented that in January 2004, the City Council had discussed the staff initiated Interim Zoning Ordinance which was to include provisions similar to what had been presented to the Commission. The City Council at that time had directed staff to seek a process of working together to develop an ordinance that would be workable to the City. Mr. Glover stated that the Interim Zoning Ordinance had been adopted with the elimination of all of the inclusionary zoning provisions at that time. Later on February 2, 2004, City staff had returned to the Council with a detailed work program and timeline for the development of an Inclusionary Housing Ordinance. The work plan called for two informal workshops, two formal workshops, one public hearing before the Planning Commission and one public hearing before the City Council. To date, there had been only one informal workshop. No other meetings had taken place.

Mr. Glover questioned the recommendation to amend the existing inclusionary zoning policies in the Housing Element when the City Council directed process had just begun and when an Inclusionary Housing Feasibility Study specific to Pittsburg had not yet been completed.
Mr. Glover noted that nowhere in any document had the State Department of Housing and Community Development (HCD) ever listed inclusionary zoning as being necessary for certification of a city’s Housing Element. In a letter to the City of Fairfield, HCD had stated in part that “inclusionary ordinances can have a chilling effect on housing construction in general ultimately undermining the provision of low income units that they had intended to foster.”

Mr. Glover requested that the Planning Commission adopt the Housing Element updates but remove the recommended amendments pertaining to inclusionary zoning until the process that had been laid out by the City Council to work with builders to prepare an inclusionary ordinance could be completed. He also requested that Policy 13-P-2.4 (j) and the language from the initial draft Housing Element be retained, which would “evaluate the need for an inclusionary housing ordinance” rather than the revised draft which stated to “develop an inclusionary ordinance.”

Mr. Glover also spoke to Policy 13-P-2.5 (c) and requested that section be eliminated altogether since it would go against the very process that had been established by the City Council, as previously described. He suggested that the retention of that policy in the Housing Element could cause many good projects to be no longer feasible and could cause builders to stay away from building in the City altogether.

Commissioner Williams noted that the City of San Leandro had completed a successful below market housing development. The City of Oakland had also had an excellent record with inclusive housing developments. She questioned the suggestion that inclusionary housing was a detriment, as opposed to an avenue that would offer an even playing field for those who might not have the same economic status as others. She wanted to ensure that everyone had the opportunity to purchase a home.

Mr. Glover explained that he was not familiar with the City of San Leandro in terms of whether or not it had an inclusionary housing ordinance, although he understood the City of Oakland did not. He repeated his comments and noted that affordability would start with availability and that the more homes that were available would reduce the cost of homes. Mr. Glover wanted Pittsburg residents to be able to afford a home. While some cities had experienced small successes, in his opinion for the most part inclusionary zoning had failed to meet affordable housing needs and in most cases it had discouraged builders and projects and housing prices had escalated.

Commissioner Tumbaga questioned the statement that the more homes built the more home prices would decrease. She pointed out that there were currently a number of homes being built in the City and home prices had escalated.

Mr. Glover advised that the report he had presented to the Commission had stated that the Bay Area was falling short by 20,000 homes a year. If the Bay Area met those goals, he suggested there would be no affordability problem. He expressed the willingness to highlight that information from the report prior to the next Commission meeting.
Commissioner Dolojan suggested that Mr. Glover was using the maxim of supply and demand. When there was too much supply and little demand the prices would do down, which would be true of some commodities. He did not believe that maxim would apply to real estate.

Mr. Glover reiterated the City Council directive that workshops be held. He expressed his hope that would occur prior to the inclusion of something in the Housing Element that had not been worked out through the public process.

WILLIE MIMS, Pittsburg, representing the BPA, noted that the use of Economy 101, as referenced by Mr. Glover, would not help those who could not afford homes. He recommended that the Planning Commission include inclusionary housing as part of the Housing Element Update. He also spoke to Exhibit A and the utilization of public funds for affordable housing for Extremely Low, Very Low, and Low and Moderate income households. He noted the set-aside of 20 to 40 percent of the City’s annual Community Development Block Grant (CDBG) Funds for housing purposes and suggested that the City was taking money from the wrong place. He recommended the use of Redevelopment funds to adequately meet the housing needs of the City of Pittsburg.

EVELYN STIVERS, Livable Communities Associate Director for the Greenbelt Alliance, spoke to the issue of the Inclusionary Housing Ordinance. She presented the Commission with a written response to the report presented by Mr. Glover which critiqued the reasons why the Livable Communities for Greenbelt Alliance believed that the study was flawed. She commented on the importance of the Housing Element to help focus development around transit and downtowns and to create livable communities. She suggested that the Inclusionary Housing Ordinance would be a good tool to ensure that communities were integrated with resources to reach the Very Low and Low Income households in the community.

Ms. Stivers advised that there were other studies available which spoke to how inclusionary housing had been great to meet that need and which studies were available through Non-Profit Housing of Northern California and the League of California Cities. She also pointed out that the City of Brentwood had an Inclusionary Housing Program and had not experienced a chilling affect. She emphasized the need to create an ordinance that would not have a chilling effect and which would encourage the type of development necessary to meet the needs of the City's General Plan.

Commissioner Tumbaga spoke to a presentation offered by the Greenbelt Alliance in the downtown and which she would like made available to the Planning Commission for review.

In response, Ms. Stivers advised that the information had been created by a land use expert who had donated that information to the Greenbelt Alliance and which could be made available to the Planning Commission.
Chairperson Garcia inquired what objection the Greenbelt Alliance would have for people in the same economic bracket living in the same area.

Ms. Stivers stated that the issue was to create opportunities for everyone in the community.

Chairperson Garcia expressed concern that if inclusionary housing were mandated, developers would have to raise the price of homes to include inclusionary housing.

Ms. Stivers suggested that development should be reviewed in a sophisticated way with a review of the overall picture. She pointed out that communities such as Walnut Creek and Brentwood had found that if they allowed for other types of cost saving measures in a development, the actual price of the home did not increase. She also commented that the price of the home was not based on the cost of building the home. She cited the Dougherty Valley development where the development did not cost near the price of the homes.

Ms. Stivers suggested that inclusionary housing was one creative solution to ensure the resources necessary to create a diverse housing stock in the community which would help retail and help the community be a great place to live in the future.

Chairperson Garcia noted the City’s responsibility to assist in the creation of affordable housing and pointed out that the City (Redevelopment Agency) owned a good deal of vacant land that could accommodate affordable housing. He also noted there was no guarantee that City residents would get to buy the units. He questioned why the City of Pittsburg seemed responsible for building all of the affordable housing in the East County area. He understood that the City of Brentwood had a limit of 600 homes per year that were allowed to be built and if exceeding that limit, building permits would not be issued.

Ms. Stivers spoke to Mr. Mims’ comments on the use of redevelopment setaside monies and while a different issue, she was in agreement that the City of Pittsburg was the only City in the State that did not set-aside 20 percent of its RDA funds for affordable housing. She suggested that there would be an impetus to new development if the City were willing to make that investment in affordable housing.

Ms. Stivers also understood that the City of Brentwood had 20,000 units that had already been approved and not yet built. She recognized that it was important for each community to meet its fair share.

PETER HELLMAN, Clayton, spoke against resale price restrictions for for-sale housing. He suggested that those provisions would serve to harm those it was intended to help.

Mr. Hellman presented the Commission with a chart he had prepared titled, "For-Sale Price Restrictions and the Impact of Increasing Mortgage Rates," which he summarized for the Commission. He suggested that if the interest rates increased with the inclusionary
provisions and the for-sale restrictions, it would affect the value of the homes. He suggested that the provisions were being recommended by well meaning people who wanted to impact the greedy real estate developers and help those in society who were less advantaged. In his opinion the restrictions would serve to hurt the very people the restrictions were intended to help.

Commissioner Williams requested that staff review the request by Commissioner Tumbaga to present the referenced information from the Greenbelt Alliance.

Ms. Ayres requested that Ms. Stivers make a presentation at the beginning of the August 10th meeting regarding the information from the Greenbelt Alliance, to which she agreed.

Commissioner Gordon also requested that the Commission be provided copies of the letters from the State denying the Housing Element or rejecting the Housing Element.

Ms. Ayres noted that the March 30, 2004 letter from HCD showing the changes they requested and staff’s letter to HCD identifying where the changes had been made to the element were included as Attachment 3 to the staff report. She noted that the Housing Element included underlines showing where the changes to the element had been made.

**MOTION:**

Motion by Commissioner Tumbaga to continue the public hearing for the Housing Element Update to the Planning Commission meeting of August 10, 2004.

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

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

Chairperson Garcia declared a recess at 8:11 P.M. The meeting reconvened at 8:20 P.M. with all Commissioners present.

**Item 3: East Leland Subdivision. AP-03-74 (RZ, Subdivision 8795 and DR)**

Public hearing on an application by Mark Hughes of KB Homes South Bay requesting approval of 1) a rezoning of two parcels totaling approximately 12.4 acres from RM (Medium Density Residential) District to PD (Planned Development) District, 2) a tentative map to subdivide two parcels into 100 single family residential lots, and 3) design review approval of the proposed home designs. The project is located on an undeveloped 12.4 acre site north of East Leland Road between Freed Avenue and Piedmont Way, APN 088-240-014 and 088-250-020.

Associate Planner Ken Strelo presented the staff report dated July 13, 2004. He
recommended that the Planning Commission recommend that the City Council approve Rezoning Application No. AP-03-74, subject to conditions. He also recommended Commission approval of Subdivision 8795, subject to conditions; and approval of Design Review Application No. AP-03-74, subject to conditions.

Mr. Strelo spoke to Appendix A in the staff report and requested revisions to the document for the record. He asked that the first row in the appendix for Comp Roofing be revised to reflect [x’s] on all elevations of all three plans, and [x’s] all the way across as well for Flat Concrete Tile Roofing for all elevations for all three plans.

Mr. Strelo stated that since the Initial Study had been prepared an acoustical study had been submitted as part of the application and its findings had been included in the staff report. In addition, extra mitigation measures would be incorporated into the Mitigation and Monitoring Plan, as reflected on pages 8 and 9 of the staff report.

Mr. Strelo also requested that the last pages of Resolution No. 9502 for the subdivision and Design Review Resolution No. 9503 be amended to reflect that the resolutions would become effective upon City Council adoption of the rezoning application.

Commissioner Gordon commented that the issue of public services had been raised in the past. While he did not object to the Mitigated Negative Declaration, he questioned why there had been no consideration for police services since 100 homes might or might not have a significant effect on the community. Further, Commissioner Gordon noted that the California Environmental Quality Act (CEQA) required that a project’s cumulative effect must be reviewed and in that regard with the number of homes being built there had been no response to issues from the Police Department.

Commissioner Tumbaga spoke to the proposal for a decorative wooden fence along East Leland Road and stated that a brick pillar metal fence had been identified on the plans.

She opposed the wooden fence along East Leland Road since that type of fence would not last over time and would appear unattractive. She recommended the consideration of an alternative material.

Mr. Strelo stated that the preliminary landscaping plan had shown a fence running along Kirker Creek to Piedmont Way to consist of a brick pillar metal fence material. The fence proposed from Kirker Creek to Freed Way would be the decorative wooden fence. The homes on the west side of the development would be situated adjacent to Leland Road. Staff had proposed that a sound wall be constructed to shield those lots along the west side of Kirker Creek to a CNEL of 65 dBA or less with the layout and height of the wall to be supported by a follow up acoustical study to meet the requirements of Title 18 of the Pittsburg Municipal Code (PMC).

Commissioner Gordon recommended white vinyl fencing since the project would be in a Homeowner’s Association (HOA) and that the HOA be responsible for all fencing, including
the fencing along Leland Road. He requested that the developer consider a vinyl material that would be compatible with the architecture, which would last longer and which would not fade over time.

Chairperson Garcia agreed that a wooden fence west along Freed Avenue to Kirker Creek would not be attractive. He would rather see a masonry wall.

Commissioner Tumbaga suggested that if the wall were a masonry wall, that it not be pre-cast.

Commissioner Ohlson spoke to the removable bollards identified on the preliminary master plan. He requested clarification from staff as to their purpose.

Mr. Strelo advised that the area of the removable bollards would serve as an Emergency Vehicle Access (EVA) to allow each side to have ingress/egress. It would also provide pedestrian and bicycle access to East Leland Road. There was also a bus stop in the general vicinity. He understood that the bollards would also meet the requirements of Americans with Disabilities Act (ADA) standard widths.

In response to Commissioner Tumbaga, Mr. Strelo advised that the plans had been reviewed and approved by the East Contra Costa Fire Protection District to ensure consistency with District requirements for location of hydrants and turning radii. Mr. Strelo further advised that there would be no parking along the circles and courts off of the main road. Parking would be allowed on both sides of the landscaping plan, although it differed slightly from the tentative map since the tentative map had been reworked and the landscaping plan would have to be resubmitted. Bulb-outs were identified on the tentative map to provide the on street parking.

PUBLIC HEARING OPENED

PROONENTS:

MARK HUGHES, Project Manager, KB Homes South Bay, 6700 Koll Center Parkway, #200, Pleasanton, introduced his development team who were present in the audience. As to the fencing that had been proposed, he advised that they would be open to alternative fencing materials along East Leland Road. The wooden fence that had been proposed was a material that had been used along rights-of-way in the City of Brentwood, which had been used as a model.

Mr. Hughes emphasized the desire to present a design that would reflect the community housing needs. He recognized that the proposal would have to stay out of the creek area which would remain untouched. The open space area would consist of access to the creek area with viewing areas with benches and tables. Two small parks had been proposed on each side of the creek where a tot lot with a play structure material for children would be provided.
Mr. Hughes commented that the project was also adjacent to a bus stop. He clarified that the HOA would be responsible for the maintenance of all fencing. Further, when asked by the Chair, he acknowledged that he had read and was in agreement with the project conditions of approval as contained in the draft resolutions.

Commissioner Tumbaga inquired if the project would include an affordable component, to which Mr. Hughes explained that issue had not been discussed with staff. He considered the project to be affordable by design. He added that the price range was unknown at this time although it was likely that the homes would be in the $300,000 and above range. The project was expected to be constructed within a year.

Chairperson Garcia inquired whether or not a sidewalk along the east end of the east side of Piedmont Way would extend from the east side of the ditch. He also questioned whether or not the ditch area would be fenced in, noting that the ditch filled up with water during the winter. He was concerned with potential safety hazards to children in the area.

EDDIE SU, Civil Engineer, stated that a sidewalk had been proposed along the project boundary around and into the project, which would continue around the southerly return connecting to a new sidewalk to be installed along East Leland Road.

While there had been no plans to construct a fence around the ditch, Mr. Su stated that could be considered.

Mr. Hughes assured the Commission that a fence or some other treatment to prevent children from accessing the ditch area would be considered.

Mr. Strelo stated that a condition could be placed in the design review resolution to address that concern. He would work with the Engineering Department to achieve some satisfactory solution to that concern.

RALPH STRAUSS, STG Architects, 1240 Central Boulevard, Brentwood, explained that the building designs would consist of a neo-traditional porch in a pedestrian oriented design. There would be three different plans and three elevations with each plan, with nine different color schemes. A color and material board was presented to the Commission.

The front elevations of the homes would have predominant front porches. The garages would be located to the rear. The building designs would consist of Craftsman, Italianate and Early California architectural styles. Roof pitches, roof directions, and exterior building materials would offer variety and those materials would be carried around four sides of the homes. The building materials would feature corbels, wood trim, arches, different siding and plasters.

Commissioner Ramirez requested clarification of the roofing materials being proposed. He understood that the buildings had composition roofing with optional concrete roofing. He inquired if the option was to the home buyer while the home was under construction.
Mr. Strauss explained that price was a factor. There was a desire to keep the homes affordable. The options would be left open to the home buyer. Both roofing materials would work well with the architectural styles that had been proposed.

Commissioner Tumbaga characterized the building colors as boring, although she found the colors in the rendering to be more cheerful.

Mr. Strauss advised that the colors were the same as on the color and material board, although the artificial lighting of the council chambers changed those colors. He emphasized that the color palette would offer a nice variety.

In response to Commissioner Ohlson, Mr. Strauss noted that there would be an opportunity for the home buyer to designate the desired roofing material prior to the start of construction to ensure appropriate roof support. He affirmed, when asked, that the intent was to sell all of the homes before they were constructed.

ROSS WELLS, Landscape Architect, HWA Landscape Architects, 1070 Concord Avenue, Concord, explained that they had tried to accomplish a park like setting with open paseos between the homes, which would open into landscape areas with opportunities for park areas near the creek and entry area. Small play areas for ages 4-8 would be provided. A heavy duty wooden fence with a trellis on the top had been proposed as had been used in another development in the City of Brentwood. He noted that could be changed to a masonry wall, although the wooden fence had been proposed due to the close proximity of the homes to East Leland Road.

Mr. Wells also identified the open metal fence with brick pillars that would travel all the way around the site and wrap to the entry point, leaving an open vista into the project and prevent people from traveling through the project. Open circulation was provided through the paseos with each entry to exhibit a unique entry element. Each homeowner would look out into an open common landscape area, which would be irrigated and maintained by the HOA. Stamped paving had also been proposed at the entries with entry signage carrying the same materials used within the architecture. More benches and tables could also be proposed along the creek area since there were large open lawn areas that would look out over the creek.

Commissioner Ohlson understood that the creek would not be fenced, to which Mr. Wells affirmed that it would be left open.

Ms. Ayres stated for the record that staff had received two letters from Douglas Messner, the Vice President of Sierra Pacific Properties stamped received on July 12, 2004 and July 13, 2004 in response to the proposal.

INTERESTED SPEAKERS:
DOUG MESSNER, Vice President, Sierra Pacific Properties, 3890 Railroad Avenue, Pittsburg, identified Sierra Pacific Properties as the property owner of 970 and 980 Garcia Avenue. He reported that Sierra Pacific would be submitting plans to the Planning Department for a 50,000 square foot building.

Mr. Messner pointed out the proximity of the subject development to the Los Medanos Industrial Park. He understood that the sideyard setbacks for the homes would have a minimum of three feet with some of the homes to be within three feet of the industrial area. He presented a photograph of the industrial park to show what the future homes could be viewing.

Mr. Messner identified the rear of the industrial park where the loading docks were located. He described those manufacturing areas where roll up doors, storage areas, trucks, other equipment, and trash enclosures were located. He stated that the future two story homes would look down into that area and the future homeowners would be subjected to the noises and smells associated with the industrial uses.

Mr. Messner expressed concern with the safety of children in the future development, although he understood that an eight foot sound wall had been proposed. He recommended an increase in the height of that wall to ensure that children did not access the industrial park area. He also suggested that access be prevented to the industrial area along Kirker Creek since children might be able to get through that area. He suggested that the industrial park would be an unbearable nuisance to the future homeowners of the project.

Mr. Messner also asked that the Planning Commission review the zoning for the property. His review of the minutes of the City Council meeting of November 16, 2001 when the General Plan Update had been discussed, had found that former and current council members had not supported a rezoning of the property. He read into the record some of the comments made by the City Council at that time.

Mr. Messner suggested if the project were to move ahead that a number of mitigation measures should be considered. He requested that all homes along the industrial park boundary be one story in height to limit views into the industrial loading areas. He recommended that the homes be on larger, 6,000 square foot lots with increased setbacks. He also recommended that the masonry sound wall be of masonry material and not be pre-fabricated, that the potential future homeowners be presented with disclosure notices in the form of HOA CC&R’s that would disclose the adjacent industrial park, and he requested that Sierra Pacific Properties be allowed input in the preparation of the CC&R’s to be approved by the City.

Mr. Strelo spoke to the General Plan designation of the property and commented that it had been Medium Density Residential for some time prior to the General Plan Update and remained so throughout the General Plan Update process. He was uncertain what property the excerpts from the City Council meeting, as read by Mr. Messner, had referenced.
Mr. Strelo understood that the City Council had deliberated on a number of issues but had voted to have the property remain Medium Density Residential. As to the 6,000 square foot lots and setbacks, he had measured all of the sideyard setbacks adjacent to the masonry wall open to the northern property and all exceeded five feet, which was the setback for single family residential sideyards and which exceeded what was required for 6,000 square foot lots in the RS Districts.

Mr. Strelo added that three feet was required for the interior lot lines between the homes, with a required five foot setback for corner lots. As the subdivision was laid out, the homes along the northern property line would not encroach within five feet of the sound wall.

In response to the request for a disclosure statement, Mr. Strelo suggested that it was up to the Planning Commission to make a determination on that request.

Commissioner Ohlson commented that further to the west and east of the industrial park were residential homes that would back up to the industrial park. He inquired whether or not the City was aware of any problems with those residential units being within such close proximity to the industrial park.

Mr. Strelo was unaware of any complaints from the residential apartment complex, although there had been complaints from the residential development to the west of Freed Circle. Some of those complaints had involved illegal activity on the other side of the walls with businesses either sand blasting outdoors or installing a large unpermitted balloon for furniture sales.

Chairperson Garcia acknowledged that the City Council had made the comments referenced by Mr. Messner, although the Council had not followed up on those comments other than to retain the zoning of the property east of Loveridge Road.

Director of Planning and Building Randy Jerome explained that the 1980 General Plan showed the entire area north of Leland Road as Light Industrial. There had been a General Plan Amendment in 1987 by an apartment developer who desired to change the General Plan land use to accommodate the Lakeview Apartments and Leland Square. As a result, there had been a change in land use to High Density or Medium Density Residential on the north side of East Leland Road all the way from Harbor Street to the City of Antioch. In 1988, the General Plan had confirmed that change.

Mr. Jerome noted that the comments referenced by Mr. Messner by the City Council in 2001 had primarily referred to the area around Gladstone Drive.

DAVID MILLER, 750 Garcia, Pittsburg, Hospital Systems, identified his business as adjacent to the industrial park and behind the subject property. He expressed concern with water runoff and noted that the land soaked up the rainwater. He requested assurance that if the development was approved the rain water would not flood Kirker Creek and therefore
flood his property. He also expressed concern with water pressure problems on Garcia Avenue and questioned how the development of 100 homes would exacerbate that problem. Further, with the homes being proposed all the way from Piedmont Way to Freed Avenue, he inquired whether or not the City would abandon the easement for Martin and if so, he would like it off of his property. He too questioned the concept of a residential development within such close proximity to an industrial park.

Mr. Strelo recognized the concerns with water pressure and runoff. He advised that such issues had been raised with all developments in the City.

Mr. Strelo reported that the Mitigated Negative Declaration would include a mitigation measure requiring all projects over one acre in size to comply with post construction Best Management Practices to manage stormwater quality and quantity runoff. He suggested that could be accomplished with the developer providing roof downspouts, pop-ups into landscape areas and the like. There were several options that could be considered on site to address the requirement to contain stormwater runoff.

As to the concerns with respect to flooding, Mr. Strelo advised that Kirker Creek could handle a 100-year flood to the top of the banks.

Senior Civil Engineer Alfredo Hurtado advised that if there was inadequate water pressure the developer was required to meet code for stormwater and sewer requirements. He added that Kirker Creek was being improved downstream and the developer was required to construct some storm improvements, such as catch basins. The applicant would be required to complete hydrology calculations as well.

Chairperson Garcia acknowledged that similar concerns had occurred with another residential project in the same general area. He agreed that the industrial park should be disclosed to potential home buyers and in the project CC&R’s. He recommended that Mr. Miller work with the developer and Sierra Pacific Properties to ensure that everyone was satisfied with the disclosure of the industrial park.

With respect to water pressure, Mr. Hurtado reported that there was a Capital Improvement Project (CIP) to increase the water pressure for Presido Village which was located in Zone 2. The subject property was also located in Zone 2 but in a lower area close to Zone 1. The CIP project would increase the water pressure for the senior housing. He noted that Los Medanos College had also experienced problems with low water pressure.

Commissioner Ohlson requested a condition to require the developer to help address the problem of water pressure in that area of the City.

Mr. Hurtado advised that the developer would be required to pay a Facility Reserve Fee as part of the project.

Commissioner Williams agreed with the need for home buyers to be adequately informed.
in order to make good decisions prior to purchasing a new home. She otherwise suggested that some of the home prices should reflect the potential views of the industrial park.

Commissioner Tumbaga inquired whether or not the parks in the development would be maintained by the City or by the HOA.

Mr. Strelo clarified that everything within the property lines would be maintained by and be the responsibility of the HOA, with the exception of Kirker Creek.

RAY PANEK, Vice President, Forward Planning, KB Homes South Bay, 6700 Knoll Center Parkway, #200, Pleasanton, spoke to the issue of the adjacent industrial park and land use. He noted that the developer was well aware of that land use and had experience with infill and redevelopment projects in similar situations adjacent to an industrial use. He advised that KB Homes had one of the most thorough disclosures in the business and would be amenable to working with staff to provide copies of its disclosure statements that could be distributed to the abutting landowners and occupants.

Mr. Panek expressed appreciation for the offer from the abutting landowners and occupants to ensure that the disclosure clearly stated what activities would occur in the industrial park. He commented that KB Homes' sales program would also involve bringing customers to the site to see the adjacent uses, which would occur at various hours of the day. KB Homes was also willing to work with City staff on the project CC&R's for whatever language would be appropriate to remind future home buyers of the abutting industrial use.

Mr. Panek further advised that he was comfortable raising the height of the sound wall to 10 feet. He pointed out that the homes would have active and passive sides and KB Homes could coordinate the land development by placing the passive sides of the homes adjacent to the industrial uses.

CONNIE DOMINGUEZ, Pittsburg, asked what side of the homes would face E. Leland Rd.

Chairperson Garcia advised that it was the sides of the homes.

OPPONENTS: None

Chairperson Garcia noted that traffic would likely back up on Piedmont Way given the narrowness of the roadway and the truck traffic, further exacerbated by attempts to make a left turn onto Leland Road. He also noted that Condition No. 4 of Resolution No. 9502 would require a monetary contribution to a traffic signal. He requested that the condition be amended since the developer would generate traffic building the subdivision. He asked that the developer design a traffic signal to be reviewed by staff and to be installed immediately, which in return would allow the developer to receive traffic mitigation fees.
Mr. Panek expressed a willingness to enter into an agreement for a credit against the City’s traffic fee, although he requested a stipulation that rather than pay the fee to the City and wait for reimbursement, KB Homes would design and install the traffic signal and present the City the invoices for reimbursement.

Ms. Ayres advised that would be acceptable to staff.

Chairperson Garcia requested City staff contact the apartment complex across Piedmont Way which might like its main entrance altered when the traffic signal was installed.

Mr. Strelo advised that he would forward the concern to the City’s Traffic Engineer. He added that the project did not fall under the City’s Transportation Mitigation Fee and it would have to be added to use the fee reimbursement process. He noted that would be done within the next one to two months well before anything moved forward. He also asked that Condition No. 38 of Resolution No. 9502 be amended to reflect that reimbursement, to be tied into Condition No. 4. Further, that the Mitigation and Monitoring Plan be amended to reflect that change.

MOTION: AP-03-74 (Subdivision 8795)

Motion by Commissioner Ramirez to adopt Resolution No. 9502, approving AP-03-74 (Subdivision 8795), a Vesting Tentative Map to subdivide two parcels into a 100-lot single-family residential subdivision for East Leland Property, with the conditions as shown, with amendments to Condition Nos. 4 and 38, as recommended by staff, and as amended to reflect that the resolution shall not take effect until the rezoning had been approved by the City Council, with the project disclosure and CC&R’s to be returned to staff, as discussed. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

Noes: None

Abstain: None

Absent: None

MOTION: AP-03-74 (DR)

Motion by Commissioner Ramirez to adopt Resolution No. 9503, approving AP-03-74 (DR), Design Review approval of proposed home designs and landscaping plan for a 100-unit residential subdivision for “East Leland Property Subdivision 8795,” with the conditions as shown and with the following amendments:

- The wall height on the northern property line shall be increased to 10 feet;
• The passive side elevations of the homes to face the industrial park property to the north;
• A fence shall be installed around the drainage ditch on Piedmont Way; and
• The fence on East Leland Road to consist of a vinyl fencing material with no pre-cast walls.

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

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

MOTION: AP-03-74 (RZ)

Motion by Commissioner Ramirez to adopt Resolution No. 9501, recommending the approval of AP-03-74 (RZ) recommending that the City Council rezone two parcels totaling approximately 12.1 acres from RM (Medium Density Residential) District to PD (Planned Development) District to allow a 100-unit residential subdivision for “East Leland Property Subdivision 8795”, as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

COMMISSION CONSIDERATIONS: None

STAFF COMMUNICATIONS:

1. Notice of Intent (to review/approve project at staff level):
   a. Metro PCS Antenna at 1600 Buchanan Road. AP-04-106 (DR)
   b. Capistrano Model Homes at Oak Hills, Unit 3. AP-04-133 (DR)

The Commission acknowledged the receipt of the Notice of Intent for the items as shown. Ms. Ayres reported that October 5, 2004 had tentatively been scheduled as a date for Commission training, consistent with the recommendation from the City Council, for annual training in Conflict of Interest, the Brown Act, and how to run successful meetings and other issues.
COMMITTEE REPORTS:

Chairperson Garcia advised that the TRANSPLAN meeting had been canceled.

COMMENTS FROM COMMISSIONERS:

Commissioner Gordon spoke to the issue of public and police services. For the benefit of staff, he noted his opposition to Mello Roos districts since the property owner could not write off that portion of the tax bill. He cited the Pittsburg Marine Terminal as an example which had involved taxpayers in that district having to pay between $40,000 to $45,000 a year for five years for repairs to Harbor Street and to the Pittsburg Unified School District (PUSD) for a crossing guard on Harbor Street. He was not opposed to some type of a condition requiring a developer to pay for police services.

Commissioner Williams expressed her hope that the Planning Commission would make decisions collectively. She also requested clarification from the Commission and staff as to process, citing the item the Commission had just considered and approved, where the Chair had made some recommendations to be incorporated into the project.

Commissioner Gordon stated that as a former Planning Commissioner and someone who was familiar with the Commission’s process and with public hearings, he would be more than willing to meet with Ms. Williams to better clarify and explain the processes.

As to the Committee Appointment for the Historical Resources Commission, Chairperson Garcia requested that the appointments be modified to show him as the alternate and to show Commissioner Tumbaga as the appointee.

Ms. Ayres explained that pursuant to City Ordinance, the Chair of the Planning Commission was to serve as the primary appointee.

Commissioners Dolojan and Ramirez welcomed new and reappointed Commissioners to the Planning Commission.

Chairperson Garcia also welcomed the new and reappointed Planning Commissioners. He otherwise inquired of staff the status of a resolution revoking the use permit for Fort Knox Storage which was to be on the current agenda.

Mr. Jerome explained that there had been an issue of proper notification since there were two use permits on the site. The item would be agendized for the next meeting to consider the two use permit applications.

Chairperson Garcia reported that the landscaping for the El Pollo Loco Restaurant was in poor condition, and the landscaping for the Habitat for Humanity homes at Herb White Way between Eighth and Tenth Streets had either not been completed, was dying or it was not
being maintained by the owners of those homes.

Mr. Jerome advised that there would be some widening along Herb White Way which could affect some of the landscaping along that elevation.

Ms. Ayres also commented that she had requested the creation of a Subcommittee of the Planning Commission to create bylaws for the Commission in response to direction from the City Council as part of the changes to the City’s Commission/Committees. She noted that staff could prepare language for consideration by the Commission or a working committee could be formed.

It was the consensus of the Commission that staff prepare language for changes to the Commission bylaws, to be considered by the Commission and with a subcommittee to be appointed after that time.

Ms. Ayres advised that she would return with that language as an informational item.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:05 P.M. to a regular meeting of the Planning Commission on July 27, 2004 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission