A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:00 P.M. on Tuesday, May 25, 2004, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Chairperson Leonard

Absent: None

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Dana Hoggatt; and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, May 21, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Kelley led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Ms. Ayres advised that the application for Mazzei Freestanding Signs, AP-04-105 (DR) would be continued, at the request of the applicant, to the June 22, 2004 meeting to allow revisions to the plans.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:
There were no presentations.

**CONSENT:**


**MOTION:**

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

Ayes: Commissioners Dolojan, Garcia, Kelley, Tumbaga, Leonard  
Noes: None  
Abstain: Commissioner Ramirez  
Absent: None

**PUBLIC HEARINGS:**

**Item 1: Ferguson Storage Yard. AP-04-86 (UP)**

Application by Nick Colletti of Ferguson Enterprises, Inc., requesting approval of a use permit to expand an existing plumbing material supply yard onto 1.9 undeveloped acres located at 2112 Loveridge Road, IP (Industrial Park) District; APN 088-240-068.

Associate Planner Dana Hoggatt presented the staff report dated May 25, 2004. She recommended that the Planning Commission adopt Resolution No. 9487, denying the application.

Ms. Hoggatt explained that if the Planning Commission was inclined to approve the application, the Commission would have to be aware that the application could not be approved, as proposed, because of the front yard landscaping. The applicant would have to be directed to revise the application in order to meet the required front yard landscaping requirements and to meet the findings required to approve a variance. The hearing could be continued if the findings to approve the variance could be made by the Commission.

**PUBLIC HEARING OPENED**

**PROPONENT:**

NICK COLLETTI, General Manager, Ferguson Enterprises, 2112 Loveridge Road, Pittsburg, explained that the plans had been adjusted so that the front yard landscape area would comply with City Code.  
Mr. Colletti was uncertain whether staff had seen those changes.

An unidentified individual reported that the changes would include 25-foot front, side and
rear yard setbacks. In addition, 13 percent of the expansion area would be landscaped where the City required 10 percent landscaping.

Mr. Colletti explained that Ferguson Enterprises was a third generation tax generator for the City and provided employment opportunities for local residents. The expansion was needed since the business had grown. The expansion would be consistent with the current use, with no plans to store any items higher than the existing fence. The intent was to spread out what was already contained in the current yard on the site. He added that Ferguson Enterprises had grown as a company in the Bay Area. Its primary location was in the City of Pittsburg.

Mr. Colletti commented that it was essential that the business expand in the local Pittsburg market to keep the business where it was located. With the revised plans, he suggested that the project would now meet the City’s zoning requirements.

Commissioner Garcia inquired whether or not the property had come with the purchase of Westburne, to which Mr. Colletti explained that Westburne had purchased P.E. O’Hair years ago. Westburne had been purchased by Ferguson approximately five years ago.

Commissioner Garcia understood that the property had been for sale for some time, with no interest. He noted that a For Sale sign had come down not long ago. He was pleased to see that the front yard setbacks would be met since it would line up with the existing landscaping, although he emphasized that the landscaping in front of the existing fence was in very poor condition or was non-existent.

If the project were approved, Commissioner Garcia recommended a condition that the property be re-landscaped from the driveway to the end of the property. He also had no problem with the fence, although he would prefer a green vinyl covering with green slats as opposed to the galvanized material. He recommended that the applicant work with the City Planner to provide appropriate fence material.

Mr. Colletti noted that the existing fence was a brown color. He expressed the willingness to address the Commission's concerns.

The unidentified individual noted that the landscaping would consist of shrubs against the fence with ground cover and tall trees along the street.

Commissioner Garcia reiterated his recommendation that the applicant work with the Planner to address the existing landscaping which should be upgraded, and to provide landscaping from the driveway to the end of the property.

In response to Commissioner Dolojan, Mr. Colletti stated that the applicable dimensions of the property could be clarified on the plans.

Mr. Colletti reiterated that the items being stored would be below the height of the fence.
and would not exceed the height of currently stored items. With the expansion of the property the materials could be stored out and not up, which would lower the height of the existing storage. The material being stored was primarily pipe.

In response to Commissioner Ramirez, Mr. Colletti advised that the business was primarily wholesale, although it did accept retail traffic. He clarified that Westburne had been a plumbing wholesaler, as was Ferguson, and he acknowledged that some of the day to day traffic had increased to the point that Ferguson was growing out of the existing building.

Commissioner Ramirez had no objection to the proposal as long as the setbacks were met and the landscaping addressed.

Commissioner Dolojan expressed his agreement with the staff recommendations as to what should be on the property in regards to its appearance and compatibility with the surrounding businesses. He suggested the consideration of moving the office in front of the site to create a better appearance for the business. He also suggested that the long strip of fencing with views of the storage area would not create a business/retail atmosphere in the area.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia commented that it would be nice if another business were able to move onto the property, although he recognized that the property had been for sale for some time with no interest. He noted that the property in front of the hospital was fallow and the same with the property adjacent to the ARCO Gas Station. ARCO had purchased that property in order to build the gas station. Since Ferguson owned the property and had revised the plans to meet the required setbacks, he supported the proposal with his recommendations related to the landscaping and fence materials. He added that the expanded business would generate more tax dollars for the City.

On the discussion, Ms. Ayres explained that if the intent of the Commission was to approve the project subject to the revised plans displayed to the Commission, she would suggest that the Commission ignore the resolution of denial as contained in the staff report and make a motion to direct staff to prepare a resolution of approval subject to the conditions as recommended. A resolution of approval would then be submitted to the Commission at its next meeting for formal adoption.

MOTION: AP-04-86 (UP)

Motion by Commissioner Garcia to direct staff to prepare a resolution approving AP-04-86 (UP), a Use Permit to expand the outdoor storage area of an existing wholesaling and storage business with exterior storage located at 2112 Loveridge Road for “Ferguson Storage Yard Expansion,” subject to the applicant’s revised plans and subject to the following additional conditions:
Applicant to work with Planning staff on a green vinyl slat fence rather than a galvanized metal material; and

Applicant to prepare a landscaping plan to start at the driveway south of the end of the property line, to include an automatic irrigation system, subject to the satisfaction of staff.

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

Ayes: Commissioners Dolojan, Garcia, Kelley, Ramirez, Leonard
Noes: Commissioner Tumbaga
Abstain: None
Absent: None

Ms. Ayres advised that a resolution of approval would be brought back to the Commission for formal adoption on June 8, 2004.

Item 2: Castle Companies Development – St. Vincent de Paul. AP-03-57 (PD/RZ, Subdivision and DR)

Application by Dan Boatwright of Castle Companies requesting approval of a rezoning of 4.56 acres from RM (Medium-Density Residential) to PD (Planned Development) District, a vesting tentative map, and architectural plans in order to construct 35 single-family detached houses on lots ranging in size from 3,450 to 13,261 square feet. The property is located at 390 Central Avenue; APN 086-151-003.

Associate Planner Hoggatt presented the staff report dated May 25, 2004. She recommended that the Planning Commission adopt Resolution No. 9488, recommending that the City Council approve the PD District on the property, with the conditions as shown. Further, that the Commission adopt Resolution No. 9489, approving Vesting Tentative Subdivision Map No. 8785, as shown and adopt Resolution No. 9490, approving architectural plans for the proposed houses, as shown.

Ms. Hoggatt noted that the applicant had made a number of revisions to some of the conditions of approval and to the Mitigation and Monitoring Program for AP-03-57. All revisions were considered to be minor, had been identified in bold type, were supported by staff and had been provided to the Commission in writing. The following revisions were recommended to Condition No. 5 of Resolution No. 9489:

The applicant shall submit CC&Rs (Covenants, Conditions & Restrictions) for the project that will contain appropriate provisions for maintenance by the Home Owners Association of any private infrastructure, including roads, water lines, sewer lines, storm drain lines subdivision perimeter walls, landscaping and irrigation systems, as determined necessary by the City Engineer and as approved by the City Attorney. The CC&Rs shall be submitted for final
approval by the State Department of Real Estate.

To Condition No. 22 (b):

As part of the application for grading permit, the applicant shall submit a drainage plan for each lot. The drainage plan shall be prepared by a registered civil engineer and shall be subject to approval by the City Engineer. The plan shall include, at minimum, the following provisions…

b. The surface next to each house and accessory structures shall be graded with a slope at least two percent away from the structure for a minimum distance of three feet.

The following condition was proposed to be added to Resolution No. 9489:

42. This tentative map approval shall expire on the two-year anniversary of the effective date of any Council-adopted ordinance rezoning the property to PD District, unless a building permit or grading permit has been issued or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission. This approval shall be valid for no more than six months from the date of permit issuance, unless work is commenced and diligently pursued prior to the expiration of the permit.

To Condition No. 12 of Resolution No. 9490:

12. Decorative attic vents on front and enhanced side elevations shall be painted in the contrasting trim or accent color. Attic vents on side and rear elevations on the houses shall be painted in the same color as the exterior wall on which they are located.

Revisions to the Mitigation and Monitoring Program dated "Received May 25, 2004" were also provided for the record in writing.

Commissioner Garcia referenced Page 2 of 9 of the staff report and the section identifying the background of the subdivision improvements. He noted that the wooden fence had been shown on the eastern property line and should be corrected to read the western property line.

Chairperson Leonard understood that the project, as submitted, complied with the Housing Element currently in place in the City.

Ms. Ayres explained that it was up to the Planning Commission to determine whether or not the project was compliant with the Housing Element. The Housing Element had been approved in November 2003. The Housing Element had directed the City to consider the
Commissioner Garcia commented that while this was the first project that fell under that situation, a study had yet to be completed on affordable housing. He referred to an affordable housing project in the City of San Ramon where everyone but those living in that community had purchased the affordable housing. He inquired whether or not the affordable units being recommended in the subject project would include a restriction that the units be sold to Pittsburg residents only, who worked and lived in the community.

Commissioner Garcia also expressed concern with the impacts that the affordable housing could impose on other new housing units, resulting in more costly units to make up for the financial loss of the affordable units, pricing City residents out of the market.

Commissioner Garcia further spoke to the Moderate-Income figures that had been provided, at $82,000 a year. Given that there were many questions yet to be answered, he questioned the imposition of an affordable housing requirement on the development. He also questioned what the City would do to create affordable housing since there was available land in the community that could be used by non-profit groups to create affordable housing. He noted that the current City Council had made no effort to pursue those possibilities.

Commissioner Ramirez concurred with the comments and he too questioned the City’s participation on the inclusionary housing component.

Chairperson Leonard added that the last housing subdivision that had been built with affordable housing in the City had been the Marina Walk subdivision, which was now selling for $440,000. While General Plan policy required the consideration of affordable housing, he stated that was not mandated at this time.

Commissioner Dolojan commented that there could be no restrictions placed on the affordable units to be available for City residents only, since that would be discriminatory. As to the requirements in the Housing Element to consider the affordable housing component, Commissioner Dolojan questioned whether or not the 35-unit development would be able to subsidize the affordable units. He suggested that a larger development would likely be better able to absorb the costs of affordable units.

Chairperson Leonard commented on his understanding that the City was currently working on a loan program to keep teachers in the district by subsidizing his/her loans.

Commissioner Tumbaga suggested that affordable housing should be made available in any subdivision in the community and that the City should strive towards that end. She emphasized that affordable housing did not mean the home was any less than the surrounding homes. She urged the City to start addressing the affordable housing needs in the community. She too noted that there could be no restrictions placed on the homes to
be for City residents only in that the affordable housing would have to be available to those who met the criteria regardless of his/her residency. She stated that how units could be made affordable still needed to be worked out between developers and the City. Commissioner Tumbaga suggested that the City should not have to bear the full burden of affordability for housing.

Commissioner Garcia commented that the government developed most affordable housing. If a private developer was asked to provide the affordable housing, the developer should be offered incentives to provide that housing. He stated that there was nothing in any of the draft resolutions associated with the proposal that identified any incentives to provide affordable housing. While a local non-profit group had built a project in the City of Brentwood, he was disappointed that the non-profit group had not developed in Pittsburg, particularly since he had asked several times for the group to consider property on Montezuma Street.

Commissioner Tumbaga emphasized the need to work out the issues to address affordable housing at some time.

Ms. Ayres explained that the developer was not building according to the RS standards typical for a Low-Density General Plan project. The developer had requested a Planned Development zoning designation to maximize the density out to the centerline of Solari Street and Central Avenue, in a small lot configuration. The PD zone had been the incentive to the developer to allow flexible design standards, a higher density and flexible development standards, which would make the project more affordable.

Ms. Ayres added that the City had over 1,000 rent restricted units in the community, most of which had been created through US Housing and Urban Development Department (HUD) subsidies, or through tax credit projects.

Ms. Ayres explained that there were a couple of projects in the City where the City had offered density bonuses, reduced fees or a parking waiver, for the senior project as an example, in order to provide additional incentives for some projects. The Housing Element also included a policy where a developer was given a PD District and allowed the benefits of that district. The affordable component was one of the options in addition to providing a park or significant open space that would provide a benefit to the public. The subject proposal would not include a park although some landscaping would be maintained along the perimeter. It was the staff opinion that would help to implement that policy.

Ms. Ayres also commented that the City Council had approved a First Time Buyer Program which was expected to be implemented in the next fiscal year. The program would be two-phased. The program targeted teachers in one phase with the other phase to be open to anyone who lived or worked in the City.

Ms. Ayres further commented that the small size of the project might be an issue given that it had not yet been determined what size project would trigger an inclusionary housing requirement. Studies throughout the State had shown an affordable housing requirement
for projects as small as five to ten units.

Ms. Ayres suggested that the Commission could consider a preference for Pittsburg residents who either lived or worked in the community and could present something where those residents would get the first two weeks after a project was open, or the City could offer to maintain a waiting list and promote the products, with the list given to the developer and with residents allowed a two week advance notice to make offers on homes. All such details were meant to be worked out in an affordable housing agreement that would resolve all of those details with the developer. That agreement would then be submitted to the City Council, Planning Commission or the Redevelopment Director to finalize the details.

Ms. Ayres also commented that the developer was only building three and four bedroom units and the homes would sell in the range of $322,000 to $347,000. She stated that comparable market rate homes in Park Place and Heritage Pointe area were in the $370,000 range.

Ms. Ayres explained that the City was also considering another option where if the Council adopted the interim ordinance before the developer reached the final map stage, which was likely in this instance, the developer would have the option to abide by that ordinance rather than whatever comes up with the tentative map since it could be less restrictive than what the City was proposing at this time.

Ms. Ayres went on to note that the City had also been considering another option for another project and for the current project, where the City could sell the unit at 100 or 110 percent and where the City would capture a silent second, which would be the difference between market rate and the for-sale price of the unit. The City could recapture those monies when the home was sold and the home could be resold at market rate. The City could then use the money in a revolving affordable housing fund for future homebuyer programs. She noted that the developer at this time was unwilling to consider any inclusionary housing component for the project.

Ms. Ayres added that staff had also suggested that the developer take the number of units that could be applied to the subject project and apply that number to another project the had proposed in the community. She noted that the developer had not been interested in that suggestion. She explained that it was up to the Commission to consider, reject or create another alternative to deal with the affordable housing component.

Commissioner Garcia commented that the property had been zoned for 1 to 14 units to the acre and the developer could have built up to 14 units to the acre. He suggested that the developer’s request to change the zoning to PD had been in response to the desire of the neighborhood that no high-density projects be built. As such, the density had been lowered by the City as part of the update to the General Plan. He suggested that the developer was not being given an incentive for anything. He added that the property had remained fallow for some time collecting trash.
Commissioner Garcia questioned the imposition of conditions on the project where the
developer could not build. Until the City resolved the questions related to inclusionary
housing in terms of how the City would participate, he questioned how the City could
impose affordable housing components on any development.

PUBLIC HEARING OPENED

PROPONEENT:

DAN BOATWRIGHT, Castle Companies, 12885 Alcosta Boulevard, Suite A, San Ramon,
commented that there had been several proposals for the property including a developer
who had been interested in building single family detached homes. He stated that the site
had ultimately been difficult to develop.

While Castle Companies had decided to pursue development, Mr. Boatwright emphasized
that some difficulties remained to be resolved, such as the need to build a sewer line from
Central Avenue connecting to Harbor Street rather than connecting to those in the existing
Central Addition neighborhood. There were also off-site storm drain costs, with the water
required to be conveyed underground with new pipes all the way down to Twelfth Street.
Overhead utility lines would also have to be placed underground.

Mr. Boatwright explained that several components of the project made it expensive, not the
least of which would be the demolition of the existing site and the remediation of some
toxic materials on the site that would have to be hauled off.

Overall, Mr. Boatwright stated that he agreed with staff report and with the minor
clarifications that had earlier been identified. He stated the only problem with the staff
report and the staff position was the affordable and inclusionary elements. He emphasized

the intent to uplift a blighted site and bring the downtown area to a level where it could
achieve its full potential. He pointed out that the City’s Housing Element did not require an
affordable component. It only required consideration at this point.

Mr. Boatwright advised that Castle Companies had been negotiating with St. Vincent de
Paul for over a year prior to the City Council's consideration of an affordable housing
component. He commented that Castle Companies would pursue a future project on North
Parkside Drive adjacent to Willow Heights, where an affordable component could be
included since the company would be able to adjust the economic model for that project to
make it work for that site.

Mr. Boatwright suggested that the subject site was not an area that needed more
affordable housing. In speaking with the residents of the area, he stated that residents had
preferred that their comparable home prices be uplifted. Residents did not want an
affordable component in the area.
Mr. Boatwright suggested that the subject site was an inappropriate location for the affordable housing component. As to the PD benefits that would be provided for the project, he stated that the project would have a private street, 36-feet in width which would be privately owned and maintained by a Homeowner’s Association (HOA). In addition, most of the landscaping located in the City right-of-way would consist of over 11,000 square feet of landscaping which the HOA would be required to maintain. Further, the project would turn a blighted property into a development with new homes which would provide new tax revenues for the City and an increase in population for the downtown area to help the downtown become self-sustaining.

Commissioner Tumbaga requested clarification from the developer since the map had shown Lot 19 as having a different entrance from the other homes.

Mr. Boatwright clarified that the map represented an early plan where there was one lot coming directly onto Solari Street. He characterized Lot 19 as an unusual lot and one that was difficult to plan. He confirmed that the entrance to Lot 19 would be no different from the other homes and would be off of the private street. He added that City staff had also recommended that the driveway for that home be 16 feet in width, rather than the 12 or 13 feet shown on the plans.

Commissioner Tumbaga inquired why the other project referenced by Mr. Boatwright would be more appropriate with an affordable housing component than the subject proposal.

Mr. Boatwright reiterated that the other home development would be located adjacent to River Run, Willow Heights, the church and Acme properties. In his opinion, that site would be more appropriate for an affordable housing component than the subject site since it was not located in as blighted an area, had existing new homes nearby and was located farther way from the core area that needed the emphasis on retaining and increasing its value. The other project had also been started later in the process where the affordable housing component could be included in the economic portfolio and model.

Mr. Boatwright suggested that an affordable housing component would not work for the subject property because of the prices involved in the development and because of the cost of the property. An affordable housing component was also not desired by the neighbors and was not appropriate in the subject area. If the City currently had an affordable housing component in place, he could not guarantee that it would have worked for the subject project, although they would have had more advanced warning during the negotiation process.

Commissioner Tumbaga inquired of the number of units to the area for the subject property, to which Mr. Boatwright advised that it would be 6.4 units to the area. He again noted that in terms of monetary incentives, no such incentives were being given to the developer other than the PD consideration.

Commissioner Tumbaga inquired of the estimated price for the homes when the project was completed. She also inquired of the values of the existing homes in the nearby area.
Mr. Boatwright suggested that the home prices for the subject proposal would be over $300,000 and under $400,000, although that would depend on when they were placed on the market. It would also depend on the current rising interest rates since that would affect the demand. He added that he had a recent neighborhood meeting and had been informed that the homes in the existing neighborhood had sold between $320,000 and $360,000. As to the whether or not the subject development would increase the value of the existing homes, he stated that would depend on the size of the homes. He understood in speaking with the neighbors that some of the values of the homes in the existing neighborhood had increased dramatically over the past couple of months.

Commissioner Tumbaga inquired of the target market for the development, to which Mr. Boatwright explained it was expected that the homes would be marketed to those who could be moving back to the community. He understood that there was an audience member who was interested in purchasing one of the homes and who currently lived in the Central Addition. He clarified that the homes would not carry any restrictions.

Commissioner Garcia advised that there was a home for sale on Pine Street, which was 1,323 square feet in size with an asking price of $345,000. Another home had been listed on Central Avenue, 1,800 square feet in size with a price of $379,000. He stated that there were currently 15 homes in the area that had been listed under $300,000, or were starting at $315,000. Based on the most recent real estate market information available in the local newspaper, nine homes had been listed as sold for under $300,000, illustrating that there was affordable housing in the community.

Commissioner Kelley commented that the project was very close to the intersection with the main entrance off of Central Avenue. She inquired how the entrance would be safety designed.

Mr. Boatwright advised that the main entrance would be off of Central Avenue which would be restriped to allow turning lanes in and be set back far enough from the intersection to ensure that there would be no interference with the vehicles backing up to turn into the project. The cul-de-sac and the Emergency Vehicle Access (EVA) would be located on Solari Street at the end of the cul-de-sac.

Chairperson Leonard noted that values had increased 20 percent since the model for the project had been prepared. As a Real Estate Broker, he was familiar with the City’s home values. As such, he stated that he would not be surprised when the homes were brought on-line that the prices would be closer to $400,000. He concurred with the comments from Commissioner Garcia that the developer should be required to follow the rules in effect at the time of application.

Chairperson Leonard otherwise questioned the formation of an HOA with a PD in this current day of lawsuits involving common interest when the roadway serving the development could be dedicated to the City and be maintained by the City, which would
Commissioner Garcia affirmed with staff that the developer would pay in-lieu fees for a park.

INTERESTED SPEAKER:

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, spoke to the dedicated left turn lane on Central Avenue to allow turning movements into the project.

Mr. Ohlson pointed out that Central Avenue was currently a Class III Bicycle facility and was wide enough for bicycles to safely use the street. He stated that the street was not striped for bicycles and with an extra 11 or 12 foot turning lane that would eliminate the space on the road for bicyclists. He expressed concern narrowing the road and not providing any space for the bicyclist making the street unsafe for bicyclists or for mitigation to increase or maintain the safety for bicyclists.

Mr. Ohlson added that Central Avenue was part of TRANSPLAN’s adopted north of State Route 4 Bicycle Trunk Route extending from Bay Point all the way to the City of Oakley. He protested the narrowing of the street and the reduction of safety for bicyclists.

Senior Civil Engineer Alfredo Hurtado clarified that bike lanes would be accommodated in the area. He stated that he would have to review that situation.

Commissioner Garcia inquired if the curbs fronting the property and across the street could be painted red to ensure no parking would be allowed.

Mr. Hurtado stated that he would review that matter with engineering staff.

Chairperson Leonard suggested with the current density there should be a requirement for guest parking. If parking on Central Avenue was to be restricted consideration needed to be made for guest parking.

Mr. Boatwright noted that the road was 36 feet in width with parking spaces laid out for parking on the private street. Two and three 20-foot long drives had been planned with an extra long drive for Lot 1 where there would be extra parking on the driveway apron. Also, the homes for Lots 19 and 28 would have odd drives with extra parking capabilities.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Tumbaga liked the project and commented that with the exception of a few lots the project had been well designed. She again commented on the need for the City to provide affordable housing. Desirous to approve the project, she made a motion to approve that would include the affordable housing component with the caveat that if the City
Council were to approve the inclusionary zoning ordinance and if it was less restrictive, the developer would have the option to follow those regulations.

Commissioner Garcia commented that he would not accept such a motion since he did not want to include the affordable housing component.

Commissioner Dolojan seconded the motion offered by Commissioner Tumbaga.

On that motion, Ms. Ayres stated that a modification would be required to Section 3. C on Page 5 of 6 of Resolution No. 9488 to add a sentence that if the City Council adopts an Inclusionary Ordinance prior to the approval of the Final Map the applicant/developer would have the option to apply for the least restrictive regulation. In the event the City Council chose not to pursue inclusionary housing in the community, the condition would no longer be effective.

Commissioner Tumbaga accepted that recommended revision. As the second to the motion, Commissioner Dolojan accepted the amendment to the motion.

Commissioner Garcia reiterated his concerns and made a motion to remove the affordable housing component from the project.

The Chair called for a vote on the original motion.

MOTION: AP-03-57/Failed

Motion by Commissioner Tumbaga to adopt Resolution No. 9488, recommending that the City Council adopt an ordinance rezoning 4.56-acres at the southwestern quadrant of Solari Street and Central Avenue from RM to PD for “Castle Companies Development at St. Vincent de Paul Property,” (AP-03-57), with the following additional language to be added to:

Section 3. Recommendation, C:

If the City Council adopts an Inclusionary Ordinance prior to the approval of the Final Map, the applicant/developer would have the option to apply the least restrictive regulation. In the event the City Council chooses not to pursue inclusionary housing in the community, the condition would no longer be effective.

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

Ayes: Commissioners Dolojan, Kelley, Tumbaga
Noes: Commissioners Garcia, Ramirez, Leonard
Abstain: None
Absent: None
MOTION: AP-03-57/Rezoning

Motion by Commissioner Dolojan to adopt Resolution No. 9488, recommending that the City Council adopt an ordinance rezoning 4.56-acres at the southwestern quadrant of Solari Street and Central Avenue from RM to PD for “Castle Companies Development at St. Vincent de Paul Property” (AP-03-57), with the elimination of subsection C. under Section 3, Recommendation. The motion was seconded by Commissioner Garcia and carried the following vote:

- Ayes: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Leonard
- Noes: None
- Abstain: None
- Absent: None

On the motion, Ms. Ayres requested that staff be given permission to modify all of the resolution’s background information to provide input supporting the Commission’s decision for the removal of the inclusionary housing component.

MOTION: AP-03-57/Vesting Tentative Map

Motion by Commissioner Tumbaga to adopt Resolution No. 9489, approving a Vesting Tentative Map for a 35-lot single-family residential subdivision on 4.56-acres located at the southwestern quadrant of Solari Street and Central Avenue from RM to PD, for “Castle Companies Development - St. Vincent de Paul Property” (AP-03-57), with the conditions as shown and as amended to eliminate Condition No. 39 and subsection C (Affordable Housing) of Section 5, with the background information supporting that decision to be modified. The motion was seconded by Commissioner Dolojan and carried by the following vote:

- Ayes: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Leonard
- Noes: None
- Abstain: None
- Absent: None

MOTION: AP-03-57/Design Review

Motion by Commissioner Tumbaga to adopt Resolution No. 9490, approving Design Review of architectural elevations and floor plans, site and landscaping plans for “Castle Companies Development at St. Vincent de Paul Property” (AP-03-57), with the conditions as shown and as amended with the removal of any affordable housing component language and with the resolution background to be modified to support that decision. The motion was seconded by Commissioner Ramirez and carried by the following vote:

- Ayes: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga,
Commissioner Tumbaga clarified that she was comfortable with her decision but was still a proponent of affordable housing. She added that her primary reason for not pushing further to include the affordable housing component was that the City Council had not yet adopted an Inclusionary Housing Ordinance.

Commissioner Garcia also clarified that he had no objection to inclusionary housing as long as the developer was aware of the applicable rules in that regard.

Commissioner Garcia also sought assurance that any affordable housing built was available for the citizens of the City. He urged the City Council to consider the need to build housing for those already in the City.

Commissioner Ramirez congratulated and welcomed the developer to the City.

Chairperson Leonard agreed that if government was to mandate affordable housing regulations the government would need to identify a way to provide a funding mechanism to pay for such development.

**COMMISSION CONSIDERATIONS:**

**Item 3: Mazzei Freestanding Signs. AP-04-105 (DR)**

Application by Matt Mazzei requesting design review approval of two 15-foot high freestanding signs which would result in a total of three freestanding signs on-site (one has already been approved) located at 3800 Century Way. The property is zoned CC (Community Commercial) District; APN 074-090-023.

As earlier reported, the item was requested to be continued at the request of the applicant to the June 25, 2004 Planning Commission meeting or to a later date.

**Item 4: Annual Report to the City Council on Goals and Accomplishments**

Review and approve a report to be submitted to the City Council by June 1, 2004, on the Planning Commission’s goals and accomplishments for Fiscal Year 2003-2004.

Ms. Ayres presented the staff report dated May 25, 2004. She recommended that the Planning Commission direct staff to submit the progress report attached to the May 25 staff report and report to the City Council in June 2004.

PROPONEENT: City of Pittsburg

OPPONENTS: None
Commissioner Garcia commented that the annual report had not mentioned the good work done by staff. He noted the need to recognize and give credit to City staff for its efforts on projects and in working with the Planning Commission.

Ms. Ayres explained that staff typically presented its accomplishments to the City Council during the budget discussions.

Commissioner Tumbaga suggested that an additional accomplishment should be added for the City to retain its excellent staff.

Commissioner Kelley agreed that should be included in the annual report.

Chairperson Leonard suggested that a letter from the Planning Commission could be prepared and forwarded to the City Council in that regard.

Ms. Ayres added in response to Commissioner Tumbaga, that the Planning Commission had held a number of meetings on the Housing Element. The number of meetings could be identified in the report to the City Council.

Commissioner Tumbaga suggested that the number of people in the community who had attended those meetings should also be identified.

Ms. Ayres explained that those who had spoken to the Housing Element at the time of those meetings could be acknowledged, as reflected in the meeting minutes, although there was no mechanism to identify the number of people in the audience.

OPPONENTS: None

MOTION:

Motion by Commissioner Kelley to direct staff to a report to the City Council on the goals and accomplishments of the Planning Commission for Fiscal Year 2003-2004, as amended. The motion was seconded by Commissioner Dolojan and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Leonard

Noes: None

Abstain: None

STAFF COMMUNICATIONS:

Mr. Jerome reported that the City Council had held a Budget Workshop on Monday, May 24 with no real adjustments proposed to the budget. The formal adoption of the City’s
The budget had been scheduled for the City Council meeting of June 21. The only issues raised by the Council had been concerns with the golf course financing. In addition, each City Department was required to cut three percent from their budgets, which in the case of the Planning Department would affect the annual Planner’s Institute. Based on past attendance, staff had projected that only three Commissioners would be able to attend the future conference.

Mr. Jerome also reported that the City Clerk had received 12 applications for the vacancy on the Planning Commission. The City Council would conduct interviews on June 21 for both the Planning and Leisure Services Commissions.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that the TRANSPLAN Committee had met on May 13 and had adopted the staff budget. A status report on State Route 4 had also been presented at that time. There were also continued discussions on the extension of Measure C, and the inclusion of Range Road on the project list should there be funds to fund that project.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Garcia noted that the Buchanan Road Bypass was under construction although the Planning Commission had yet to review the Environmental Impact Report (EIR) for the project, and Mr. Jerome explained that the EIR had been prepared in 1993. Efforts were continuing to be able to access the Thomas property. No money had been allocated for a new EIR.

Commissioner Garcia emphasized that Pittsburg was the lead agency and the City had been trying for five years to gain access to the Thomas property. He pointed out that the Council approval had already been provided for the staff recommendation for the location. He expressed concern with a road starting in the City of Antioch and dead ending in the City of Pittsburg. He asked that the EIR be prepared for the project.

Commissioner Garcia inquired if the auto repair shop on Bliss Avenue which had become a junk yard and which was filled with wrecked cars had been permitted by the City. Mr. Jerome advised him that the County had purchased the property on Bliss Avenue as part of the widening of State Route 4. There was no use permit required since the business was located on County property.

Commissioner Garcia noted that there was another business on Industrial Way which had not been permitted by the City. Only until Code Enforcement had inspected that site had the business ceased operation. He further commented that the BART Specific Plan had not been adopted, although he understood that there was a proposal to build 1,040 apartment units if the project was approved.

Ms. Ayres explained that the referenced project would not be submitted to the Planning Commission.
Commission for approval, but would be submitted to the Commission as a preliminary plan for a proposal that was different based on prior discussions of the BART Specific Plan. The developer had been asked to prepare a concept that could be presented to the Commission and the Council so that direction could be provided to the developer. The Housing Element called for the City to adopt the BART Specific Plan and a Mixed Use zoning district on that property during the next fiscal year. While the project had originally proposed office development, there was now more retail and only 100,000 square feet of commercial retail/office. The intent was to have the Commission review the new concept and provide direction as to whether or not the developer should follow the Specific Plan.

Commissioner Ramirez advised that he had contacted administrative staff prior to the meeting of May 11 to advise that he would not be in attendance at that meeting. He requested that the record be changed to show that he had not been absent at that time.

Commissioner Kelley expressed concern with the modified entrance onto State Route 4 from Power Avenue, which was not clearly defined and which was a potential traffic safety hazard.

Commissioner Tumbaga added that southbound traffic on Railroad Avenue had been cutting through the parking lot in front of the Credit Union and traveling through the parking lot at a high rate of speed to cut through to Power Avenue. She otherwise inquired whether or not the City Council had extended Commissioner’s Kelley’s term on the Planning Commission. She also inquired of the status of Fort Knox Storage.

Mr. Jerome explained that the Commission’s discussion during the May 11 meeting would be forwarded to the City Council.

Commissioner Garcia noted that the developer was working on the wall with poles staked out and people working on the pipeline.

Chairperson Leonard reported that he had received a complete sign-off for his live/work units in the downtown and already had one tenant moving in. The units were 800 to 1,000 square feet in size, with rents between $900 and $1,150.

Commissioner Tumbaga commented on her understanding that Fountain Plaza was being used by the City for affordable housing. She asked if the City owned the property.

Ms. Ayres advised that the property owner had approached the Redevelopment Agency about providing rehabilitation money for the project in return for adding covenants to provide long term rent restrictions on all of the units to serve Low and Very Low Income households. The property would still be privately owned and managed.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:05 P.M. to a regular meeting of the Planning Commission on June 8, 2004 at 7:00 P.M. in the City Council Chambers at