

MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
December 14, 2004

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Tuesday, December 14, 2004 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: Director of Development Projects Randy Jerome, Planning Director Melissa Ayres, Associate Planner Ken Strelo, Associate Planner Noel Ibalio, Assistant Planner Christopher Barton, Planning Intern Jill Pirog, and Assistant City Engineer Keith Halverson.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, December 10, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

CONSENT:

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Commissioner Ohlson identified a typographical error in the last sentence of the fourth paragraph of Page 3. He also spoke to the fifth paragraph on Page 9 which had shown that Commissioner Ramirez had accepted his [Commissioner Ohlson’s] requested amendment to the motion. However, pursuant to Robert’s Rules of Order, he stated that if someone made an amendment and the Chair found no problem with that amendment it would be accepted by acclamation. He also stated that Page 59 of Robert’s Rules of Order had not mentioned that the maker of the motion had to accept the second. As such, he requested that the minutes be amended to reflect Robert’s Rules of Order with the elimination of the fifth paragraph on Page 9.

Planning Director Melissa Ayres recommended that the minutes reflect what had occurred during the October 26, 2004 meeting. She explained that the Commission had not adopted Robert’s Rules of Order although a recommendation had been made that the City Council accept the Planning Commission’s Bylaws with a provision that Robert’s Rules of Order “generally” be followed. The Council was expected to take action on that recommendation in January or February 2005. She stated the draft by laws would only require the Commission to “generally” follow Robert’s Rules of Order to avoid being placed in a position where something could be invalidated if not followed to the letter.

Commissioner Tumbaga also requested an amendment to the second to the last paragraph on Page 23 where the reference to Vista Dela Mar, should be corrected to read *Vista Del Mar*.

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: First Memories Family Day Care. AP-04-159 (UP).

A public hearing filed by Karen Zavala for an application requesting a use permit to establish a large day care located at 3750 Roundhill Drive. The property is in an RS District; APN 088-322-007-1.

Planning Intern Jill Pirog presented the staff report dated December 14, 2004. She recommended that the Planning Commission adopt Resolution No. 9534, approving Use Permit Application No. AP-04-159, with the conditions as shown.

Commissioner Ohlson inquired of the age definition of infant, to which Ms. Pirog advised that infants were identified as being under three years of age.

Commissioner Tumbaga questioned the number of adults who would supervise the total number of children in the day care.

Ms. Pirog explained that the applicant could have up to a maximum of 14 children with two adults at all times. The applicant was licensed by the State of California.

PUBLIC HEARING OPENED

PROPONENT:

RAOUL PEREZ, 3750 Roundhill Drive, Pittsburg, identified himself as Karen Zavala's husband. Through the assistance of Commissioner Tumbaga, acting as interpreter, he verified that although he had not read the staff report or the conditions of approval, his wife, and [the applicant] Mrs. Zavala, had and was in agreement with those conditions.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-159

Motion by Commissioner Ramirez to adopt Resolution No. 9534, approving AP-04-159 (UP), a Use Permit to establish a Large Family Day Care at 3750 Roundhill Drive, (APN 088-322-007-1), with the conditions as shown. The motion was seconded by Commissioner Gordon and carried by the following vote:

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

Abstain: None
Absent: None

**Item 2: Delta Gateway Multi-Tenant Building Planting Area Variance.
AP-03-58 (VA).**

A public hearing on a request for approval of an exception to minimum planting area requirements for site development plans to construct a 9,100 square foot multi-tenant building (approved by Planning Commission on October 12, 2004) located at 4400 and 4428 Delta Gateway Boulevard (Century Plaza II), CC (Community Commercial) District; APNs 074-460-025, 026.

Assistant Planner Christopher Barton presented the staff report dated December 14, 2004. He recommended that the Planning Commission adopt Resolution No. 9539, approving Variance application No. AP-03-58 (VA), with the conditions as shown.

In response to Commissioner Williams, Mr. Barton affirmed that the Commission had approved the project in October 2004. He advised that there had been some conflicts in the parking lot, which conflicts the architect had resolved to staff's satisfaction. From a design standpoint, staff was pleased with the outcome. He also clarified that in order to meet City code there had to be an exception for the landscape plan.

Commissioner Ohlson questioned whether or not penalties could be imposed against owners of large SUVs that might be parked in a designated compact parking space.

Commissioner Gordon suggested that issue would be between the insurance companies of those involved. He commented that it was also likely that the Pittsburg Police Department would not respond to an accident or incident on private property.

PUBLIC HEARING OPENED

PROPONENT:

TIM SEILER, Sierra Pacific Properties, 3890 Railroad Avenue, Pittsburg, stated that he had read the conditions of approval and was in agreement with those conditions.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-03-58 (VA)

Motion by Commissioner Gordon to adopt Resolution No. 9539, approving AP-03-58 (VA), a Variance to minimum planting area requirements to allow a five foot wide minimum planting area street side yard setback for site development plans to construct a 9,100

square foot multi-tenant building located at 4400 and 4428 Delta Gateway Boulevard (Century Plaza II) for "Delta Gateway Multi-Tenant Building Planting Area Variance," 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 3: Affinito Single Family Home. AP-04-189 (UP).

A public hearing on a request to 1) a use permit to construct a 1,930 square foot two-story home (350 square foot garage included) on a substandard vacant lot (4,547 square feet) and 2) a variance to allow the second story (780 square feet) of the home to exceed 50 percent of the total ground floor square footage (1,145 square feet) of the structure, and variation from the required front, side and rear required yards. The project is located on the west side of Crestview Avenue, northeast of West Leland Road. The site is zoned RS (Single-Family Residential) District. APN: 087-042-016.

Associate Planner Ken Strelo presented the staff report dated December 14, 2004. He recommended that the Planning Commission adopt Resolution No. 9540, approving Variance application AP-04-169 (VA), and Resolution No. 9541, approving Use Permit AP-04-169 (UP), with the conditions as shown.

Commissioner Ramirez inquired whether or not the lot had been created by the widening of Crestview Avenue or as a result of the direction of the street. Staff acknowledged that the lot had been created by the widening of Crestview Avenue which had resulted in the lot configuration, and whether or not the applicant was the owner of the property at the time the lot had been created would have to be clarified by the applicant.

Commissioner Ohlson spoke to Page 3 of 3 of Resolution 9540, Section 3 Approval (2), and commented that he had not seen similar conditions on any other application that had been presented to the Commission. He requested clarification from staff as to the intent of that condition.

Mr. Strelo explained that the Planning Commission would be seeing more consistent conditions with projects in the future. The same condition had been imposed on other projects but had involved more language. Condition No. 2 was now a more concise version of a prior condition. It had the same intent of previous conditions imposed in other development resolutions.

Commissioner Williams understood that the properties on both sides of the subject property were church uses, to which Mr. Strelo clarified that the Mt. Zion Church was

located to the north and there was a separate church parking lot to the south. Apartments were located across the street to the east and to the northeast. More single family homes were located to the south across Crestview Avenue.

PUBLIC HEARING OPENED

PROPONENT:

ALFRED AFFINITO, 2211 Railroad Avenue, Pittsburg, stated that the conditions as proposed by staff would be acceptable. He clarified that the street had been put in more than 50 years ago when the City's zoning codes had been different. The property was a remnant parcel. He commented that he had spoken to representatives of the churches on each side to determine whether or not a piece of those properties could be acquired. Those discussions had not been successful. He suggested that the best alternative for the development of the property was the home he had proposed to build.

Commissioner Ramirez welcomed Mr. Affinito to the Council Chambers and affirmed with Mr. Affinito that the prior owners of the property had owned the property when the City had widened Crestview Avenue.

Mr. Affinito affirmed that he had purchased the land after the street had been widened and had developed a restaurant in the front. The vacant piece was the remnant parcel. He had been trying to find a use for the past several years and had tried to sell the property to the church, although those efforts had not been successful. He now planned to develop the land with the development of the home.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-169 (VA)

Motion by Commissioner Ramirez to adopt Resolution No. 9540, approving AP-04-169 (VA), a Variance to allow the second story (780 square feet) of a new home on a substandard lot to exceed 50 percent of the total ground floor square footage (1,145 square feet) of the home, and a variation from the required front, side and rear yards of a project located on the west side of Crestview Avenue, north of West Leland Road for "Affinito Single Family Home," with the conditions as shown. The motion was seconded by Commissioner Williams and carried by the following vote:

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

Abstain: None
Absent: None

MOTION: AP-04-169 (UP)

Motion by Commissioner Ramirez to adopt Resolution No. 9541, approving AP-04-169 (UP), a Use Permit to construct a 1,930 square foot two-story home on a 4,547 square foot standard vacant lot located on the west side of Crestview Avenue, north of West Leland Road for "Affinito Single Family Home," with the conditions as shown. The motion was seconded by Commissioner Williams and carried by the following vote:

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

Item 4: Starbucks - Buchanan Road. AP-04-150 (UP/DR).

A public hearing on a request for a use permit and design review approval to construct a 2,970 square foot "take out and drive through restaurant" at 1335 Buchanan Road. The site is zoned CN (Neighborhood Commercial) District; APN: 088-460-001.

Associate Planner Noel Ibalio presented the staff report dated December 14, 2004. He recommended that the Planning Commission adopt Resolution No. 9543 approving Use Permit AP-04-150 (UP) to allow a drive through restaurant, and Resolution No. 9544 approving Design Review AP-04-150 (DR) to construct a 2,970 square foot building subject to the conditions as shown.

Mr. Ibalio identified a revision to Resolution No. 9543, Section 2. Findings, B, to remove a reference to Attachment 4 in the third sentence of that paragraph. Another amendment to Section 3. Approval, (1) of Resolution 9543 to reflect that the hours of operation for the Starbucks drive-thru shall be limited from 4:30 A.M. to 10:00 P.M. Monday through Friday, 5:00 A.M. to 11:00 P.M. on Saturday and 5:00 A.M. to 9:00 P.M. on Sunday was recommended.

Commissioner Ramirez spoke to the preliminary site plan which had shown the traffic flow for the drive up window from Loveridge and Buchanan Roads. He noted that when the traffic came to the drive up window a right turn would be in the turning lane and traffic would have to double back onto Loveridge Road since traffic would not be able to access Buchanan Road in the morning as a result of the commute traffic. Given that the bulk of the business would likely be during commute hours, if the right turn was made onto Loveridge Road, vehicles would have to travel to the next intersection and make a U-turn to come back or make a right into the parking lot go the end of parking lot and back in which was a bit of an awkward traffic movement.

Mr. Ibalio explained that the site plan had been reviewed by the City's Traffic Engineer and City staff who had found no problem with the traffic configuration and circulation as proposed. With the two ingress/egress access points, he suggested that people would have the choice as to what drive to use. Since traffic was out of the control of the project there could be just one way to exit the site in the morning, although the two driveways were available for access.

Commissioner Ramirez expressed concern with congestion in the morning hours since traffic would have difficulty leaving the drive up window to get back onto Buchanan Road.

Commissioner Ohlson also spoke to the site plan and noted that a solid white lane had shown the right turn lane which divided the straight through lane from the right turn lane, and which was illegal to cross. He commented that the proposed relocation of the drive was to the east of that area and the City's Traffic Engineer likely had no comment with that aspect of the design since that traffic movement would be allowed. He agreed that traffic would be difficult in the morning hours during commute periods.

Commissioner Ohlson otherwise thanked staff for the requirement of the bicycle racks near the front door. He also spoke to Condition Nos. 13 and 21 of Resolution 9544 and noted that those conditions appeared to be duplicates.

PUBLIC HEARING OPENED

PROPONENT:

DAN GOALWIN, 201 North Civic, Walnut Creek, Architect and Agent for Barghausen Consulting Engineering, 18215 72nd Avenue South, Kent, Washington agreed with the conditions of approval. He commended staff's assistance on the project which had resulted in a better design.

Commissioner Ohlson thanked the applicant for the placement of the bike racks, although to be pedestrian friendly, he recommended that a hole be cut through the hedge so that one using the grocery store in the same shopping center could walk through and not have to walk around the building.

Mr. Goalwin advised that the two project sites were separate projects although it was possible that there could be a pathway through the hedge. He added that would be up to the property owner of the adjacent property.

Commissioner Ohlson also recommended consideration of a bike lane on Buchanan Road westbound since the existing driveway would be eliminated and since the frontage would be modified. He commented that he had spoken with the City's Traffic Engineer who had no issues with such a recommendation. He sought the developer's agreement to that modification which would only involve a loss of four feet.

Mr. Goalwin stated that such modification was not a requirement of the project which would result in giving up some property and could be cost prohibitive to the project. Such modification would also affect the site plan requiring the building to be pushed back possibly resulting in a required variance.

Chairperson Garcia agreed that providing a bike lane would affect four feet of the landscaping, would require the setback of the signal light and could be a problem for the developer which was the reason it had not been recommended by staff.

GARY S. identified himself as one of the two owners of the property. With respect to the request for a bike lane, he pointed out that the movement of the traffic signal would be a substantial cost along with the loss of four feet of sidewalk and reconstruction of half a street of improvements. He noted that this was a small project roughly 21,000 square feet in size and removing four feet from the lot would be a substantial take. If they had the land and opportunity to provide that improvement he could do it, although in this instance it would be cost prohibitive.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-150 (UP)

Motion by Commissioner Gordon to adopt Resolution No. 9543, approving AP-04-150 (UP), a Use Permit application for a drive-thru restaurant on a site located at the northeast corner of Buchanan Road and Loveridge Road (APN 088-460-001), with the conditions as shown and as modified by staff. The motion was seconded by Commissioner Williams and carried by the following vote:

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

MOTION: AP-04-150 (DR)

Motion by Commissioner Gordon to adopt Resolution No. 9544, approving AP-04-150 (DR), a Design Review application to construct a 2,970 square feet commercial building with drive-thru, on a site located at the northeast corner of Buchanan Road and Loveridge Road (APN 088-460-001), with the conditions as shown and with the elimination of either Condition No. 13 or No. 21, which were duplicates, with the conditions to be renumbered. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

Item 5: Tenth and Railroad Mixed Use Project. AP-04-117 (DR),

Proposal by the City of Pittsburg to construct a 36,000 square foot, three-story mixed-use building consisting of approximately 8,100 square feet of ground floor commercial space and 28 one-and two-bedroom multifamily units on the second and third floors, with 32 grade-level parking spaces on a 27,000 square foot site. The property is located at 985 Railroad Avenue and 916 Cumberland Street on the north side of East Tenth Street between Railroad Avenue and Cumberland Street; Downtown Commercial General Plan Uses designation; APNs 085-195-005, 006 and 007.

Ms. Ayres advised that the Commission had been provided with two letters; one from Tom LaFleur dated December 10, 2004 and one from William Kostura dated December 1, 2004, both of which questioned the California Environmental Quality Act (CEQA) determination and concerns with the potential status of the building as a historic resource. Ms. Ayres explained that when staff had signed the Categorical Exemption for the project it had been based on the fact that the General Plan adopted by the City Council in November 2001 had included an inventory of buildings found by the Council to be either historic or contributing to the historic district. The Commission had been provided with a table and figure related to the historic inventory in the General Plan. Since the City Council had, with the adoption of the General Plan, chosen not to include the subject building in the inventory figure map or the table, Ms. Ayres stated that staff had made the decision that the City, by its omission of adding the subject building, had already determined that the building was not significant for purposes of CEQA, the community or for any other reason. Ms. Ayres added that according to the City Attorney, Mr. Kostura's letter did not constitute substantial evidence under CEQA to warrant further study of the building. The finding of Categorical Exemption for the project was therefore appropriate.

Director of Development Projects Randy Jerome presented the staff report dated December 14, 2004. He recommended that the Planning Commission adopt Resolution No. 9545 making the necessary findings to approve Design Review No. AP-04-177 (DR), subject to conditions.

Commissioner Ohlson spoke to the truck route status of East Tenth Street. He commented on an e-mail he had received from the City's Traffic Engineer in response to comments he had forwarded to the City's Traffic Engineer. Commissioner Ohlson stated that the City's Traffic Engineer had expressed his desire to retain East Tenth Street as a truck route and had noted that some of the coke hauling trucks had been mandated by written agreement to use East Tenth Street. He questioned whether or not the agreement had been written before the construction of the truck bypass.

Mr. Jerome noted that the issue was getting the truck traffic from the west onto the Third Street site. Harbor Street could not be used due to the turning radius. Therefore Railroad Avenue had been a better route, as had Tenth Street. Truck traffic would otherwise have to go all the way down to Loveridge Road and swing back west onto the truck bypass and onto the site.

Commissioner Ohlson inquired of the number of trucks that hauled the coke, to which Mr. Jerome recalled that there were approximately 105 truck trips per day. Commissioner Ohlson understood that the company desired to increase the number of truck trips per day although the City had not agreed to that increase. He was pleased that the truck bypass would mandate that all of the trucks would use the freeway and stay off of Railroad Avenue.

Mr. Jerome noted that the coke trucks were limited to the Third Avenue site as a result without the truck bypass, although the truck bypass had alleviated some of that traffic. The coke truck site has not been expanded although some of the domes had been replaced.

Commissioner Ohlson expressed a desire to see all of the coke trucks use the by pass. He recommended that the City's Traffic Engineer further review that issue.

Mr. Jerome pointed out that there were other businesses that could be accessed from that site, which would also have to be considered.

Commissioner Tumbaga spoke to the issues with respect to CEQA and commented that while the building had not been listed on the historical list it was possible there had been an oversight in the preparation of the list since 329 Railroad Avenue had not been listed. She stated that 329 Railroad Avenue was located in the middle of the Historic District surrounded by other significant buildings. Although the historical list had included properties outside of the Historic District and while she understood that some were listed as local listings, she did not understand why some of the historical buildings had not been listed as part of the historical resources of the community.

Commissioner Gordon also commented on the issue of the truck route and noted that the two major users of the Tenth Street truck route and truck bypass were Pittsburg Marine Terminal, which had a use permit approved years ago, and Diablo Services, which was part of Tesoro and which had no use permit. Commissioner Gordon stated that Tesoro had a use permit from the County which went back to the 1950's. Tesoro was also not limited to a specific number of trucks or to a specific route. The Marine Terminal was limited and the bypass route was its primary route. As such, he suggested that it would be impossible to get Tenth Street off of the listing as a truck route since legally there had to be an alternate route if the bypass route, Pittsburg/Antioch Highway or Loveridge Road was closed since those businesses had to have a way in or out.

Commissioner Gordon understood that the Marine Terminal had to give up the Railroad Avenue truck route. Again there was no use permit for Diablo Services with any limits on the number of trucks for that business.

Chairperson Garcia commented that as long as the Marine Terminal did not make any changes to the business the City could not impose any new conditions on the use. At the time the Loveridge Road overpass would be closed for the freeway widening there would be trucks on Tenth Street and up Railroad Avenue since the bypass would likely not be available during the period of that widening project.

Commissioner Williams inquired of the status of the gas stations located directly across from the subject site. She expressed concern that those sites had problems with loitering. With the potential upgrade of the subject property and with the unsightliness of the properties located across the street, she questioned whether or not there would be any improvements to those properties.

Mr. Jerome noted that in the long term the Bell Gas Station on the west side of Railroad Avenue was being considered as a potential redevelopment site. The Beacon Gas Station site involved a future proposal for a residential development behind the old Delta Market and the service station with possible opportunities for enhancements along the frontage of that property. That station was likely to remain since it was needed in the area.

Mr. Jerome commented that a marketing consultant who had been working with the City had recommended potential customized storefronts for the site. The Architect had also proposed a sign program for the subject building although it would be reviewed separately in the future when tenants were known.

Commissioner Tumbaga stated that the subject project was all the more reason why the Historical Resources Commission (HRC) should be reconstituted since it had been a number of years since the list of historic properties had been compiled. She was uncertain how the list had been prepared. She pointed out, as an example, the reference that Black Diamond School may become eligible as historic, which should be clarified.

Since more development was being considered in the downtown area, Commissioner Tumbaga emphasized that was all the more reason to secure the status of those buildings. She urged that the HRC be brought current since it had not met in years and should be allowed to do its job.

Mr. Jerome acknowledged that the HRC had not met in seven years.

Commissioner Gordon inquired of the City's' intent for the property in terms of Low Income housing, to which Mr. Jerome advised that the units would meet minimum affordability requirements and would otherwise be designed as market rate units with the potential

opportunity for condominiums.

Commissioner Gordon could agree with that possibility if speaking of two and three bedroom units, although he noted that 24 one bedroom units and only four two bedroom units had been proposed. In his opinion the site was overloaded. With studies on inclusionary zoning and with a lack of housing for larger families, in this instance, the City as the lead agency on the project should want to show developers what needed to be done.

With the site overloaded and with the potential for condominiums in the future, Commissioner Gordon could not support the concept, particularly when the Housing Authority would front for the City and own the units. He suggested that the Housing Authority not own the units.

Commissioner Gordon also spoke to the retail component. With the residential component intended for Low Income households and with 80 or 90 percent one bedroom units, he questioned who would support the retail below the residential. Since the Housing Authority would have half of the building for use whether permanent or not and with the retail tenants unknown, he questioned whether or not the residential units would be able to support the retail located below.

Commissioner Gordon further commented on the number of parking spaces that would be provided at the site. If the Housing Authority was moved into the building there would be a need for six to eight City vehicles and there would be insufficient parking for all the uses, whether residential or retail tenants. He inquired whether or not the City vehicles would be parked on the street since employees of the Housing Authority would likely use the diagonal parking. He disagreed with the ratio of one versus two bedroom units and emphasized that if the project had been proposed by anyone else, staff would not support it. He could therefore not support the project.

Commissioner Ohlson spoke to Page 3 of 7 of the staff report and the reference to the one bedroom plus den units facing the parking. He inquired of the differences between the one bedroom plus den and the two bedroom units.

Mr. Jerome explained that a den was not a bedroom but could be used as one. The intention was for the design to be urban and not family housing, particularly since it was not a location for families with no nearby recreation. The marketing experts had reviewed the site and had determined that it would be better suited for singles or couples who worked, people who would bring more vitality to the downtown. There was also a bus stop nearby that would serve the clients of the Housing Authority.

Chairperson Garcia inquired whether or not staff had considered closing Cumberland Street for one way traffic to be able to provide more parking.

Mr. Jerome stated that the General Plan had not called for one way streets which were also not supported by staff. Cumberland Street was also an existing bike route.

MICHAEL WOLDEMAR, Michael Woldemar & Associates, Richmond, identified the site location and the creation of a U-shaped building centered around a courtyard facing south, allowing sunlight into the courtyard, and adjoining a parking lot from Railroad Avenue to Cumberland Street with a gate at each end for secure parking intended for the residential units. There was a 1:1 parking ratio for the one bedroom and one bedroom den units, and a 2:1 ratio for the two bedroom units. The plans also called for a covered refuse area for the residential area with additional refuse areas for each of the retail spaces within the commercial space.

Mr. Woldemar explained that there would be 8,000 square feet of commercial space with an elevator core located in the center of the plaza. New street improvements had been proposed around the site with pocket parking along Railroad Avenue, pedestrian paving, and street trees. New parking and street trees would be provided along East Tenth Street. In the future the street could be bulbed out at both ends with pocket parking. Angular parking had been proposed along Cumberland Street with angular parking in the opposite direction on the other side of Cumberland.

Mr. Woldemar explained that the City would work with the adjacent church property to possibly include additional parking and where the entire area could become a public parking lot to be used jointly by either parcel.

A covered arcade would work its way around the corner and around Railroad Avenue with a portion popping forward. As a design character, Mr. Woldemar stated that they were reserving the ability to move an edge in and out to provide a bit more retail or covered area depending on the tenants along that edge. The section to be occupied by the Housing Authority would allow for a complete covered arcade that would come around.

The second and third floor plans were displayed at this time. The elevator core, stairways, and corridors were identified, as were the one bedroom, one bedroom den and two bedroom units.

Mr. Woldemar advised that the difference between the one bedroom and den and the two bedroom units was a closet. The den could be an office space or a media room for an urban couple. Each residential unit would have a private outdoor space. The two corner units on the second floor had the balcony all the way around the corner of the building with tower elements on Railroad Avenue and Tenth Street.

Materials would consist of a stucco hard surface plaster building with a commercial podium in a light sand color and cement type of wainscoting around the base of the building. The residential portion would have a cornice across the top providing an old town character and announcement to the entry into the old town area. The gate structure metal work along with the window frames along the commercial floors would be a green color and window frames on the upper residential floors would be white. The roof of the tower would be

copper with

a series of copper lighting fixtures around the perimeter of the building to provide accent lighting.

Mr. Woldemar presented views through the plaza area and into the elevator core. He noted that the Post Office and its vehicles were to the north. Landscape screening along that edge would provide views other than of the Post Office vehicles.

In response to Commissioner Gordon, Mr. Woldemar explained that one of the spaces where utility rooms were located would become an indoor refuse enclosure or trash areas for those users depending on how each of the spaces was used. He acknowledged that the indoor trash enclosure area would have to be ventilated. Trash pick up circulation was identified to allow access in and out not unlike other urban designs.

Commissioner Gordon inquired what the General Plan stated about trash enclosures for retail spaces since he understood there had been issues with another commercial building on Railroad Avenue where outdoor trash had been required for outdoor spaces. If that was not required for this project, he suggested that the City was putting itself above requirements imposed upon the general public.

Mr. Jerome explained that the Roger Riley building located on Railroad Avenue had been required to have trash enclosures on the Fifth and Sixth Street corners. There were unidentified utility spaces in the subject building where there were opportunities to provide enclosed trash enclosures.

In response to the Chair, Ms. Ayres explained that if Mr. Riley were to make application today the City would likely still require an internal trash enclosure. She noted that Mr. Riley had decided to build something outside rather than inside his building since it had been more economical to building outside.

Commissioner Ohlson requested clarification on the use of the tile spandrel glass on the arched vertical windows as shown on the plans.

Mr. Woldemar explained that the slate tile with grays and browns would be used to fit in with the color patterns on the solid walls and would be used on the solid walls and the top of the tower. In some instances, it would be used over the entryways which were spandrel beams over the covered arcades and which could also be the tile material as well. The ground floor on the Railroad Avenue frontage would be left functional in terms of infill as the tenants were brought on board. Bifold glass doors could be an option as well.

Commissioner Williams inquired whether or not the units would be handicap accessible.

Mr. Woldemar advised that there would be two handicap spaces inside the secured

parking area immediately adjacent to a path leading to the lobby and elevator to the upper floors. There was also a handicap parking space outside on the corner, all of which were compliant with State and Federal Law. Several of the units would be completely compliant and the remaining units would be adaptable per State and Federal laws.

Commissioner Tumbaga inquired of the accessibility to the units themselves, to which Mr. Woldemar stated that the units would have access by the elevator through the corridor. All units would be handicap adaptable and some would be completely compliant. All units would have wider doors and hallways but not all would be outfitted but could be adaptable as the need required. Additionally, the residential bathrooms would be different in size from the commercial uses allowing for proper wheelchair maneuvers.

Commissioner Ohlson spoke to Page 5 of 7 of the staff report and the discussion of the parking requirements in that further parking reductions for new residential properties would provide transit friendly design features. He inquired which of those design features would be added.

Mr. Jerome noted that the project site was off an existing bus route and accessible to the street by design, which would make it easy and accessible to reach the existing bus stop.

Commissioner Ohlson also spoke to the parking as related to the existing bike route from the corner all the way to the Pittsburg/Bay Point BART Station, either existing or planned. He questioned whether there would be bike parking at the facility or whether bike racks would be provided for all of the residential given the shortage of parking spaces.

Mr. Woldemar clarified that there would be eight bike racks with poles, with a loop on each side near the core for security reasons so that they would not be out in the open. He had not provided for everyone to have a bicycle nor had he proposed a bicycle locker due to limited space. The eight bicycle spaces were in the open, available to the public and could be used by the residents or those coming to the site.

Commissioner Ohlson recommended that bike racks be located inside the secured parking area.

Mr. Woldemar suggested that could be accommodated. He again identified the walkway areas and sites where a bike could be hung on the wall and locked, if necessary. He also clarified, when asked, that the courtyard would be designed to be wide open and allow for people to walk in to either portion of the courtyard, with openings on both sides of the commercial spaces. It was the hope that the commercial uses would flow out into the courtyard.

Commissioner Tumbaga commented on the fact that the project had been designed for future condominium sales. She requested clarification of that possibility.

Mr. Woldemar understood that there would be the opportunity to convert the units to for sale units in the future although that would not occur within ten years of construction due to liability and insurance requirements as related to potential construction defects.

Mr. Jerome added that many apartment complexes built in the 1990's along Leland Road had been designed for condominium purposes, although none were for sale units at this time but could be considered as such in the future.

Commissioner Gordon understood that a certain amount of square footage for storage would be required for a condominium unit.

Mr. Jerome stated that per Section 1850 of the City's Municipal Code, and the residential zone for residential apartment complexes in residential districts, there was a requirement for 200 cubic feet of closed weatherproof lockable space. While that had been discussed he reiterated that the design intent was for an urban setting. There would be some storage area, although the 200 cubic foot requirement had not been followed and was feasible with carports as part of a project design.

Mr. Woldemar explained that there would be a set of upper and lower lockers four feet wide, four feet tall and four feet deep on each floor opposite the lobby. There would be 16 lockers on each floor available to each tenant. None of the units would have a five foot long closet normally found in small apartment units. The closets would be larger and in a number of cases would be double loaded walk-in closets. The square footage of storage for the project would be significantly greater than a typical apartment unit. Further, each unit had a utility closet where a stacked washer/dryer was located along with a space adjacent over and above the typical linen/coat closet.

Mr. Jerome noted that the City had other mixed use projects in the downtown where the storage was not required due to the space.

Commissioner Gordon commented that the only mixed use project in the downtown of which he was aware was the Jim Miller project which had involved ample storage, and the McDonald project at Fourth Street and Railroad Avenue, a project which had required covered parking and garages for the apartment units. He reiterated his concern that the City was not following the same rules it required of other developers.

Commissioner Ohlson spoke to the courtyard area and the problems that had occurred with loitering at the nearby Bell Gas Station. He recommended a nice steel fence across the Tenth Street entrance similar to the fence proposed along the rear of the parking that could be fully opened and locked open for the duration of the project, unless there was a problem, where it could be locked each evening, rather than a chain link fence which was not similar to the remainder of the fencing on the project site.

Mr. Woldemar explained that such concerns had been discussed although the intent was to leave the area open so that an iron fence could be installed at a later date, if necessary.

Commissioner Dolojan inquired whether or not the building would be affected by the earthquake fault that ran through the City. He also questioned the number of trees being proposed. As to the building design and color palette, in his opinion the building appeared like an old cannery building. He recommended a more festive color palette that could attract people to the downtown.

Mr. Jerome advised that the earthquake fault was actually located on the other side of the downtown.

Mr. Woldemar added that a soils report would be prepared for the project which would address the earthquake fault. The ground floor would be steel frame as opposed to wood frame. Also, he had intended for the building to appear older as an announcement into the downtown. He explained in detail how the building would be made to appear older by design and through the use of materials and signage.

Mr. Woldemar also acknowledged that the conditions of approval for the project had recommended that the number of trees be reduced. The trees at the entry would remain while others would be eliminated to reduce the density and ensure that the storefronts would not be obstructed.

Commissioner Tumbaga suggested that the trees on the Railroad Avenue frontage remain due to the location of the building in terms of exposure to the sun. She also suggested that the project was too dense. She inquired whether or not the total number of units could be reduced.

Mr. Woldemar noted that the ground floor windows would use clear glass recessed back six feet from the face of the building. The upper floor windows would be tinted glass to reduce glare. The emergency exits were also identified. Each apartment unit required two ways to exit in the event of an emergency.

As to the density of the development, Mr. Jerome explained that more units had initially been proposed but had been reduced due to the limited space on the site and due to the parking constraints. If the number of units was further reduced, the units would be larger in size creating a greater parking demand. He reiterated that the intent was for an urban setting for adults or singles, not families, to provide a mix for the downtown area and for those involved to be able to use the commercial businesses envisioned in the downtown.
INTERESTED SPEAKER:

TOM LaFLEUR, 51 Lake Street, Pittsburg, commented that he had attended a recent

meeting of the Redevelopment Agency when the acquisition of the building had been considered, at which time he had raised his concern that the building had potential as a historic resource, had architectural value, added richness to the downtown, had been the center of social life in the downtown years ago and had been designed by a well known firm in Berkeley.

The subject building was described as a simple building. The building scale had been kept down with the creation of space for a large meeting area and social area which had been well used in its prime, and with the potential to provide such space in the future as the area was gentrified.

Mr. LaFleur commented that the City had a list of historical resources which was not intended to be a comprehensive list of all of the historic resources in the City. The list had come about when the Historic District had been formed. A consultant had reviewed specific buildings in the district. After that time, a number of buildings had been added by owners of specific buildings. The HRC had never gone through the community and reviewed the City's historic buildings.

Mr. LaFleur stated that when the company he worked for had developed Presidio Village, it had found that there was a historic building in the area which was an old chapel from Camp Stoneman. In that instance, the company had hired a consultant who had evaluated the impact of the Presidio Village project on that property. As a result, the Presidio Village project had been stepped back to respect the adjacent historical structure. He emphasized that there were older buildings still standing outside of the Historic District. Mr. LaFleur questioned the statement that since a property was not listed on the Historic List it was not historic.

Mr. LaFleur quoted several comments from Mr. Kostura's December 1 letter. Based on those comments, he disagreed with the City Attorney's CEQA determination and suggested that the Categorical Exemption was inappropriate. He suggested that the building deserved to be evaluated. He also suggested that the building could be built with 20 units, with 26 parking spaces rather than the current proposal with the courtyard created off to the side. He offered a sketch study of the site with such a design which he suggested would be viable.

Mr. LaFleur recognized that the project design was decent and while he agreed with the City's goals to create an urban presence in the downtown, he suggested that could be done with fewer units and the preservation of a significant building. He otherwise supported the project and did not oppose it or plan to obstruct it.

OPPONENTS: None

Chairperson Garcia acknowledged that he had questioned whether or not the parking would be adequate, although he recognized that the design was new and resembled the

school across the street, which he liked. It was his wish that the school would reopen in the

future. He suggested that the one bedroom units might attract seniors and singles. He found the project to be a good one and one which provided a forward design.

Mr. Jerome acknowledged Mr. LaFleur's comments regarding historic buildings. In a review of old photographs of buildings in the City, he recognized that many had been demolished and the more lost would be that much less. For the subject building, he suggested it was a stretch that it had much architectural merit, although it would be one more building that would be lost in the downtown. He emphasized that the City would be looking to the future and the building would represent the beginning of a new century for the downtown, and the promise of the design and structure of the site would go a long way to allow the rebirth of the downtown.

Mr. Jerome suggested that the building had some historic elements and a traditional design and new components of design for the downtown. He recognized that Mr. LaFleur's design was much smaller although he stated it would not provide the dominance at the corner which the proposed design would provide. He added that another future project on Black Diamond would be even larger with five stories. Again, the City was seeking more intensification in the downtown. This was no longer suburbia and they were looking for a new project in the downtown that would accept that challenge. He acknowledged that parking was a concern. He explained that the downtown was too small for individual parking spaces. The intent was to meet the parking need while creating a pedestrian environment.

Commissioner Dolojan made a motion to approve the resolution of approval, with the conditions as shown. Chairperson Garcia seconded the motion.

On the motion, Commissioner Gordon disagreed with the presentation from the architect on the issue that no one was building condominiums anymore due to the ten year liability issues. He commented that he had information from the Town of Windsor for a project called Windsor Town Green which consisted of a combination of old and new buildings. While he liked the architecture of the exterior of the subject building, the project in the City of Windsor was developing ground floor retail with two stories of two and three bedroom condominium for sale units, each with a secured garage. He suggested the same could be provided for the subject development.

Commissioner Gordon suggested that if the project was reduced in size to 16 units there could be covered secure garages and another parking space in the rear that was not covered. The units could also be condominium units immediately if the City was confident that there were no design flaws in the product.

Commissioner Gordon added that the Windsor Town Green developer had a successful

project and the value of those units had increased over the past few years. He acknowledged that such a project might not be marketable in the Pittsburg downtown but

he suggested that idea should be considered since it would fit in well with the future of the downtown. He reiterated his concern for the development of so many one bedroom units.

Commissioner Tumbaga found the project to be attractive. She liked all of the trees that had been proposed, although she had concerns with the density. She suggested that the project on the subject site was too much and too dense. She would have preferred to resolve the historical significance of the building prior to any approvals to be able to work the historic element into the project. Due to the current density of the project she could not fully support the development as designed.

Commissioner Williams concurred with Commissioner Tumbaga's comments. She also concurred with Mr. LaFleur in terms of the numbers. She urged a reduction in the total number of units in that she found the project to be too dense.

Commissioner Ohlson agreed and suggested that the historical nature of the building be evaluated. With a vehicle environment, he noted the need to consider the use of the downtown as a recreational and retail area and the needs for parking, particularly for a building where young urban professionals were desired and who might not want to park his/her vehicles on the street. He wanted to make certain that the development proposed by the City was above reproach. While he liked the development and its appearance, he urged the architect to work on it a bit and make some changes before he was comfortable voting in support of the project.

Commissioner Dolojan found the project to be an improvement for the City, although the building appeared to be a hindrance for the success of the north side of the City because people tended to not want to go beyond Tenth Street.

Commissioner Dolojan acknowledged that there were a lot of units being proposed and he understood that was the only way to invite people to the downtown. He also saw the development as an opportunity for the City to satisfy its obligation for affordable housing.

Commissioner Dolojan suggested that the project offered an opportunity to showcase the downtown. Having been a member of the community when Ace Hardware had moved years ago, he recognized the intent to attract and showcase the downtown/northern side of the City.

Having been born and raised in the City, Commissioner Ramirez liked the idea of the old town appearance and architecture. He commented that he had been familiar with many of the buildings in the downtown years ago. For the subject proposal, he was concerned with the high density of the proposal and the lack of parking. He was also concerned with the cost of the potential rehabilitation of the building.

MOTION: AP-04-177 (DR)

Motion by Commissioner Dolojan to adopt Resolution No. 9545, approving AP-04-177 (DR), Design Review of architectural and site development plans for the construction of a 36,000 square foot three-story mixed-use building located at 985 Railroad Avenue and 916 Cumberland Street, "Tenth & Railroad Mixed Use Project," with the conditions as shown. The motion was seconded by Chairperson Garcia and FAILED to carry by the following vote:

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

Ms. Ayres summarized the concerns of the Commission which were not generally related to the building design or mass but rather the unit sizes in the project and off-site commercial parking.

Mr. Jerome pointed out that this was a design review application and the density was not an issue in that the downtown development regulations had no density requirements and with the maximum height the building could be much higher. He stated that the project met all of the criteria required for downtown development and the intent for dense projects with an urban environment. This was the first project to be presented. He questioned whether or not the project was what the Commission desired in terms of design. He contended that the project was exactly what the General Plan called for with a new era in the downtown.

Commissioner Tumbaga reiterated her comments in that she had no problem with the massing of the building. She did have a problem with the density in that they were all rental units. She stated that there would have to be more two bedroom units.

STAFF COMMUNICATIONS:

The Planning Commission acknowledged the Notice of Intent for the following items:

1. Notice of Intent (to review/approve project at staff level)
 - a. Bell Gas Fuel Island Canopy. AP-04-183 (DR)
 - b. Beacon Service Station. AP-04-182 (AD)

In response to Commissioner Gordon as to the Bell Gas Station application, Ms. Ayres was not aware whether or not the property owner was aware of any plans to widen Railroad

Avenue that could affect the property.

Mr. Jerome advised that where Railroad Avenue would be widened would be on the west side and north of Tenth Street on the Bell Gas site. The City was not asking for dedication as part of this review. He stated that the design review had not yet commenced.

Commissioner Gordon recommended that the owners be notified of the potential widening plans.

Ms. Ayres advised that issue could be incorporated into the resolution of administrative approval.

On another matter, Ms. Ayres reported that the landscaping for the Fort Knox Self Storage facility was in poor condition and the applicant had not completed the required landscaping. Staff had sent the applicant a letter giving 30 days to make those corrections, which had previously been requested and which the applicant had promised would be done.

Commissioner Gordon requested that the Commission hold a revocation hearing on January 25, 2005 for the revocation of the use permit for Fort Knox.

Ms. Ayres explained that there were several steps that would first have to be taken. A meeting would first have to occur to determine whether or not there was enough evidence for a revocation hearing. She would review City codes to determine whether or not a public hearing was required to schedule a revocation hearing.

Commissioner Gordon recommended that Fort Knox be notified of that intent.

Chairperson Garcia understood that the landscaper had been fired and Ford Knox was seeking a new person to complete the work.

COMMITTEE REPORTS:

There were no Committee Reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Ohlson commented that the tentative schedule had shown a Planning Commission meeting on December 28, to which Ms. Ayres explained that it was a typographical error in that the next meeting of the Planning Commission was scheduled for January 11, 2005.

Commissioner Ohlson reported that the list of Planning Commissioners located in the

Police Department lobby was out of date and did not list current Commissioners.

Commissioner Ramirez noted that the month of April 2005 had shown the Planners' Institute in the City of Pasadena. He verified that staff would provide further information to the Commission when available.

Commissioner Gordon reiterated his concern with the property located at Harbor Street at the end of Tenth Street which was being used as a used car or boat lot.

Ms. Ayres expressed the willingness to forward an e-mail to Code Enforcement to address that concern.

Commissioner Gordon also understood that there would be another planning meeting in San Francisco.

Ms. Ayres commented that the American Planning Association had a State and National Conference. The National Conference would be hosted next year by the American Planning Association in the City of San Francisco, offering another opportunity for Commission training.

Commissioner Gordon requested that staff inform the Commission of the dates when the National Conference was scheduled.

Ms. Ayres added that the City Manager would be making a presentation to the Commission on January 25, 2005. When asked, she clarified that the building formerly occupied by the Tri Tip Restaurant at the corner of Marks Boulevard and Railroad Avenue involved an administrative design review remodel.

All were wished a Merry Christmas and a Happy New Year.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:53 P.M. to a regular meeting of the Planning Commission on January 11, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission

