A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Tuesday, August 10, 2004 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: None

Staff: Director of Planning and Building, Jerome, Planning Manager Melissa Ayres, Assistant Planner Christopher Barton, Assistant Planner Dana Hoggatt, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, August 6, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Tumbaga 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.
EVELYN STIVERS, Livable Communities Associate Director, Greenbelt Alliance, explained that the presentation had been prepared by a planning consultant experienced in a number of downtowns in the State and an imaging expert. The presentation had originally been offered during an Urban Outing Walking Tour and Discussion on April 17, 2004.

Ms. Stivers reported that the Greenbelt Alliance had been active in the Bay Area for 50 years working on the protection of open space, parks, farms, natural habitats, wetlands, forest and watersheds from sprawl development which used land in a very wasteful manner and tended to further traffic congestion, long commutes, air and water pollution, loss of farm land and habitat resulting in less time spent with families and communities.

Ms. Stivers presented photographs of various developments and used examples in Oakland, Walnut Creek, Sunnyvale, Piedmont, Brentwood, Fremont, Fairfield and Pittsburg, among others. The developments protected greenbelts and made existing urban areas great places to live. She cited several examples of investments into older urban areas and the creation of mixed use infill developments on vacant or underutilized sites within existing urban areas. She cited those examples as a key strategy for revitalizing an existing location and providing greater economic and social benefit to the land. Transit oriented development was identified as another important strategy to help reduce traffic congestion and make towns more sustainable, as were other strategies such as the renovation and rehabilitation of existing housing stock.

In terms of beautification, she stated the City of Pittsburg had made great strides by adding public sculptures, new sidewalk paving, street lamps and signage, public plazas and parks. The Pittsburg Marina was being restored and would also provide a public path along the water. Further, many of the rich historic buildings were being restored.

Ms. Stivers suggested that one of the most important strategies to revitalizing a downtown was to provide new housing, such as affordable housing within a short walking distance of commercial centers at a concentration sufficient to help boost business.

Ms. Stivers emphasized that key strategies included the use of a specific plans, promoting infill development, encouraging mixed use, seeking transit oriented development opportunities, rehabilitating existing buildings, cleaning up brown and gray fields, establishing urban design guidelines, and promoting affordable housing. She commented that the City of Pittsburg has an opportunity to have a vibrant growing community, which returns its focus on its traditional town center while still preserving its greenbelt of open space.
Chairperson Garcia thanked Ms. Stivers for the presentation.

CONSENT:

A. Planning Commission Minutes July 13, 2004

Motion by Commissioner Ramirez to adopt the Consent Calendar, 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

CONTINUED PUBLIC HEARINGS:

Item 1: Pittsburg Elks Lodge. AP-04-108 (DR) and AP-04-139 (UP).

Continued application by Joseph F. Barraco requesting use permit and design review approval of architectural plans to construct and operate a 12,464 square foot club/lodge on a 1.41 acre site located on the west side of Marina Boulevard between Pelican Loop and East Third Street, Marine Commercial General Plan land use designation; APNs 085-101-017, 010, 050, and 014.

Planning Manager Melissa Ayres reported that staff had received a letter addressed to Councilmember Michael Kee and copied to the Pittsburg Planning Commission from resident Carol Freelin Buyvid, dated Received August 10, 2004.

Commissioner Williams stated that during the public hearing on July 27 she had indicated that she would abstain from the vote on the item due to a potential conflict of interest since she was a member of the Elks Lodge, although not a member of Elks Lodge #1474. Having recently received an opinion from the City Attorney, it had been determined that no conflict existed. She would therefore participate in the discussion.

Commissioner Ramirez commented that he had been absent during the July 27 meeting, although he was member of the Elks Lodge. While he had been initially informed that he could not participate on the discussion, after having contacted the District Attorney’s Office, the District Attorney has informed him through an e-mail to City Hall that he could participate in the discussion. He stated that the District Attorney had opined that in the absence of any other information given by [Mr. Ramirez] it appeared as if [Mr. Ramirez] would not be disqualified from participating in and voting on any issue regarding the Pittsburg Elks Lodge.
Assistant Planner Christopher Barton presented the staff report dated August 10, 2004. Mr. Barton recommended that the Planning Commission adopt Resolution No. 9505, approving Use Permit AP-04-139 (UP), with the conditions as shown and Resolution No. 9506, approving Design Review AP-04-108 (DR), with the conditions as shown.

Commissioner Dolojan inquired whether or not the Elks and the residents had met to discuss the items listed as concerns in the staff report.

Mr. Barton advised that the concerns with respect to noise, odor and parking had been discussed. There had been a consensus during a meeting with the Elks, City staff and members of the New York Landing Homeowner's Association (HOA), as reflected on page 2 of the staff report. A letter from the attorney for the Elks Lodge had acknowledged the changes in the plans. He understood that the Elks had agreed in the meeting to cease live entertainment at 10:00 P.M. however the Elks had submitted a subsequent letter requesting that live entertainment end at 10:30 P.M. The Commission would need to determine the permitted hours as part of the use permit conditions.

Commissioner Gordon inquired of the use permit restrictions for live entertainment for the Pittsburg Yacht Club, to which Mr. Barton stated that he could not find a use permit for that facility. There were general guidelines for the operation of that facility in its lease agreement, however, with the Redevelopment Agency.

Commissioner Ohlson questioned whether or not the New York Landing HOA was in agreement with the changes that were being proposed by the Elks. He understood that the only disagreement at this time were the materials for the exterior of the building. With the absence of the architect, he questioned how those issues could be resolved.

Chairperson Garcia noted that revised plans addressing neighborhood issues had been submitted by the applicant this date, copies of which had been provided to the Commission and staff and which would be clarified during the applicant’s presentation.

Mr. Barton advised that he had briefly reviewed the recently submitted revised plans. The primary change was the use of a Plexiglas shield with an architectural feature added to the rear of the building which would match the porte cochere in the front and which would add a vertical element to the roofline while alleviating noise generated by guests on the terrace.

PUBLIC HEARING OPENED

PROONENT:

WAYNE TILLEY, Coordinator for the Committee for the Pittsburg Elk’s Lodge #1474,
explained that he had read the staff report and the conditions of approval. Speaking to Resolution No. 9505 for the use permit, he was in agreement with the conditions although he sought clarification with respect to Condition No. 17, as shown. With that condition as written, Mr. Tilley stated it would allow the hours of operation for the Lodge to be from noon to 11:30 P.M. He questioned whether or not that would preclude Lodge employees from accessing the building to conduct normal lodge business before those stated hours.

Mr. Barton reiterated that there had been an inconsistency between the written description from the Elks Lodge and the actual hours of operation placed on the application. The noon to 11:30 P.M. time period had been reflected on the actual planning application. The written description for the Elks Lodge had shown that the hours of operation would cease at 11:30 P.M.

Commissioner Gordon suggested that Condition No. 17 be amended to reflect the approved hours of public operation for the general club and the lounge hours of operation. He suggested that the condition be amended to read:

*The approved hours of operation for general club/lodge operations, excluding rental hall events is from 8:00 A.M. to 11:30 P.M.*

By consensus, the Commission accepted that amendment to Condition No. 17.

Speaking to Resolution No. 9506, specifically Condition Nos. 4, 5, 6, 7 and 8, Mr. Tilley stated that the Elks committee was not in agreement with the staff recommendation for Condition No. 4 and the use of horizontal lap siding. He noted that there were textures for stucco that could be applied with color coating to avoid a flat surface. The plans had shown the stucco areas along the street frontage/east elevation with a small stucco area. The south side was also limited in stucco and the west side with the arches had limited stucco. The only wall with a large plane of stucco would be north elevation which would be partially broken up by the trash enclosure. He was also not in agreement with staff's recommendation that building colors and stone be changed from beige tones to grey tones.

RICHARD LITTORNO, Attorney representing Elks Lodge #1474, explained that the reason the stucco had been proposed for the exterior of the building was that it was less expensive to install and maintain as opposed to the hardi-plank lap siding desired by staff. He asked the Commission to consider the use of stucco in the plans which was on a small portion of the building.

As to Condition No. 5 of Resolution No. 9506, Mr. Littorno noted that staff had asked for a blue, gray and white color scheme, although input from the homeowners' representatives had indicated that the sand color the Elks had proposed matched the colors in the Marina Park development which was the reason those colors had been chosen since it would be
compatible with the neighborhood.

Mr. Littorno also commented that the Elks desired the color to match the stone material being proposed on the building. He added that the architect had added a major architectural feature to the rear/west elevation of the building to match the porte cochere in the front. In addition, there were three different depths to the rear of the building, which had been taken into consideration along with the porte cochere element added to the rear offering an improved view for the homeowners across the estuary to the rear of the building.

Mr. Littorno noted that Condition No. 8 required the applicant to return for final consideration of the changes prior to the issuance of a building permit. Due to the timing that could be involved and with the Elks desirous to move forward, he asked the Commission to take into consideration the improvements the applicant proposed be made to the building. He expressed his appreciation to the Commission for scheduling the item for a quick turnaround for consideration.

Commissioner Ohlson also spoke to Resolution No. 9505, specifically Condition Nos. 16 and 17. He recommended that Condition No. 17 be revised to either reflect a separate condition or to clarify the hours of operation for the general club/lodge operation and the rental hall events.

Mr. Barton clarified that Condition No. 16 referenced the restrictions of the live entertainment and Condition No. 17 spoke to the general hours of operation.

Chairperson Garcia noted that the Commission had discussed the fact that live entertainment would cease at 11:00 P.M., which could be added to Condition No. 16.

Commissioner Ohlson requested that Condition No. 17 be split into two separate conditions for the hours of operation for the general club/lodge and the live entertainment. Mr. Littorno asked for equal treatment with the hours of operation that were being used by the Yacht Club.

Chairperson Garcia clarified that the Pittsburg Yacht Club had no stated hours of operation, or a use permit on file, and therefore the Yacht Club’s use and hours of operation could not be applied to the Elks Lodge.

Mr. Tilley advised that Attachment 3 which had been included in the July 27 staff report, had shown the rental hours from 11:00 A.M. to 11:00 P.M. with the facility to be rented a maximum of six hours, with major clean up after the activity to be completed the following day during daylight hours, and with the facility seldom rented on Sundays. He added that during one day of the year the hours may be more than the norm, such as on New Year’s Eve.
Chairperson Garcia suggested that clarification be reflected in Condition No. 17.

Commissioner Ohlson again wanted a separate condition to reflect Mr. Tilley’s statements.

In response to the Chair, Mr. Barton stated that the condition could be separated as proposed by Commission Ohlson, or a new condition could be crafted to reflect Mr. Tilley’s comments.

Commissioner Gordon spoke to the stone material which had been reflected on the drawings which he understood was a stone veneer material. He understood that a grey ledgestone could be used which should make no difference in terms of cost.

Mr. Tilley reiterated that the stone that had been presented came in different shades.

Commissioner Tumbaga was partial to the staff recommended colors for the building, although she was concerned that the homes in the adjacent neighborhood were of a tan tone and that the existing Marina Center was not a color recommended by staff. She suggested that the building could present a color scheme that would not blend in with the existing neighborhood.

Chairperson Garcia pointed out that staff did not want the building to appear too much like the neighborhood, that staff wanted something different and that the original building design was too residential in appearance. The applicant’s proposed colors would be compatible with the Yacht Club and with the neighborhood. He questioned whether the Commission wanted the building to blend into the neighborhood or appear different.

Commissioner Gordon inquired whether or not the parcel was a part of the Historical Resources District, to which Mr. Jerome advised that the building was not part of the New York Landing Historical District.

INTERESTED SPEAKERS:

FRANK DETEEN, representing the New York Landing HOA, commented with respect to the colors and design that no consensus had been reached between the Elks Lodge and the HOA. Mr. Deteen suggested that the issue related to what would fit on the site and what would blend in with what existed, to be different enough to allow the Elks Lodge to have its own personality. He commented that the colors selected to paint the stucco of the proposed building was the same color that had been used on 20 percent of homes in the HOA, which home colors had been dictated by the Redevelopment Agency and the then Planning Commission.
As to the use of siding versus stucco, Mr. Deteen understood that the Elks Lodge could spend the money now and or use an alternative with the knowledge that increased maintenance would be required. As to the use of hardi-plank, if a stock color was chosen he stated it would be used all the way through the product. He understood that the siding had been proposed due to the height of the mansard roof. With the revision of a hipped roof at the rear and rock at the bottom to anchor the building, he characterized the stucco as more of a flat item than the texture of a plank offering some longitude.

Mr. Deteen otherwise spoke to signage and expressed his desire that Pelican Loop, which was actually West Second Street, would remain signed as Pelican Loop.

MANUEL RAMOS, a member of the Elks Lodge, commented on the presence of the membership in support of the proposal. He urged the Commission's approval of the project as proposed.

MIKE MIRATA, 138 Pelican Loop, Pittsburg, noted that the plans had shown the entrance to the parking lot to be straightened to align with Third Street. Instead, he recommended a one way in/out from Third Street. He explained that approximately 95 percent of the vehicles were making a right turn heading down Marina Boulevard towards Railroad Avenue or Third Street, with few turning left. The northern driveway at the intersection was close to where Pelican Loop exited onto Marina Boulevard. He asked that the traffic engineer review that portion of the project to consider a possible one-way circulation.

Mr. Mirata also noted that the plans had no detailed landscaping and he was uncertain what would be proposed. He commented that the channel could be affected by the landscaping plan or by a lack of landscaping plan.

Mr. Mirata added that a Plexiglas wall would not mitigate the possible sound impacts generated by the proposal since it would only bounce the sound back on the building and was only visual with no sound mitigation. He was also concerned with the hours of live entertainment versus a DJ which had amplified sound with the use of a band. He requested that sound measurements be taken to address that concern.

Mr. Mirata questioned whether or not the facility would be the highest and best use of the land since it was adjacent to the waterfront. He was particularly concerned with the adequacy of the parking related to the accessibility of the Marina.

Commissioner Gordon noted that Condition No. 16 for the use permit included restrictions as to the use of live entertainment and amplified music.

JAMES MARRIOTT, 207 Pelican Loop, Pittsburg, also questioned whether or not the facility represented the best and most efficient use of the land. He thanked staff for its assistance in arranging a meeting with the neighbors and the Elks Lodge. He noted that
many of the neighbors’ concerns had been addressed during that meeting. As to the
building colors, he had no concern with the sand tones and he understood that the HOA
representatives also had no issues with the colors as proposed.

Mr. Marriott agreed that there was some confusion as to the hours of operation for live
entertainment and a DJ, although he understood that the Commission had clarified that
issue and he no longer had an issue with that part of the project. If the facility were
approved, he would like to see a contingency included that if the Plexiglas sound wall did
not mitigate the noise impacts, the Elks Lodge would take appropriate action to mitigate the
noise through a potential sound study that would identify what could be done to mitigate
the noise impacts. Further, he understood that security would be provided on site, which
he would like to see reflected as a condition of the use permit.

Mr. Barton explained that the use permit included no specific conditions for the requirement
of security on site other than a standard condition as reflected in Condition No. 11, which
basically stated if the use were to become a problem and if the Police Department deemed
that security would be beneficial, security may be required at the expense of the Elks
Lodge.

Mr. Marriott supported that condition. He again thanked staff for facilitating the meeting
between the Elks Lodge and the HOA.

Commissioner Ohlson commented that Condition No. 19 of Resolution No. 9505 spoke to
the possibility that the Planning Commission could modify conditions or revoke a use
permit for a number of reasons. If the Plexiglas sound wall was found not to be successful
in mitigating the noise impacts, he suggested that concern could be addressed through
that condition.

Commissioner Ramirez added his understanding of the conditions was that when the Elks
Lodge was rented security must be provided as part of the contract with the Elks. Mr. Tilley
affirmed Commissioner Ramirez’ understanding.

JOYCE GUNN, 120 Heron Drive, Pittsburg, questioned the hours of operation for live
entertainment and the use of the facility as a rental. She asked that the hours of operation
for the rentals and amplified music cease at 10:00 P.M. Referencing the architecture, she
commented that the suggestions made by the HOA in that regard had not been taken
seriously by the Elks Lodge. Ms. Gunn also had concerns that the application had not
followed the policies of the General Plan for the Downtown Marina District, which stipulated
that “The use of the land in this area for arts, entertainment and recreation is for services
and facilities serving the general public.” She pointed out that the facility would represent a
use of the land for a private fraternal organization and not for the general public.

Ms. Gunn added that the General Plan limited private single user parking in the downtown
area in order to maintain an adequate level of parking for the downtown businesses the City was trying to develop. She questioned whether or not the number of parking spaces proposed for the use would be adequate to serve the use.

GREG SCHOENTHALER, 112 Pelican Loop, Pittsburg, agreed that the staff recommendation for a strong architectural statement had been ignored, as had the need to address the noise impacts. He questioned the use of a plexiglas material as a means to reduce the noise impacts. He added that the Elks Lodge did not appear to be working with the residents on the colors or the design of the building.

Mr. Schoenthaler added that the HOA had been represented by two members of the Board of Directors in meeting with the Elks Lodge and City staff, although there were 380 residents in the neighborhood who might be surprised when the facility was under construction.

VICKI SCHOENTHALER, 112 Pelican Loop, Pittsburg, echoed the same comments and the lack of an agreement on the architectural design although she acknowledged that the roof pitch had changed. She understood that cement shingles were now being considered and she requested a clarification of that situation. She added that the proposed rock material had not been shown to the public. She recommended the use of a river rock material that would fit in better with the design of the neighborhood.

Ms. Schoenthaler presented photographs of her rear yard to show how close the proposal would be to her home. She had a concern with the size of the building and questioned whether or not the Elks would rent out the facility to a party greater than 350 people. She had concerns that other rooms in the building could be used at the same time as the banquet room had been rented. She also inquired who the residents should contact if problems were to arise with the facility.

Chairperson Garcia noted that the main building would be 17 feet away from the rear of the Schoenthaler property and the terrace would be farther away than that. The roofline of the proposed building would also be 17 feet from the Schoenthaler fence.

Chairperson Garcia also clarified that the maximum capacity in the banquet portion of the building would be 250 persons. Any problems with the use of the facility, when operational, could be addressed through the Police Department and/or with the Code Enforcement Bureau.

Mr. Tilley explained that the capacity and square footage had been determined by the Fire Marshall. Based on the dimensions of the banquet room the maximum seating capacity of that room would be 250 people. Anything beyond the posted maximum capacity would be in violation of the Fire Marshall. He also clarified that a U-shaped bar could be divided in two when the facility was rented where one half could be used by members and the other
for the rental environment, not to exceed the 250 maximum capacity.

Chairperson Garcia stated that a letter had been received at the dais from resident Robert Rouner, 4242 Hillview Drive, Pittsburg, dated August 10, 2004, in support of the application.

Commissioner Tumbaga requested clarification from the applicant that the rental of the banquet room would not include the rental of other rooms in the building.

Mr. Tilley advised that the floor plan dictated that the rental facilities would be limited to the banquet room, kitchen and lobby. The banquet room could hold 250 people or it could be divided in half, offering essentially the same service that had been provided at the former location of the Elks Lodge.

In response to Commissioner Williams, Mr. Tilley explained that the combination rooms could be used by the Elks for business activities with the expansion in the center of the room able to be divided in half. When the entire banquet room was being used there would be no other activities occurring in the facility.

Commissioner Ohlson requested that staff clarify whether or not the project was consistent with the General Plan.

Mr. Barton advised that staff had determined that a fraternal club fell under the arts entertainment and recreation category of the General Plan. That determination could be appealed to the Planning Commission to confirm whether or not the use category had been interpreted correctly. He added that the General Plan was fairly new and no zoning had yet been put into place.

Commissioner Williams understood that the rental of the facility would involve thorough screening of those renting the facility with sponsorship by a member of the Elks Lodge.

Mr. Tilley clarified the process for the rental of the facility with those renting the facility made aware of the Alcoholic Beverage Control (ABC) rules and regulations and parking restrictions. The rental agreement would also include a parking map to identify the recommended parking for the use of the facility which would also identify the off limit parking spaces leased to the New York Landing HOA until 2010.

WAYNE EASLEY, Commodore of the Pittsburg Yacht Club, stated for the record and on behalf of the Yacht Club that the Club had no opinion either in support or opposition to the proposal.

STEVE GROGAN, 1535 Buena Vista Avenue, Alameda, stated that he lived on a boat in the harbor at Alameda and was the property owner of 130 Pelican Loop. He spoke to the
rental aspect of the facility and his understanding that part of the time the club would be revenue producing for the public and that at times such sites had been used as a nightclub.

Chairperson Garcia explained that the facility was not to be used for a nightclub, but would likely be rented for weddings and other such events.

Mr. Mirata spoke to the property landscaping and commented that all of the trees were not on the new property but on the New York Landing HOA property. He stated that no mitigation had been proposed on the west elevation of the new building and that the south side of the building, which would be 17 feet to the closest and nearest homeowner, also included no mitigation through landscaping.

Mr. Mirata added that since the building elevations were difficult to read, story poles should be installed to show the rooflines prior to the final construction to help the neighbors clearly visualize the potential views and actual impacts of the skyline and the height of the roof.

Mr. Deteen also spoke to the concerns with the landscaping and acknowledged that some issues had been resolved between the Elks Lodge and the New York Landing HOA although the landscaping plans presented to the residents had not been the actual proposed landscaping plans. He also referred to negotiations between the New York Landing HOA and the Redevelopment Agency related to a strip of land which traveled along the sidewalk from the new parcel to which the City had supplied the plantings and design, and which the HOA had installed and maintained those improvements. In an agreement with the Elks Lodge, he stated that the HOA would continue the maintenance of that area until the subject site had water service and the Elks would then assume the responsibility of that area.

As to the west side of the property, Mr. Deteen reported that the Elks Lodge had proposed enclosing the lot with a residential style wrought iron fence for security and parking purposes. A consensus had been reached between the Elks and the HOA that the Elks would remove the chain link fence across the property and install and continue the same fencing around the remainder of the property across the rear which would provide additional security for the homeowners and the Elks, and which would involve some shrub planting along that line. In addition, the HOA already maintained the park across the rear.

Mr. Barton advised that the landscaping plan had not been changed, although the location of the building had been moved and the dock being shown to the water had been corrected on the plans. The landscaping plan had been presented at the meeting for illustration purposes as a conceptual landscaping plan. He understood that the plantings on that plan were still proposed as part of the proposal for the Elks Lodge.

Mr. Tilley explained that the City maintained landscaping, including mature trees in a 60-
The Elks Lodge design had proposed a wrought iron fence on the north, west and south elevations, although the Elks had been informed that the cyclone fence could not be removed. Therefore the existing landscaping and shrubs would remain in place. From the southwest at an angle across to the property was an open area where there were some trees that had been removed and not replaced.

Mr. Deteen again spoke to the issue of the fence. The cyclone fence was on the HOA property and was owned by the City.

Mr. Barton clarified that the cyclone fence was located on the Redevelopment Agency property and owned by the City.

Senior Civil Engineer Alfredo Hurtado further clarified that when the property transferred to the ownership of the Elks Lodge, the cyclone fence would go with it and would eventually be the responsibility of the Elks Lodge.

Mr. Tilley explained that the fence would be removed once the property ownership was transferred although he pointed out that would destroy the existing vegetation on the fence. Given the existing vegetation, he questioned whether or not the roofline of the new building would be clearly visible. He reiterated that the western elevation had been redesigned and the Elks Lodge was working to have the facility fit into the neighborhood to satisfy some of the concerns of the neighbors. He added that on New Year’s eve, only the Elks members celebrated the holiday in the lodge. There would be no outside parties on that date.

PUBLIC HEARING CLOSED

In response to Commissioner Gordon, Mr. Barton again spoke to the conceptual landscaping plan and noted that it had been presented during the July 27th meeting. While the building had been moved, the landscaping plans had not been changed. He added that the applicants would have to submit a final landscaping plan prior to the issuance of building permits.

Commissioner Gordon sought a condition to clarify that requirement. He was disappointed that the site was not a part of the historical district since he would have preferred a historical or nautical design to the building. In his opinion, the building appeared like a funeral home. He noted that the rock material would be a veneer product. It was his understanding that the cost of stucco versus splitting the stucco with veneer on the bottom would be no different than a total veneer product. As to the veneer on the bottom, he supported a condition that the veneer be a river rock design. If the sand tone color was used, he stated that a river rock should be used.
Commissioner Tumbaga supported the colors recommended by staff although she had concerns. As to the use of the stucco, she understood that would be less costly in terms of construction and although the stucco could be painted, there was some stucco where the color went through which was unsightly. She agreed that a river rock material should be used. She added that the roofline changes would make the building more attractive than originally designed. With the changes, as proposed, she stated that a more pleasing design concept would be provided.

Commissioner Dolojan had no problems with the colors in that the Elks Lodge was a fraternal club and if a marine theme and associated colors were desired, it would have already been required of other buildings in the area. He recommended that the building be separate and unique to the Elks Lodge. He agreed with the recommendation for the use of river rock.

Commissioner Ohlson spoke to Condition No. 4 of Resolution No. 9506 regarding the exterior finish. He suggested that condition required modification to address the preferred exterior material.

Chairperson Garcia suggested that the Elks had met most of the demands of the HOA. He supported a motion to approve the application with the elimination of Condition Nos. 4, 5, 6, 7, and 8 of Resolution No. 9506 (DR).

MOTION: AP-04-139 (UP)

Motion by Commissioner Tumbaga to adopt Resolution No. 9505, approving Use Permit No. AP-04-139 (UP), to allow a Fraternal Club with full alcoholic service on the west side of Marina Boulevard between Pelican Loop and East Third Street for “Pittsburg Elks Lodge No. 1474” with the conditions as shown, with a modification to Condition No. 17, and with an additional condition as follows:

17. The approved hours of operation for general club/lodge operations, excluding rental hall events is from 8:00 A.M. to 11:30 P.M.

The hours of operation for the rental activities shall be from 11:00 A.M. to 11:00 P.M.

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

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

Noes: None

Abstain: None

Absent: None
Commissioner Ramirez made a motion to approve AP-04-108 (DR), as shown with the removal of Condition Nos. 4, 5, 6, 7 and 8. There being no second, the motion failed.

Commissioner Gordon made a motion to approve AP-04-108 (DR), as shown, with the elimination of Condition Nos. 4, 5, 7, and 8 and with a modification to Condition Nos. 6 and 21 as follows:

6. *The stonework on the building shall be modified to use river rock for the stone embellishments used throughout the building’s exterior instead of the proposed “tombstone cobblestone.”*

21. *The developer shall submit a complete set of drawings with auto-cad compatibility for final naps, grading plans, improvement plans, landscaping and irrigation plans, prior to any construction.*

On the motion, Mr. Barton understood that the Commission would like to see a condition added regarding the landscaping, to be submitted to the Park Planner.

Commissioner Gordon noted that the landscaping and irrigation plans had been mentioned in Condition No. 21. He saw no reason to add an additional condition at this time. Commissioner Gordon also suggested, when asked for clarification by staff, that Condition No. 11 be amended as part of the motion, as follows:

11. *Fencing onsite shall be wrought iron type. Present chain link fence shall be removed. Final design of the fencing shall be subject to review and approval prior to beginning construction of the approved project.*

Commissioner Tumbaga requested that the motion be amended to retain Condition Nos. 4, 5, 7 and 8.

Commissioner Gordon noted that Condition No. 5 regarded the color scheme proposed by staff. If the river rock material, which was a natural tan color was used, he did not want to see gray stucco with beige river rock. He suggested that the sand color proposed by the applicant would better match the river rock.

Commissioner Gordon commented that Condition No. 7, should be eliminated since the revision to the roof with a hipped roof design over the terrace was acceptable to him. Condition No. 8 was basically a replication of Condition Nos. 4, 5, 6 and 7. He reiterated his motion as further amended with a modification to Condition No. 11.

**MOTION:** AP-04-108 (DR)
Motion by Commissioner Gordon to adopt Resolution No. 9506, approving AP-04-108 (DR), Design Review approval of architectural drawings to construct a 12,464 square foot club/lodge on a 1.41 acre site located on the west side of Marina Boulevard between Pelican Loop and East Third Street for “Pittsburg Elks Lodge No. 1474,” with the conditions as shown, with the elimination of Condition Nos. 4, 5, 7, and 8, and with a modification to Condition Nos. 6, 11 and 21 as follows:

6. The stonework on the building shall be modified to use river rock for the stone embellishments used throughout the building’s exterior instead of the proposed “tombstone cobblestone.”

11. Fencing onsite shall be wrought iron type. Present chain link fence shall be removed. Final design of the fencing shall be subject to review and approval prior to beginning construction of the approved project.

21. The developer shall submit a complete set of drawings with auto-cad compatibility for final nap, grading plans, improvement plans, landscaping and irrigation plans, prior to any construction.

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

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

Noes: None

Abstain: None

Absent: None

Chairperson Garcia declared a recess at 9:13 P.M. The meeting reconvened at 9:22 P.M. with all Commissioners present.

**Item 2: General Plan Housing Element Update**

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

Ms. Ayres presented the staff report August 10, 2004. She recommended that the Planning Commission adopt a resolution recommending that the City Council amend the Housing Element of the General Plan as presented in the June 2, 2004 public review draft element.

The Commission was presented information from other cities, as requested by the
Commission, to identify the status of where those communities were in meeting their housing needs. Information from the cities of Antioch, Concord, Lafayette, Oakley and Pinole was provided. Although requested, no information from the City of Brentwood had been received.

Ms. Ayres advised that staff had also received letters regarding the item from Reverend Gregory Osorio dated August 10, 2004, a letter from Wilson Wendt with Miller, Star & Regalia dated August 10, 2004, and letter from Bob Glover with the Home Builders Association of Northern California dated August 10, 2004. The Commission was also provided with information from Mr. Glover regarding Economics of Inclusionary Zoning. All letters and other correspondence were provided to the Commission.

Ms. Ayres reported that once action was taken it was staff’s intent to file the draft Housing Element with the Department of Housing and Community Development (HCD), which would have 60 days to comment on the revisions. The document would be submitted to the City Council after receiving a response from the HCD.

Commissioner Gordon spoke to the table as shown on Page 4 of 4 of the staff report and requested clarification on the intent of the covenants and preservation column.

Ms. Ayres explained that the covenants objectives involved the City/Agency acquiring existing units through acquisition and possible rehabilitation. She noted that the City/Agency had partially achieved that goal with the Fountain Plaza and Marina Heights developments, which would result in 42 rent restricted units being made affordable to Very Low Income households. The units would be brought down to an affordable level benefiting the existing residents of those units.

Ms. Ayres added that the column on preservation addressed units at risk of converting to market rate when existing covenants expired, whether a tax credit or HUD based Section 8 subsidy. That column represented units at risk of conversion that could be preserved during this reporting period.

PUBLIC HEARING OPENED

PROPOSENENT: City of Pittsburg

INTERESTED SPEAKERS:

CRAIG CASTELLANET, California Affordable Housing Law Project, stated that he was also speaking on behalf of Reverend Gregory Osorio. Speaking to the draft document, he spoke to page 45 of the Housing Element and a chart related to the affordability levels for Very Low Income households where the rents for a two bedroom unit would be $931 and where three bedrooms had been shown at $1,035 a month.
Mr. Castellanet stated that one of the issues the HCD had addressed in its review of the Housing Element had been the need to meet the needs for Very Low-Income households and having sites where such housing could be developed. On page 61 of the Housing Element, the City had shown a representation of the remaining regional housing needs for Very Low Income households where the number of units over the planning period allocation would be 534 units, with only 129 Very Low Income units built or approved during this planning period. The vast majority located in the Presidio Village Senior Village Apartment complex. The remaining need of 405 units should be for multi-family housing. The key opportunity sites as shown on page 81, Table 13.6-7 had shown sites suitable for units in the Very Low-Income column. Of the sites listed, Site 6 was identified as property where the Latter Day Saints had made a proposal that had been approved by the City although the approvals had since expired. Sites 12 and 15 reflected Low Income units that could come about if an inclusionary housing ordinance were adopted. Mr. Castellanet supported the inclusion of those unit counts for those sites and suggested that the inclusionary zoning ordinance was beneficial.

As to Sites 16 and 17, Mr. Castellanet stated that they had been calculated at 40 dwelling units to the acre although based on the last iteration of the Housing Element, the site had been calculated at 20 units to the acre, consistent with the Land Use Element for planning assumptions. He suggested that 20 units would be more reasonable and consistent with the densities non-profits had been developing projects at.

Speaking to page 82, Mr. Castellanet noted that there were a series of sites in the downtown, identified as Sites E, G, and K which had existing single family homes. The assumption was that sites could be made available for redevelopment by aggregating the parcels. He suggested that was unrealistic during the planning period. Site 0 had been identified as a potential school site and was an underutilized site. Through participation with Pittsburg Better Together, it appeared that the school site might develop four to five years in the future when the Pittsburg Unified School District (PUSD) might designate the site as surplus.

Mr. Castellanet suggested that the document had been improved although there should be a specific program to rezone a menu of sites that could be available for rezoning to a higher density to be able to achieve the targeting for affordable housing, such as multifamily housing developments using available subsidies. Mr. Castellanet suggested that such a program should be memorialized in the Housing Element for everyone to see.

He noted that as shown on page 158, there was a description of the inclusionary zoning ordinance. He understood that the language had been strengthened from the use of the term “consider” to “develop” an inclusionary housing ordinance. He suggested that a program to develop an inclusionary zoning ordinance would be consistent with the City’s intent and provide a method by which the regional housing needs could be met for Very
Low Income households.

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Tumbaga to adopt Resolution No. 9509, recommending that the City Council adopt a resolution Amending the Housing Element of the General Plan. 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

PUBLIC HEARING:

Item 3: Amendment to General Plan/General Plan Clean Up.
Public hearing on a City initiated proposal to amend the General Plan to incorporate needed mapping, formatting, and technical changes to document.

Assistant Planner Dana Hoggatt presented the staff report dated August 10, 2004. She recommended that the Planning Commission open the public hearing and accept testimony then provide staff with direction on any changes sought and continue the public hearing to September 14, 2004.

Commissioner Gordon spoke to the properties identified on the southeast corner of East Tenth Street and Railroad Avenue and the property located on the northeast corner of East Tenth Street and Los Medanos Street with a recommendation to be Service Commercial, as shown on Page 2 of 6 of the staff report. He inquired of the current zoning for those properties.

Ms. Hoggatt explained that the property had been part of the Downtown Specific Plan. When the City Council had adopted the General Plan, that action superceded anything on the Specific Plan. Therefore the land use designation needed clarification.

Ms. Ayres noted that several properties on the 2001 General Plan Land Use Map were identified on the map in colors s not represented on the map key and that staff considered this a typographical error that needed to be corrected. The Commission was being asked what color/land use classification the Commission had intended the properties to be designated.
Commissioner Gordon questioned whether or not the affected property owners had been notified of the public hearing.

Ms. Hoggatt noted that the property owners had not been notified of the current public hearing although those owners would be notified of the Commission recommendation at the meeting of September 14. The subject public hearing had been noticed to the public. The intent of the current discussion was to solicit feedback from the Commission.

Commissioner Gordon questioned discussing the matter without notification to the specific property owners.

Ms. Ayres noted that State law provided for public notice in the newspaper for such amendments. She added that two public hearings had been scheduled on this item and that staff would send special notices notifying the owners of those properties in question of the next public meeting.

Chairperson Garcia agreed that changes to specific property without notifying the property owner was a concern. He stated that property owners with existing properties that had been identified for change should have been notified by certified mail.

Commissioner Gordon inquired how many property owners could be affected, to which Ms. Ayres advised that the land use designation was in question on about twelve properties.

Commissioner Gordon emphasized that he had a concern with opening the public hearing without notification to the twelve affected property owners. He recommended that the Commission provide comments on the remainder of the proposed changes and continue that portion of the discussion to the next meeting until the affected property owners could be notified.

Ms. Ayres reiterated that was what staff had intended, with the public notification for that meeting having already been prepared.

Commissioner Tumbaga commented that it was not inappropriate to discuss the potential General Plan changes since the Commission was only discussing a clean up the General Plan. Until the Commission decided which direction it wanted to take, she questioned what information would be provided to the property owners.

Commissioner Gordon was opposed to opening the public hearing without having those twelve property owners notified. He suggested that those owners should be excluded from the discussion.

Chairperson Garcia again agreed that the property owners should be present to comment
on whether or not he/she was in agreement/disagreement with whatever direction the Commission might take on the properties in question.

Moving on to other proposed general plan revisions, Chairperson Garcia clarified with staff that as indicated on Page 3 of 6 of the staff report, the reference to the completion of the Pittsburg/Antioch Highway Extension was actually speaking to the Bypass.

Commissioner Ohlson spoke to Attachment 2, Page 2 of 3, No. 6 Figure 7-4, and the staff recommendation. He took exception to the recommendation in that the language being used for bicycle routes were the least inclusive in that a route only required signage with no regard to the width of the roadway. Commissioner Ohlson asked that the recommendation be modified to amend Table 7-5 to clarify that there would be Class II bicycle lanes on San Marco Blvd. from the school site to Bailey Road and a Class I path from Leland Road to the school site on the west side of the street with the retention of the Class II designation from State Route 4 up to Leland Road.

Ms. Hoggatt explained that Table 7-5 and Figure 7-4 as shown in the General Plan had shown a Class I bicycle facility between State Route 4 and Rio Verde Circle in the San Marco development which was where the school site was located, and Class II bicycle facilities from Rio Verde south to Bailey Road. She acknowledged that the use of the term bicycle route was a poorly chosen term, although the tables in fact reflected Class I and Class II bicycle facilities along the length of San Marco Boulevard. She identified the location in the General Plan, which would reflect Commissioner Ohlson’s recommendation.

Commissioner Ohlson also spoke to Figure 7-4 and the staff recommendation to delete future bicycle lanes on Willow Pass Road east of Range Road, and Policy 4-P-46. He would like to see that preserved in the General Plan.

Commissioner Ohlson commented that he had discussions with the City Engineer on those issues during the update of the General Plan. The City Engineer had accepted all of his suggestions at that time. If an on/off ramp were ever created to the freeway from Range Road there would be a number of vehicles under the underpass and it would have to be revamped. He opposed the deletion of any bicycle facilities from the General Plan. He recommended substitute verbiage to indicate that all arterial and collector streets in the community, when rebuilt or upgraded, were to be adjusted to include Class II bicycle facilities.

Ms. Hoggatt noted that Policy 4-P-46 had referred to the adopted policy for the designated bicycle lane on Willow Pass Road. That text had been deleted and the numbers had been shifted in the Draft General Plan. Policy 4-P-46 referred to text not in the document although it was an adopted policy in the Draft General Plan. Staff had recommended that it be deleted although the sidewalk policy was to remain. In the adopted General Plan there
was a policy in between Policy 4-P-45 and 4-P-46 and another line of text that was 4-P-46 in the adopted General Plan, designating a bicycle lane on Willow Pass Road. She noted that staff wanted to remove that policy in the adopted General Plan. She noted it was not shown in the text, but should have been shown as a strike through.

Commissioner Ohlson emphasized that he did not want to see bicycle lanes deleted from Willow Pass Road.

PUBLIC HEARING OPENED

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), understood that the mistakes identified in the General Plan Clean Up had been made because a former City Council had pressured staff and the Planning Commission to make quick changes to the General Plan. He asked the Commission to be patient with staff so that the work could be done right to prevent any further mistakes.

Chairperson Garcia reiterated that the twelve properties that had been listed and identified in the staff report for possible changes in the land use designation should be notified of that intention by certified mail.

Commissioner Ohlson spoke again to Attachment 2, Figure 2-2, which had shown Praxair as the occupant of the property at the southwest corner of the intersection of the Pittsburg/Antioch Highway and Loveridge Road, and where Praxair had been shown as a manufacturer and distributor of natural gas. He clarified that Praxair manufactured industrial and medical gases. He asked that that section be corrected.

MOTION:

Motion by Commissioner Gordon to continue the Amendment to General Plan/General Plan Clean Up to the Planning Commission meeting of September 14, 2004, subject to:

- Staff to notify the twelve property owners who would be affected in Section 2, Page 2 of 6 of the staff report [by certified mail as soon as possible.

- The recommendations made by Commissioner Ohlson regarding bicycle facilities to also be considered at the next meeting.

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

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

Noes: None

Abstain: None

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Absent: None

COMMISSION CONSIDERATIONS:

Item 4: Stoneman Plaza Remodel and Sign Exception. AP-04-128 (DR)

Application by Dinesh Sawhney requesting design review approval of architectural plans for the renovation of an existing 24,000 square foot shopping center (consisting of 5 buildings) located at 2221-2285 Railroad Avenue, CC (Community Commercial) District; APNs 088-183-022, 023, 024 and 037.

Assistant Planner Christopher Barton presented the staff report dated August 10, 2004. He recommended that the Planning Commission adopt Resolution No. 9508, approving Design Review Application No. AP-04-128 (DR), with the conditions as shown.

Commissioner Tumbaga inquired if the entry into the center would be improved as part of the project since it currently involved a sharp turn on a steep slope.

Mr. Barton advised that the grade of the driveway would be reduced with the sidewalk to be made Americans with Disabilities Act (ADA) compatible.

PROONENT:

DINESH SAWHNEY, 418 Jefferson Street, Oakland, spoke to a staff recommended condition for specific street trees. He advised that he had recently met with the Park Planner and had walked the site determining that two additional trees would be needed, not eight as indicated in the conditions. He asked that Condition No. 11 be modified as a result.

Mr. Sawhney also spoke to a condition for a requirement of bicycle parking for each building frontage. He expressed concern that some parking might have to be eliminated to allow that to occur. He would rather have the parking and bicycle area worked out in the center. He was willing to work with staff to identify the most appropriate area for bicycle parking.

Commissioner Ohlson explained that there were new bicycle racks that could be considered. He described a wave apparatus where if the bicycles were parked parallel to the wave. The wave could be placed close to the building and the bicycles parked across the face of the wave taking up the width of the bicycle and the wave apparatus. Such equipment could be spread out around the complex on the sidewalk close to the windows of the buildings without eliminating parking spaces for vehicles. He would like to see Condition No. 4 remain, as shown, or be enhanced to include more than 10 bicycles since the wave apparatus was inexpensive and easy to apply. He recognized that the sidewalks...
would still need adequate unobstructed width to be ADA compliant.

Mr. Sawhney reiterated his willingness to work with staff on that issue other than a condition that a bicycle rack be placed in front of every building in the existing center. Chairperson Garcia suggested that the bicycle racks could be spread throughout the complex.

Commissioner Ohlson requested that the bike parking be no farther away from the entrance than the closest auto parking space.

Mr. Sawhney stated that could be accomplished.

In response to Commissioner Williams, Mr. Ayres clarified that the application did not require a public hearing. Public notification was not required per the City’s Municipal Code, since it involved only a design review application and the remodeling of an existing building.

**MOTION: AP-04-128 (DR)**

Motion by Commissioner Tumbaga to adopt Resolution No. 9508, approving Design Review Application No. AP-04-128 (DR), approving the architectural drawings for the renovation of an existing 24,000 square foot shopping center (consisting of five buildings) located at 2221-2285 Railroad Avenue (Stoneman Plaza Remodel), with the conditions as shown and with a modification to Condition No. 4, as follows:

4. **Secure bicycle facilities shall be incorporated into the design of the shopping center. A minimum of ten bicycle parking spaces shall be distributed throughout the shopping center with staff to review and approve the final design.**

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

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

**Noes:** None

**Abstain:** None

**Absent:** None

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**Item 5: West Coast Transit Village. AP-04-102 (Prelim).**

Application by Matthew Bruno of West Coast Home Builders requesting preliminary review of plans to construct 1,040 apartment units within seven buildings, and approximately 75,000 square feet of commercial office space (two stories over retail) and 32,000 square
Assistant Planner Christopher Barton presented the staff report dated August 10, 2004. Mr. Barton recommended that the Planning Commission provide the applicant and staff with feedback on the proposed preliminary site development plan and provide guidance as to the Commission’s preferred design alternative for the Specific Plan.

Commissioner Gordon spoke to the east-west thoroughfare being proposed by staff to be part of the project. He questioned that recommendation based on the concept of being close to the BART Station where vehicle traffic was to be reduced and where the intent was not to drive to BART. Uncertain what the easement structure was like on the property line, he recommended two or three possible openings so that people could walk from his/her units to the BART Station which would eliminate the idea of another east–west thoroughfare.

Commissioner Gordon also spoke to the drawings where the buildings appeared to be four stories in height and where the middle would be parking. He requested a clarification on the design.

Mr. Barton affirmed that the residential component would be four stories in height. The middle area would be a four story parking structure.

Chairperson Garcia agreed that the east-west connection being proposed by staff was not needed since the intent was for people to walk to the transit station, which was the reason for high-density development. Also, the parking lot would only accommodate 2,000 vehicles and there were no immediate plans to expand BART parking. He agreed with Commissioner Gordon that there should be a pedestrian/bicycle connection through the project also connecting the future units to the west with the BART Station. He questioned the concept of shared parking with BART riders being allowed to park on the site. He also noted that the only shared parking would be around the commercial uses. He asked for clarification from staff.

Mr. Barton explained that shared parking was envisioned for the commercial retail and office uses with the residential component to have its own exclusive parking spaces. Shared parking was encouraged for office and retail uses by the Specific Plan policies, although the Specific Plan acknowledged that residential uses would have their own parking.

PROPOSITOR:
NORM DYER, Loving and Campos Architects, described the Mixed Use development with 1,040 apartments units, 75,000 square feet of office and 32,000 square feet of retail. The apartment concept would be a freestanding four story parking garage surrounded by four stories of apartments with a green space between the parking and open balconies that would serve the apartments. All windows would be directed outward from the apartment building into the green space that would be visible from the balconies toward the parking garage.

The office space would be above the ground floor retail space in a building at the southeast corner of the property.

The site was intended to be a suburban transit station and should not be compared to the communities of Oakland and San Francisco. Some Mixed Use would be appropriate and desirable, although there was a limit as to what would be successful in the City of Pittsburg. Parking was an important component of the proposal. While many residents would use BART to travel to his/her jobs, once home they would still need automobiles in similar ratios to those living in the City. Several options had been considered for the property.

The project would place between 1,500 and 2,000 residents within walking distance to BART and existing neighborhood retail establishments and provide employment and shopping opportunities for all local residents. The plan had been designed to provide safe and extensive pedestrian connections throughout all portions of the project including to recreational facilities. BART Station access was envisioned only via Leland Road. Vehicle traffic would be specifically prohibited from the interior of the project to provide a quiet and safe environment. Each building had been intended to provide a small community connected to the larger community and the other mixed uses on the project site. The recreational facilities and extensive landscaping would provide a focus and continuity for the entire project.

Mr. Dyer suggested that the project was consistent with the fundamental principles, which drove the Specific Plan with a connected mixed-use neighborhood taking full advantage of its proximity to the BART Station. The project would meet the goal of utilization of the BART Station and other transit serving the area. Of the 300 or more jobs that would be supported by the 75,000 square feet of office many could reside in the apartment complex. The 32,000 square feet of retail space would provide the convenience and services required by the apartment residents, office users and BART patrons. Some of the offices might be occupied by workers commuting on BART from all over the Bay Area or living in the residential component of this project. The ground floor commercial use had been placed in proximity to the BART Station with enough parking to make it work and allow for convenient use by both the apartment residents and BART patrons. Limited retail parking would be only one aisle deep with the store fronts about 100 feet back from Leland Road. The amount and location of retail proposed would be appropriate for the subject market. More retail or the same amount spread out along West Leland Road would likely result in
empty stores and pressure to convert to second tier uses creating a spiraling effect.

The project would involve a unified residential neighborhood that would provide an appropriate intensity and transition to the single-family development on the south side of Leland Road. Vehicular circulation had been placed at the perimeter so that conflicts with internal pedestrian movements could be minimized and so that pedestrian access to the BART Station could be promoted.

Mr. Dyer suggested that the Commission should support the design as proposed noting that a mid block street would bisect the project and produce a major obstacle to the north/south pedestrian movement. He believed that more asphalt would also have a negative water quality impact and other negative environmental effects.

Mr. Dyer suggested that the amount of retail was appropriate for the site and the marketplace and that the staff recommendation for additional commercial space would only result in vacancies while producing a negative perception about the location. Spreading the retail along West Leland Road would have the same effect. He recommended that the retail be concentrated, have limited visible parking and be close to the BART Station.

Mr. Dyer concurred that some ground floor residential entries could be oriented towards West Leland Road as recommended by staff, although West Leland Road was a busy and noisy street. The retail component fronted West Leland Road with limited customer parking and provided an opportunity for a plaza inviting people to use the outdoor spaces. Some off street parking would be necessary and should be visible for the retail area to succeed. The storefronts would be about than 100 feet from West Leland Road. The parking could be pushed closer to the street and the sidewalk in front of the stores could be widened allowing the area to become the major pedestrian connection from West Leland Road to the BART Station.

As to the setbacks, Mr. Dyer stated he did not believe it was necessary to maintain established setbacks from the BART Station, the freeway nor West Leland Road if the project provided an appropriate design solution to the reduced setbacks. He did not agree with the parking ratio specified in the Specific Plan, finding the proposed increased parking ratio more appropriate and noting that almost none of the parking would be visible to the public. He also stated that current market rents would not support the construction costs associated with the density envisioned by the specific plan.

Mr. Dyer suggested that the concept as proposed was the most appropriate for the site, balancing the Specific Plan goals and market conditions. He stated the proposed project would take full advantage of the proximity to the BART Station and provide a balanced mixture of land uses that would significantly reduce peak hour automobile trips while
providing a quality living environment for the residents.

Commissioner Gordon inquired whether or not a traffic study had been prepared for the project specifically relating to East Leland Road.

Mr. Dyer was unaware of any specific traffic studies although he understood traffic had been analyzed within the various ranges within the General Plan.

Ms. Ayres advised that an Environmental Impact Report (EIR) had been prepared for the Specific Plan which had included alternatives that were more intense that the subject development. When the City was ready to adopt the Specific Plan it would likely have to go back and update the traffic counts based on new information and projects in the area. Mitigation measures within the EIR had been adopted by the County.

Commissioner Gordon questioned how the project fit in with the City’s Housing Element in terms of the inclusionary housing ordinance, which was currently under consideration.

Ms. Ayres explained that the Housing Element projected only the potential units that could be created on that portion of the site currently designated High Density Residential and that 747 units were anticipated on that property. She also noted that market rate units were anticipated to be affordable to Low Income Households and that the Housing Element anticipated that at least 10 percent of the units would be required to be made affordable to Very Low Income Households. Oak Hills and the Cornerstone developments were currently being rented at prices affordable to households earning approximately 70 percent of the area median income. She indicated that any application ultimately proposed on this site would not reach the Planning Commission or the City Council until the inclusionary zoning ordinance discussions had been resolved and that the developer would be well aware of the rules at that time before the project was finally approved.

Commissioner Williams inquired how the windows of the apartment units would be oriented. She also inquired whether or not the units would be market rate.

Mr. Dyer stated that the apartment units were intended to be market rate. He reiterated that the windows of the apartments would face outward. Many would view the common green spaces, some in the direction of the freeway and some in the direction of the BART station.

Commissioner Ohlson spoke to page 16 of the staff report, which had indicated that three swimming pools had been proposed as part of the project. He inquired whether or not basketball courts would also be provided. Mr. Dyer advised him that no basketball courts had been proposed.

Commissioner Ohlson suggested that one swimming pool should be appropriate. He also suggested the consideration of basketball courts. He otherwise agreed that pedestrian
access to the BART parking lot would be paramount. He requested that the pedestrian access be an east/west trail, as provided by the East Bay Regional Park District (EBRPD) whose standard was 12 feet of pavement plus whatever else beside if for landscaping.

Commissioner Ohlson added that the proposal had identified a 30-foot wide stamped concrete trail that would be next to Leland Road. He requested that the trail travel roughly through the middle of the site between State Route 4 and Leland Road and connect from the BART parking lot through the subject property to the Alves property and to other properties to the west, then connect to the Class I bike trail on San Marco Boulevard between Leland Road and the school site.

Mr. Dyer expressed the willingness to study various alternatives and return with comments to see if that could be accomplished, although he noted that to place the connection in the middle of the project would turn it into a public right-of-way which was not something an apartment owner would typically assume since there could be difficulties ensuring public access.

Commissioner Ohlson was sure there were ways to deal with public access. He reiterated his preference for the consideration of creating a 12 foot wide trail midway between State Route 4 and Leland Road with trees and other park like amenities on either side connecting the BART site through this site and all the way through to San Marco Boulevard. He also spoke to the land use and parking requirements and the fact that the applicant had planned 2.03 parking spaces per dwelling unit. While acknowledging it was not consistent with the Specific Plan, he supported increased parking provisions since there could be multiple vehicles for tenants in each unit. He otherwise agreed with staff on the possible recommended revisions to improve the project.

PETER HELLMAN, representing the Alves Ranch, commented that before a decision was made on the east west connectivity he encouraged staff to reassess those recommendations. He advised that the Alves Ranch would cooperate through its property with any circulation/access solutions that could be mutually agreed upon. He also suggested that the developer should be commended for bringing the project to the City. The development was a prototype similar to one built close to the Dublin BART Station and which offered a nice living environment.

Mr. Hellmann suggested that the project could launch the City and the Pittsburg/Bay Point BART Station into the 21st Century, representing a monumental investment on the part of the developer with a cutting edge building prototype that he supported. He was disappointed that the environmental and housing groups that typically supported such development were not present in support of the project.

Chairperson Garcia agreed that the apartment units and mixed use development was heading in the right direction, although he noted that there were some issues that needed
to be worked out.

Commissioner Tumbaga agreed with Commissioner Ohlson and staff on many of the comments particularly regarding the project connectivity. She suggested that the project had a lot of merit.

Commissioner Williams concurred that the development still had some issues that needed to be resolved.

Commissioner Gordon reiterated his concerns of possible traffic impacts. He otherwise found the project to be very nice so far.

Commissioner Dolojan stated he agreed with anything that would increase the number of apartments in the City. He also liked the fact that the development would be transit oriented close to the BART Station.

Commissioner Ramirez agreed with the concept and found the project to be a potential asset to the City and to the BART Station.

Ms. Ayres commented that during a prior workshop, the City Council had directed staff to pursue the preparation of a Specific Plan Alternative 5.5 for its review and consideration. She noted that if the Commission backed the developer’s concept of less commercial on the property and with more emphasis on a residential component, staff and the applicant would likely proceed to the Council with the proposed conceptual plan to determine whether or not the Council would be willing to rescind its previous direction in favor of pursuing something more along the lines of the proposed development.

Ms. Ayres requested more direction from the Commission's on it preference as to isolating the retail component in one corner of the property as proposed by the developer versus integrating it as a ground floor use along the Leland Road frontage with residential/office uses above as envisioned in the specific plan.

Commissioner Gordon suggested that the developer was doing it right. He cited as an example the Two Worlds mixed use development which had been built in the City of Pleasant Hill and which had failed a couple of times. In his opinion that project was not up to par to what it could have been.

Commissioner Tumbaga preferred the retail use integrated throughout the project on the lower floors with the residential above as opposed to the commercial on one specific location. She would like to see the connectivity between all of the projects to allow access to the BART Station and the other projects. She also suggested that the commercial space should be a bit more intense from what had been presented.
Commissioner Ohlson noted that the commercial could be along the trail with an easy pedestrian access, which was something that could also be pursued.

Commissioner Tumbaga noted that spreading the commercial space did not necessarily have to be inside the core of the development. She was thinking more in line of Leland Road and by the BART Station border and around the outside of that perimeter.

Chairperson Garcia pointed out that when the Pittsburg/Bay Point BART Specific Plan had been prepared it had not taken into consideration the fact that more commercial had been rezoned not far from the subject property. With more commercial development proposed in the area, he questioned the ultimate survival of all commercial business. He added that most people desired to park directly in front of the business to be patronized. If parking was not easily accessible, it was likely the customer would go elsewhere.

Chairperson Garcia noted that many studies had been prepared regarding people desirous to park within a short distance of the front door a business. He emphasized that he had suggested that the new City Council review those issues prior to considering applications for the property.

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that staff had received an appeal letter from the operator of Fort Knox Self Storage requesting an appeal of the Planning Commission’s decision to revoke the business use permit. The applicant had also requested that the Commission reconsider its decision to revoke the use permit based on new information the Commission had not been provided during that hearing. She would be meeting with one of the applicants this week along with a local resident to discuss the matter.

Ms. Ayres understood that the applicant was still moving forward with the fence panels. She noted that based on the City’s Municipal Code, the request to reconsider the decision of the Planning Commission would be brought back to the Planning Commission on August 24, with a new public hearing notice to be prepared. In the event the applicant opposed the decision the Commission might make during the next meeting, the applicant had the right to appeal that decision to the City Council.

Ms. Ayres added that the applicant had informed her that his bank was ready to pull his loans and shut the business down due to the possible revocation of the use permit.

Chairperson Garcia commented that a local resident had informed him that the applicants were working hard to move ahead and had even removed the blacktop where the landscaping had been proposed. He had warned the resident that if the wall was not completed and the landscaping started by the next meeting, it was possible that the
applicant would be faced with the same determination by the Planning Commission.

**COMMITTEE REPORTS:**

There were no Committee Reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Gordon inquired of the status of the Historical Resources Commission, to which Mr. Jerome reported that Commission had last met in 1997. Based on the changes the City Council had recently made to the procedures of City Commissions/Committees the group was required to meet at least twice a year.

Commissioner Gordon also verified with staff that joint workshops with the Planning Commission and the City Council had been scheduled on September 7 and 20 to discuss the City's Inclusionary Housing Ordinance.

Commissioner Tumbaga reported that outside storage was being done downtown behind the old smoke shop building. She asked that staff review that situation.

Chairperson Garcia also spoke to the proliferation of signage on City light posts, utility poles, stop signs and the like to advertise garage sales where oftentimes the signs were not removed even after the garage sales had been held. He inquired whether or not the City had an ordinance to address such signage. Ms. Ayres expressed the willingness to refer the concern to the Code Enforcement Division.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 11:47 P.M. to a regular meeting of the Planning Commission on August 24, 2004 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission