A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Thaddeus Holmes at 7:32 P.M. on Tuesday, August 28, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Garcia, Harris, Kelley, Leonard, Valentine, Chairperson Holmes

Absent: Commissioner Glynn

Staff: Associate Planner Chris Bekiaris; Planning Technician Dana Hoggatt; Administrative Assistant II Fara Bowman; Park Planner Joel Summerhill; Acting City Engineer Wally Girard; Senior Combination Building Inspector Bill Sadler, Sr.; Assistant Civil Engineer Alfredo Hurtado; and City Attorney Linda Daube.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, August 24, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Harris led the Pledge of Allegiance.

MINUTES: August 14, 2001

Motion by Commissioner Garcia to approve the minutes of the August 14, 2001, meeting, as submitted.

The motion was seconded by Commissioner Harris and carried by the following vote:
Ayes: Commissioners Garcia, Harris, Kelley, Leonard, Valentine
Noes: None
Abstain: Chairperson Holmes
Absent: Commissioner Glynn

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

PETE CARPINO, 151 El Camino Drive, Pittsburg, commented on a recent Planning Commission approval for a church in the Raley's Shopping Center. With his understanding that the project had been appealed to the City Council, he inquired of the basis for the appeal and the identity of the person who had made the appeal.

Associate Planner Chris Bekiaris advised that the project had been appealed by a Planning Commissioner who had filed the appeal as an individual and that the appeal was based on the location of the Church in a retail space. The appeal would be heard by the City Council on September 4, 2001.

PRESENTATIONS:

1. La Primera Iglesia Pentecostal Church - Juanita Olayo

Mr. Bekiaris reported that in May 2000, the Planning Commission had approved a conversion of the Vogue Theater at the corner of Central and Railroad Avenues to a church use. At a recent meeting, the Commission had invited church representatives to report on the progress of the reconstruction of the facade for the church. He noted that the church had cooperated with the City and had consulted with the Building Department. Plans had been submitted this week for review. The church were in the process of installing a new roof and plywood on the sides of the building in preparation of a stucco finish.

PASTOR ELIAS LIMONES, La Primera Iglesia Pentecostal Church, 1221 Railroad Lane, Pittsburg, stated that the church was committed to the remodel of the Vogue Theater. As reported, the church had submitted plans to the Building Department this week. He commented that the project architect was present to address any questions or concerns. He also presented photographs to the Commission for review.

Pastor Limones explained that with the approval of the recently submitted plans, it was anticipated that the project could be completed prior to the upcoming winter season and that the windows and doors would be installed prior to the rainy season.

Commissioner Harris stated that he had made the request for the status report on the project since it
had taken some time for the project to be completed. He expressed concern that if the roof was not installed prior to the rainy season the walls of the building could be destroyed. He inquired how long it would take to complete the project, particularly since he lived in the area and had been questioned by residents of the area as to when the project might be completed.

MARY KLEIN, 535 Marina Avenue, Pittsburg, the project architect, explained that the plans that had originally been submitted for City approval had not been complete. Plans had recently been resubmitted. It was anticipated that building permits would be issued within the next 10 to 14 days. She advised that she had spoken with the Building Inspector conducting the plan checking to advise of the intent to have the building wrapped and stuccoed prior to the rainy season. She noted that some of the plywood currently on the building had been placed for protection. She emphasized that the building would have windows.

In response to Commissioner Harris, Ms. Klein advised that the church had been allowed to conduct the demolition of dry rotted wood. There had been no new construction on the building in terms of interior improvements. A permit had been issued for Phase One on the west side of the project, which permit had been issued prior to her involvement with the project.

Ms. Klein described Phase One as the west wing facing Railroad Lane, Phase Two as the north wing and Phase Three as the minor interior upgrades for Americans with Disabilities Act (ADA) compliance inside the church. A permit had been issued for Phase One, although the second set of plans for the north wing had come back from plan check with corrections that had to be addressed. When asked, she clarified that the City had allowed the replacement of damaged wood. As to the interior improvements, she was uncertain when that work would be completed pending a response from plan check for the recently resubmitted plans. She reiterated the intent to complete the plans for the exterior prior to the winter.

Chairperson Holmes inquired of the length of the project since its inception, to which Ms. Klein responded that she was uncertain of the time involved with the project since she had not become involved until March 2001.

Pastor Limones explained that the church had purchased the building in June 1998 and that six months after that time the church had made application for permits to remodel the outside of the building. The discovery of dry rot since that time had delayed the project. He reiterated the intent to complete the project by December prior to the rainy season.

Commissioner Harris referenced two columns hanging off of the marquee. He questioned whether or not those columns had been checked by the City's Building Department.

Senior Building Inspector Bill Sadler noted that the marquee was an all metal frame structure. He clarified that a permit had been issued for minor stuccowork although that permit had been withdrawn because the extent of the work required on the building had gone far beyond stucco repair. Commissioner Harris inquired of the colors for the building and questioned whether or not the church was firm on the colors that had been approved.
Commissioner Valentine agreed that a color change would be appropriate.

Pastor Limones noted that the church would be flexible with the building colors and could review those colors, if so directed.

Mr. Bekiaris suggested that the applicants submit alternative color chips for potential review by a subcommittee of the Planning Commission.

Commissioner Garcia acknowledged that he had been a member of the Planning Commission when the project and building colors had initially been approved. He did not oppose the use of the colors that had initially been proposed.

Chairperson Holmes thanked the representatives of the church for the presentation.

**PUBLIC HEARING:**

**Item 1: San Marco Development First Amendment.**

Application by SEECON Financial & Construction Co. to extend the existing Development Agreement for the San Marco Residential Subdivision on a 639 acre site south of State Route 4 at the Bay Point/San Marco Boulevard interchange, PD (Planned Development) zone, APNs; 097-130-002, 097-140-001, 097-150-005, 097-150-002, 097-150-006, 097-150-007, 097-190-001, and 097-180-001.

Mr. Bekiaris presented the request from SEECON Financial & Construction Co. to extend the existing Development Agreement for the San Marco Residential Subdivision on a 639-acre site south of State Route 4 at the Bay Point/San Marco Boulevard interchange. He advised that the first phase of the San Marco development was under construction and the first phase models had been completed.

Mr. Bekiaris added that in 1990, the Planning Commission had approved the Southwest Development Agreement (San Marco Development Agreement) which had been recommended to the City Council with the Negative Declaration for approval. The Agreement and the Commission approval had approved 2,938 single family and multi-family residential units on the approximate 639 acres. The Agreement would terminate on October 1, 2002. SEECON, as one of the parties to the Agreement, had requested that the Agreement be extended for an 18-year period to October 1, 2020.

A letter from the applicant’s attorney that had been included in the Commission packets had served as the application for the extension to the Agreement. In addition to the request for the 18-year extension, the applicant had also requested that duplicative water and sewage fees be clarified and that County drainage fees be eliminated from the Agreement.

Mr. Bekiaris explained that there had been a number of issues that had arisen with the application that had necessitated the presence of a number of staff persons. He reiterated that the applicant had
requested the extension of the Agreement for an 18-year period with the Tentative Maps to extend the life of the Agreement to 2020.

Mr. Bekiaris added that the California Government Code concerning agreements stipulated that the Commission shall consult with other boards or Commissions. In this instance, the Leisure Services Commission had met on August 9, 2001 and had recommended that the Agreement be extended for an

18-year term with the proviso that there be modifications to the Tentative Map concerning the parkland dedication.

The original Tentative Map and Agreement had included five to six small parks. In the past, both the Leisure Services Commission and staff had recommended that the acreage for the small parks be combined into one large park, which would allow for a more usable park requiring less maintenance by the City. In addition, a school district site had been chosen and selected in the subdivision. A conveyance of the property to the Mt. Diablo Unified School District (MDUSD) would include a park adjacent to the school site that should also be conveyed to the City of Pittsburg as a park site.

Mr. Bekiaris advised that staff had received a copy of two letters from the California Department of Fish and Game, one of which had gone to SEECION and the other to the MDUSD.

In March 2001, the Department of Fish and Game had advised that the endangered California red-legged frog had been found in the basin into which the school site would be located. The presence of the endangered tiger salamander in that same area had also been noted as a possibility. The existence of those species would be in violation of the Environmental Impact Report (EIR), which had stated that there had been no such species found on the site.

Mr. Bekiaris reported that the City would have to make a finding that the Agreement was consistent with the General Plan.

Mr. Bekiaris recommended that the Planning Commission review the issues and direct staff to review and prepare findings that the Agreement was in compliance with the land uses of the General Plan and the zoning regulations. Those recommendations would have to be submitted to the City Council for approval.

Mr. Bekiaris further advised that staff had received correspondence this date from the attorneys for the MDUSD, which correspondence had cited the conveyance of the school site to the MDUSD and the conveyance of the parkland to the City. The correspondence had addressed the issue related to where the school site was to be located. Currently the site was in a basin, which would have to be filled to allow the school to be built. There was some disagreement between the developer and the MDUSD as to who would pay to fill that site. The MDUSD had requested that issue be discussed by the Commission with staff to further review the agreement. Copies of said correspondence were presented to the Commission for review.

Mr. Bekiaris recommended that the Commission adopt Resolution No. 9242, approving an extension
of the San Marco Development Agreement and directing staff to prepare findings consistent with the recommendation for presentation to the City Council in accordance with Article 3, Section 301, of Resolution No. 89-7466, Establishing Procedures and Requirements for the Consideration of Development Agreements under Government Code Sections 65864-65869.5.

Park Planner Joel Summerhill identified the school and park site in the development. He noted that the Leisure Services Commission had recommended the elimination of five of the small parks, to be consolidated into three parcels totaling 24 acres.

In response to Commissioner Valentine, Mr. Summerhill clarified that the City would lose 4.64 acres in the recommended consolidation. He explained that a larger park would be more efficient in scale and offer a more usable area. He noted that there was currently no money available for the facilities.

Mr. Summerhill explained that the Agreement was as the same from 1992, which agreement had required the construction of the park but only to the extent of irrigation, planting, sidewalks, tot lots, and playgrounds. Nothing large, such as community buildings, had been included.

Commissioner Valentine recalled that there had been an argument in the past regarding costs for the park site as to the value of money in 1982 versus 1997, to which Mr. Summerhill noted that the associated costs had yet to be resolved although it had been spelled out in the agreement that the developer would not have to spend more than 120 percent of the assessed valuation of the land. The City would assess the land.

Commissioner Garcia commented that he had a discussion with the City Attorney prior to the meeting regarding the request for an extension of the original agreement, with modifications. He noted that the developer would be obligated to fulfill all of the conditions of the original resolution, including whatever conditions the Commission might impose at this time. As to the issues with the MDUSD, he suggested that those issues should be resolved between the developer and the MDUSD since both parties had gone to court regarding those issues.

Commissioner Garcia added that some of the Commissioners at the time of the original approval had visited the property and had acknowledged that it was a canyon that would have to be filled. He commented that the MDUSD had chosen the site and the issues regarding that site should not involve the City.

Commissioner Garcia also commented that the Department of Fish and Game had been involved in the project in 1990 and would continue to be involved with the project until completion. He reiterated that the concerns raised by that Department would have to be resolved between that agency and the developer.

Commissioner Garcia further pointed out that if the extension were not approved, the developer
would not be able to proceed. He expressed concern that if the development was not allowed to proceed, that could prevent the development of the executive homes that had been anticipated for some time.

Acting City Engineer Wally Girard advised that there were some duplicate fees that the developer's legal counsel had suggested be eliminated from the Agreement. In his review of the Agreement, he suggested that the elimination of some of those fees would not be appropriate. As an example, he stated that although the property was now located in the City of Pittsburg, the Contra Costa Flood Control and Water Conservation District 48F, (CCFCWCD) still had a fee that had been imposed whether or not the property was in the City. That fee was a County fee that should still be paid. The Delta Diablo Sanitation District (DDSD) had a hook-up fee that was separate from the City's Facility Reserve Charge Fee, which was imposed for hook-ups to the City's sewer system for treated water, for pressure lines and for treatment plants. As a result, the DDSD was empowered and would require a hook-up fee.

Additionally, the Contra Costa Water District (CCWD) imposed a metered fee for raw water that must be paid even though the property was located in the City. Further, another fee that should be included was that the developer had expressed the willingness to participate in a Facility Reserve Charge Fee regarding traffic mitigation and the like.

Mr. Girard noted that most recently, the developer had been instrumental in the formation of a Geological Hazard Abatement District (GHAD). While the City had assumed the administrative duties for that district, the developer had agreed to participate in the GHAD #2 and those fees should be included in the agreement as well.

Commissioner Valentine referenced Paragraph B on Page 3 of the First Amendment to the Development Agreement and requested clarification that what the developer was requesting was to pay 2001 fees as opposed to 2017 fees.

Mr. Girard clarified that there was a Consumer Price Index (CPI) escalation clause for fees, which clause would have to be researched.

Commissioner Valentine inquired whether or not the fees had been increased based on the CPI, to which Mr. Girard explained that there were two bases of fees. One had been with the CPI for construction and the other with the Engineering News Report Construction Price Increase based on construction costs.

Commissioner Valentine questioned who would pay the difference in fees if the CPI did not cover what could be charged. He expressed concern that nothing had been included in the agreement to make up that difference, particularly when the developer was requesting an 18-year extension where prices would obviously increase over time.

Mr. Girard noted that the CPI should make up the costs for construction.

Commissioner Valentine requested some sort of guarantee that the developer would pay the required
fees, when applicable. He reiterated his concern for the requests when the developer had not complied by the original agreement for the school site or the required environmental review.

Commissioner Valentine also commented that there was no proviso in the agreement for executive homes. He understood that executive homes could not be built since there was no agreement.

Mr. Girard clarified that there was no guarantee other than the fact that fees would increase with the CPI when applied at the time. He explained that with the passage of Proposition 148, the community would have to vote as to whether or not the Facility Reserve Charge Fee would be increased.

Mr. Girard advised that the City charged fees based on the City’s costs. Each year, as costs increased, the City utilized the CPI and the Engineering News Report CPI, which usually represented a 3 to 4 percent increase per year, and which primarily kept the City abreast of its costs.

City Attorney Linda Daube explained that the language in the Agreement was identical to what had been approved in 1992.

Commissioner Valentine expressed his objections to the language that had been included in the original Agreement.

Mr. Girard advised that the City could not change the basic fees unless the City conducted an evaluation and a study and had a factual basis to change those fees. The City would charge the current price under the ordinances and the CPI. The only change could be if there was a revision to the City's infrastructure and revisions to the basic fees that had been approved by the City Council or potentially the voters. He advised that the basic fees had been based on the City's infrastructure.

Based on the agreement, Commissioner Valentine inquired whether or not the developer would pay the same fees in 2020 to build 500 homes on a thousand acres as would be paid this date.

Mr. Girard reiterated that the developer would pay the inflation costs for construction unless there was some other legal action to revise the basic fee.

Commissioner Garcia referenced the executive models that were being built in the San Marco subdivision and suggested that those Commissioners who had not visited the site do so to be assured that the applicant was meeting the Commission’s requirements for executive homes.

Speaking to the correspondence from the Department of Fish and Game, Commissioner Garcia commented that the correspondence had indicated the possibility of red-legged frogs and other species, which he suggested had nothing to do with the City since the developer must resolve those concerns between the Department of Fish and Game and the MDUSD.

In response to Commissioner Garcia, Mr. Girard affirmed that the developer had paid higher fees for the San Marco development and those fees had been adjusted over the years in response to the City’s associated costs. He emphasized that fees involved a separate act and must be resolved under
Mr. Bekiaris further commented that the correspondence from the Department of Fish and Game to the MDUSD had stated in part that "... the survey results were reported in May 2001 to the Department of Fish and Game's California Natural Diversity Database documenting the presence of the California red-legged frog listed as federally threatened and State species of special concerns and the potential of the tiger salamander..."

Commissioner Garcia commented it was possible that at the time the developer had the property the species could have developed as a result of the grading and the water that had settled in the property, and it was possible that the identified species might not have been present at the time of the original EIR. As such, the developer had complied with the obligations of the original EIR.

Mr. Bekiaris acknowledged that Commissioner Garcia's scenario could be possible.

Ms. Daube explained that the City Attorney’s office was reviewing the mitigation agreement to determine what was meant in terms of compliance, which would be required if the Planning Commission were to recommend approval of the extension.

Commissioner Valentine pointed out that the document had indicated that there would be no filling in the creek, although that had been done anyway. He described the document as being filled with agreements, although with no compliance with those agreements. He disagreed that the red-legged frogs had just appeared in that the frogs had always been at the property and had probably predated anyone in the City.

Commissioner Valentine opposed the approval of an extension without a resolution of the concerns.

PUBLIC HEARING OPENED

PROPOUNENTS:

ALBERT SEENO, III, SEECON Financial and Construction Co., 4021 Port Chicago Highway, P.O. Box 4113, Concord, described the background of the property.

Mr. Seeno reported that in the late 1980's, the City had approached his father, Albert Seeno, Jr., regarding the land that was now San Marco for a possible landfill. His father had then acquired the property, which was now the San Marco development.

Mr. Seeno referenced the Oak Hills development, which was not as large in size as the San Marco development, and which had been ongoing since the mid 1970's. Twenty-five years later, the company was still building that development. He added that the San Marco development was a bit larger and the developer had taken a risk with the development of infrastructure, which was the reason for the agreements - to protect developers and to ensure that there was something binding
Mr. Seeno also explained that home prices fluctuated over time. He stated that the project would have to be built in phases, which would require time. He referenced nine phases, commented that the entitlement process typically required two years, and suggested that it would take 18 years to gain full approval of the overall development.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia requested clarification from the City Attorney on the action requested of the Planning Commission. Ms. Daube explained that the action before the Planning Commission was to vote on the resolution directing staff to present written findings that would be returned to the Commission for consideration and approval as a Consent Item. Thereafter, the item would be placed on the City Council agenda for September 17, 2001. The other action would be for the Planning Commission to provide any direction to staff on the information, issues and concerns that had been presented.

Ms. Daube recognized that many of the issues that had been raised were items that did not necessarily involve the Development Agreement, but involved the Tentative Maps and amendments to those maps, as previously identified. She explained that an extension of the Development Agreement would also extend the Tentative Maps.

Ms. Daube added that the Planning Commission would have to provide direction for how to resolve some of the issues that had been expressed. She commented that oftentimes, such agreements could include certain conditions to further refine some of the concerns expressed. She reiterated that the Planning Commission needed to provide direction to staff, as identified, with staff to return with written findings at the next meeting, which findings could be discussed by the Commission at that time.

Commissioner Garcia made a motion to approve Resolution No. 9242, Subdivision 7632, with the subjects raised by staff, including the issues with respect to the Leisure Services Commission and the Engineering Department, including the concerns raised by the Planning Commission, with said concerns to be negotiated with the developer, and with staff to return with written findings for adoption.

Mr. Bekiaris requested clarification as to whether or not the concerns to be negotiated with the developer would include the fees, park, conveyance of the property for the park, the Department of Fish and Game, and the like.

Commissioner Garcia suggested that the concerns with respect to the Department of Fish and Game should be worked out between the developer and that agency. As to the MDUSD, he noted that the developer had been to court with the MDUSD, where he understood there was an agreement with respect to the school site. He understood that the developer could not proceed without a resolution
of those issues with the MDUSD and the Department of Fish and Game and he assumed that the City would be of some assistance to the developer with respect to both of those problems.

Commissioner Valentine requested that the motion be amended to include the concerns raised by the Department of Fish and Game and the MDUSD. He also requested that the agreement involve a 10-year extension, not an 18-year extension, in that most Commissioners currently on the Planning Commission would not be around at that time. He suggested that the next generation should not be locked into a potentially disadvantageous agreement.

Commissioner Garcia did not accept the amendment to the motion.

Commissioner Harris seconded the original motion. He also requested clarification from the City Attorney as to all of the meetings held on the development of the property and the conditions that had been imposed and whether or not the entire property had been involved. Ms. Daube clarified that she had not been present in 1990. She explained that two issues were involved, the Development Agreement and the Tentative Maps. As to whether or not there had been amendments to the original 1990 agreement, she clarified that there had not. As to whether or not there had been modifications to the Tentative Maps, which were assumed under the Development Agreement, she stated that there had been changes to the Tentative Maps.

Commissioner Harris clarified with the City Attorney that the Tentative Maps were being produced as the project moved along based on the original conditions approved in 1990. He also understood that the difference now was that the market had slowed down. The developer had requested an 18-year extension to continue the project in phases as a result of the market.

Commissioner Harris requested clarification as to why the Planning Commission was involved in a matter that would more appropriately be resolved by the developer and the other applicable agencies. Ms. Daube clarified the City’s process. She referenced Resolution No. 89-7466, the City's process by which development agreements must be approved. She noted that development agreements were different from contracts or Tentative Maps in that when the City Council approved a development agreement, it was an ordinance and a legislative act. Such agreements would allow a developer some assurance that they could proceed and offer the City some assurance that there would be consistent development.

Commissioner Harris requested a copy of the resolution referenced for informational purposes.

Chairperson Holmes commented that an 18-year extension appeared to be excessive, although in order for the San Marco development to meet all of the requirements of the associated agencies, he saw no reason not to grant the requested extension.

Commissioner Valentine reiterated his concern that the developer had not complied with a number of issues. He referenced information in the document where the developer was being asked to stop work in the subject location, but suggested that would not stop the developer from violating the agreement to move elsewhere where there was no endangered species on the site. He emphasized
his concern that the developer was not complying with the agreement, which would be exacerbated by an 18-year extension.

Mr. Bekiaris disagreed that the developer would not be complying since the developer would have to comply with the MDUSD and the Department of Fish and Game. If the developer was not in compliance with any State regulation, he suggested it was likely that the State would take appropriate action to remedy such a situation.

Commissioner Leonard inquired of the developer whether or not there was agreement with the original motion, as stated.

Mr. Seeno advised that the developer was in agreement with the staff recommendation for a larger park. He requested that the resolution be approved since the developer had been working for the past 14 years from soils work and the like with no home having yet been delivered. While he recognized that there were greater than 50 homes under construction, none had yet been occupied.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9242, to recommend that the City Council adopt an extension of the San Marco Development Agreement for the San Marco Residential Subdivision (Subdivision 7632), with written findings to be made on the staff issues that had been identified by staff, and with staff to return on September 11, 2001 with those findings. Staff issues included fees, park conveyance, and with the City to attempt to assist the developer in negotiations in good faith with the MDUSD and the Department of Fish and Game.

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

- Ayes: Commissioners Garcia, Harris, Kelley, Leonard, Holmes
- Noes: Commissioner Valentine
- Abstain: None
- Absent: Commissioner Glynn

Chairperson Holmes stepped down from the dais with respect to Item No. 2 due to a potential conflict of interest.

Vice Chairperson Valentine chaired the meeting at this time.

COMMISSION CONSIDERATION:

**Item 2: Presidio Village Senior Housing Extension. DR-00-08.**

Request by Tom LaFleur, Pacific Community Services, to extend design review approval of Presidio Village Senior Housing located on Presidio Lane, PD (Planned Development) zoning district; APN 088-184-028.

Mr. Bekiaris presented the request from Tom LaFleur, Pacific Community Services, to extend
design review approval of Presidio Village Senior Housing located on Presidio Lane. He explained that in 2000, the Planning Commission had approved a 104-unit senior complex on Presidio Lane. As a result of on-going negotiations with the Department of Housing and Urban Development (HUD), permits had yet to be issued and the project had yet to begin.

Mr. Bekiaris reported that the City had been in discussions with Pacific Community Services regarding an extension of the permits for design review. A letter had been submitted to the City requesting that an extension be approved, although the letter had been received after the one year time limit. In this instance, the applicant was under the impression that the Planned Development designation approved had included the design review and no extension request had been filed prior to the deadline.

In light of the discussions with the applicant, Mr. Bekiaris suggested that the request for the extension was proper and acceptable. He recommended that the resolution approving the design review be approved until February 2002. He clarified that the design review could not be renewed again after that time. If for any reason construction did not commence in 2002, the applicants would be required to apply for a new application. It was anticipated that the project would commence by that time.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9241, approving a one-year extension of DR-00-08, as shown.

Commissioner Garcia inquired whether or not the project could be extended beyond February 2002, and Mr. Bekiaris advised that the extension must be dated from the date of the original approval, which was February 29, 2000.

PROPONENT:

TOM LAFLEUR, Executive Vice President, Pacific Community Services, Inc., 329 Railroad Avenue, Pittsburg, took the opportunity to congratulate Mr. Holmes on his appointment as Chair of the Planning Commission. He otherwise noted that Pacific Community Services had received HUD approval in September 2000, months after the original Planning Commission approval.

Mr. LaFleur explained that after the 2000 elections and changes in the federal government, HUD 202's had been held in limbo until April when the project would then be processed. He commented that the delay had resulted in a late start, although the project was in the construction-drawing phase and the associated agreements with the City on how to coordinate the adjacent Senior Center with the Senior Housing project were being finalized.

Mr. LaFleur anticipated no difficulty in getting the project into construction on time. He was confident that a grading permit could be issued prior to February, with the actual construction of the building to follow a few months after that time. He expressed his appreciation for the continued support for the project.

Mr. LaFleur further commented that the conditions of architectural approval required that everything
other than the basic design be returned to staff for approval. He was confident that there would be no difficulties in that process.

Mr. LaFleur clarified, when asked, that the building would not involve shingles, but would be stucco with hardy plank and possible hardy shingle if the hardy plank material was not feasible.

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9241, approving the extension of Resolution No. 9143 approving DR-00-08, architectural and site plans for the Presidio Village Senior Housing, and extending said resolution approving architectural and site plans for Presidio Village Senior Housing, with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Garcia, Harris, Kelley, Leonard, Valentine
Noes: None
Abstain: Chairperson Holmes
Absent: Commissioner Glynn

Chairperson Holmes returned to the dais at this time.

STAFF COMMUNICATIONS:

1. **Church of Good Shepherd Rectory Remodel AD-01-18**

Mr. Bekiaris reported that a memorandum had been included in the Commission packets for the Good Shepherd Rectory Remodel.

Planning Technician Dana Hoggatt reported that the application had been approved administratively since it involved a minor alteration to an existing building on the Good Shepherd Church site located at 3200 Harbor Street. The alteration to the building's exterior would consist primarily of the replacement of existing and damaged windows and doors as a result of a fire on March 5, 2001. The parish had begun preliminary planning to repair the building, with some changes to the interior floor plan. Changes to the building facade would include the installation of new, wider windows to replace the existing narrow windows, which would better address Building and Fire codes for emergency exiting. Garage doors located at the rear of the building would also be replaced by sectional roll-up doors.

The building colors would be the same as those on the existing building. The fenced area east of the rectory would be enlarged five feet.

The consensus of the Planning Commission was to accept the administrative approval of AD-01-18.

2. **Department Reorganization**
Mr. Bekiaris explained that the Community Development Department had been reorganized into a Planning and Engineering Department. Randy Jerome would serve as the Acting Department Head for Planning, with Wally Girard to serve as the Acting Department Head for Engineering. Community Development Director Nasser Shirazi had been named by the City Manager as the Acting Assistant City Manager and would no longer be responsible for the Building, Planning and Engineering Departments. Mr. Shirazi would now report to the City Manager. Either Mr. Girard, or Assistant Civil Engineer II Hurtado would attend Planning Commission meetings. The changes were intended to create better communications with all City Departments.

Mr. Bekiaris also referenced a memorandum in the Commission packets related to requests by Commissioners at previous meetings. Commissioners had also been provided with an Inter-Office memorandum to the City Attorney regarding the legal enforceability of a maximum dwelling unit occupancy ordinance, as well as correspondence from resident Charles Smith with respect to the administrative approval of the AN storage tank at Dow Chemical, which had been presented to the Commission at a previous meeting.

**GENERAL PLAN UPDATE REPORT:**

Mr. Bekiaris reported that the Draft General Plan Hearing Draft had been presented to the Planning Commission and would be considered by the City Council during a meeting scheduled for September 4, 2001.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

Chairperson Holmes commented that the Planning Commission had made appointments to the various City Commissions/Committees on July 11, at which time Commissioner Harris had been appointed as the Alternate to the Traffic Circulation Advisory Committee (TCAC). Since the TCAC did not have Alternate members, he noted that Commissioner Harris' name would have to be withdrawn.

**COMMENTS FROM COMMISSIONERS:**

Speaking to the responses to the Commission concerns raised during the previous meeting in relation to the legal enforceability of a maximum dwelling unit occupancy ordinance, Commissioner Harris requested that the case law that had been cited during previous discussions be presented to the Commission.

Referencing the concerns with leaking valves on Garcia Avenue, Commissioner Harris clarified that
his comments had related to sinking valves and paving. He noted that he would be meeting with the Assistant Civil Engineer soon to walk the area.

Commissioner Harris also commented that he had requested that a letter be sent to the City Council, not the TCAC, with respect to a request for a four-way stop sign on Garcia Avenue and Harbor Street. He requested that correspondence be forwarded to the City Council as he had previously requested.

Commissioner Garcia referenced the handicap ramps located on Crestview Drive. He inquired of staff whether or not they had been reviewed as previously requested.

Assistant Civil Engineer II Hurtado noted that there were some staff members on vacation but that the issue would be addressed.

Commissioner Garcia expressed concern with the regular use of stop signs, poles, and signal lights being used as posting boards for car sales, yard sales and the like, which had been done throughout the City. He inquired of staff whether or not the City had an ordinance prohibiting that practice since it could pose a safety hazard.

Commissioner Leonard inquired whether or not a notification could be placed in the City's water bills to advise that the City would enforce the prohibition of such posters.

Mr. Bekiaris acknowledged that there was a City ordinance that would address such uses although that ordinance was difficult to enforce.

Commissioner Garcia otherwise inquired of staff when improvements were conducted on El Dorado Avenue whether or not the bond monies would be placed on the Fort Knox Self-Storage Facility to repair the sidewalk and gutters, or whether or not Fort Knox would conduct the repairs itself. He suggested that the improvements to the sidewalk be done at the same time as the repave ment of El Dorado Drive. He also pointed out that it was a condition of approval that Fort Knox Self-Storage conduct those improvements.

Commissioner Kelley expressed concern with the increase of illegal vehicle movements, such as “doughnuts” late in the evening, particularly in the Highlands area. She also expressed concern with the number of people walking and not attending to their dogs in City parks where children were present.

Commissioner Valentine requested that the Police Department consider periodic rides through John Henry Johnson Park where there had been late night activity recently with gunshots heard from that location. He also requested consideration of reduced irrigation in City parks where heavy water had routinely accumulated, creating mud. He cited the north side of Stoneman Park as an example of that concern.
Commissioner Garcia noted that a member of the audience had brought to his attention the recent metering at Myrtle Drive in the City of Concord. He inquired of the status of the City’s plans to meter at Buchanan Road and Meadow Lane. He inquired whether or not the City would notify residents when those metering plans would commence.

Mr. Hurtado stated that he was uncertain of the status of the metering plans, although information could be provided when available.

Commissioner Valentine agreed that residents be informed of any metering plans in the community. He expressed concern with the potential traffic impacts as a result.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:19 P.M. to a regular meeting of the Planning Commission on September 11, 2001 at 7:30 p.m. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

____________________________________
RANDY JEROME, Secretary
Pittsburg Planning Commission