MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
January 28, 2003

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Harris at 7:40 P.M. on Tuesday, January 28, 2003, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

SWEARING IN OF NEW COMMISSIONER:

City Clerk Lillian Pride presented the Oath of Office to newly appointed Planning Commissioner Rosemary Tumbaga.

Commissioner Tumbaga joined the Commission at this time.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Kelley, Tumbaga, Vice Chairperson Harris (Commissioner Kelley arrived at 8:12 P.M.)

Absent: Commissioner Ramirez, Chairperson Leonard

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Ken Strelo; Associate Planner Noel Ibalio; Assistant Planner Dana Hoggatt; Planning Technician Christopher Barton; City Engineer II Alfredo Hurtado; Senior Civil Engineer Ron Nevels; City Engineer Joe Sbranti; and City Clerk Lillian Pride.

POSTING OF AGENDA:

Vice Chairperson Harris advised that the agenda had been posted at City Hall on Friday, January 24, 2003.

PLEDGE OF ALLEGIANCE:

Pete Carpino led the Pledge of Allegiance
DELETIONS/WITHDRAWALS:

While there were no deletions or withdrawals, Planning Manager Melissa Ayres reported that the agenda would be reorganized to allow the Commission to address some items out of order pending the arrival of Commissioner Kelley.

COMMENTS FROM THE AUDIENCE:

PETE CARPINO, Pittsburg, inquired of the status of a project on California Avenue, which had included an Extended Stay America hotel project that had been approved by the Planning Commission some time ago.

Director of Planning and Building Randy Jerome reported that the project was ongoing, although there had been some discussion between the developer and the hotel as to whether or not to extend the agreement or the use of the property. A number of conversations had been held between staff and Extended Stay America, which he understood fully intended to construct a hotel in the project. It was also his understanding that the storage facility would also be developed as part of the subject project to serve as a buffer between Praxair and the softer commercial use.

Mr. Carpino noted his understanding that representatives from Fort Knox Storage had also been called to the Commission with respect to compliance with specific conditions of approval. He stated that no landscaping had taken place on the site other than some clean up. He requested that the Fort Knox Storage facility be agendized for the next Commission meeting to apprise the public of the status of that project.

Vice Chairperson Harris understood that the City Attorney was still working on changes to the zoning regulations in terms of landscaping. He agreed with the suggestion that the Fort Knox Storage project be agendized for the next Commission meeting.

Ms. Ayres explained that representatives of Fort Knox would be invited to the next Commission meeting to address those concerns.

PRESENTATIONS:

There were no presentations.

CONSENT:

A. Minutes - January 7, 2003

Motion by Commissioner Garcia to adopt the Consent Calendar consisting of the minutes of the January 7, 2003 meeting, as submitted.
The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

COMMISSION CONSIDERATION:

**Item 6: CIP Program - Determination of Consistency with General Plan**

Pursuant to State law, the Planning Commission is asked to make a finding that the Capital Improvements Program Five-Year Plan 2003-2008 is consistent with the adopted General Plan.

Associate Planner Noel Ibalio explained that pursuant to Section 65401 of the State Government Code, the Planning Commission was asked to determine that the Capital Improvement Program (CIP) was consistent with the goals and policies of the General Plan. Staff had reviewed the CIP and had cross-referenced the CIP with the goals and policies of the General Plan. Staff found that most of the CIP projects were supported by the General Plan goals and policies, while some of the projects specifically implemented the goals and policies of the General Plan. Staff found no projects inconsistent with the General Plan.

Mr. Ibalio explained that the City Engineer had presented the CIP to the City Council in a workshop setting. The Council had bifurcated the CIP and had reviewed redevelopment and City engineering projects separately. The Council had also broken the City into sections, with each section having four to five prioritized projects.

Mr. Ibalio recommended that the Planning Commission adopt Resolution 9412, affirming that the CIP Five Year Plan was consistent with the General Plan Goals and Policies.

City Engineer Joe Sbranti introduced Ron Nevels, Senior Civil Engineer, who was in charge of the CIP Division of the Engineering Department and who would be making a brief presentation on what was included in the CIP. He advised that if the City Council approved the document at its next meeting it would become the approved CIP Program.

Senior Civil Engineer Ron Nevels explained that there were different criteria used for determining which projects should be included in the Five Year CIP. A list of the projects was identified for Commission review at this time. The scheduling of the CIP had been determined based on available funding and funding restrictions, such as time constraints on grants or deadlines for the expenditure of funds. The source of funds was also identified, although it was noted that staff had some concerns with the amount of Redevelopment Agency (RDA) funds that the City would be able to bond in order to fund some of the identified projects.
Dependent upon the RDA funds, Mr. Nevels explained that the amount of funded projects listed could be increased. In addition, the list of projects the City had planned to begin or complete in calendar year 2003 were identified. All of the identified projects were noted as being currently funded.

In response to Commissioner Dolojan, Mr. Nevels explained that the list of projects had not been prioritized and only represented a list of projects the City intended to complete this year. He acknowledged that there were a few projects that the City would need to bond. The list represented a list of minimum projects the City intended to complete with the RDA funds expected to be received. Some of the other projects would be funded through other sources.

Commissioner Garcia agreed that all of the identified projects for the CIP program met the requirements of the General Plan, although with respect to the Library project, he questioned why the City needed a new Library when in his opinion the current facility just needed to be enlarged and modernized, representing a considerable savings to the City.

In addition, Commissioner Garcia questioned the reported cost of the Buchanan Road Bypass at $58 million. He noted that a recent newspaper article had described the roadway as being a 60-MPH freeway, although the roadway had not been envisioned as a freeway but as a two-lane road from Somersville Road to Kirker Pass Road, at an approximate cost of $15 million.

Commissioner Garcia pointed out that four of the lanes had already been added on the Antioch side from Somersville Road to Sky Ranch I. If Sky Ranch II was ultimately developed, that would take the Buchanan Road Bypass with four lanes all the way up to Vista Del Rio. He suggested that the project should be reevaluated in that the projected costs significantly exceeded what had been anticipated by the TRANSPLAN Committee, the Contra Costa Transportation Authority (CCTA), and the City of Pittsburg.

Mr. Sbranti explained that the CCTA had been largely responsible for scoping the Buchanan Road Bypass project with City staff working closely with the CCTA since it was supplying the funding for that project through the East Contra Costa Regional Fee and Finance Authority (ECCRFFA).

Commissioner Garcia disagreed. He commented that the project had been removed from the list and suggested that the only jurisdiction supporting that project was the City of Pittsburg.

Mr. Sbranti clarified that the project had not been removed and that the CCTA had funded a study for the project, which had been performed in compliance with the requirements and guidelines, provided by the City. He commented that there were a number of environmental issues related to the project, including right-of-way acquisition issues that
would be involved. He added that the project would be very costly. Mr. Sbranti also clarified that the actual design speed for the project had been identified at 45 MPH similar to Leland Road with two lanes in each direction, with the exception of a median. Separate designs were being considered which could scale the project back in terms of costs.

Commissioner Tumbaga referenced the CIP projects under Parks and Building Projects where the City Library, Senior Center and a Teen Center had been listed. She asked whether the Library and Teen Center had been defined as new construction or as remodels, to which Mr. Nevels explained the likelihood that the Teen Center would be a remodel of an existing building.

Commissioner Tumbaga inquired why other City owned buildings had not been included on the list of CIP projects, particularly the California Theater and a building located on the corner of Seventh and Railroad Avenue. She noted that the California Theater had been owned by the City for some time and the condition of that building had been in disrepair for many years. As the owner of those buildings, she suggested that the City had the responsibility to maintain those facilities.

Mr. Sbranti clarified that the Teen Center and the Library were in a planning phase. Neither had specifically been determined to be either new construction or a remodel. The City Council had determined that a remodel of the existing Library was not the direction it would like to pursue. Until funding became available, it was a moot point whether those projects would be new construction or remodels.

As to other City owned buildings, Mr. Sbranti explained that the City did conduct continual maintenance on City owned buildings through the use of maintenance funds. The California Theater was a separate project that would be handled through the City’s Redevelopment Agency as an overall redevelopment project. At this time, rather than be handled as an individual project it would be addressed through the redevelopment of a block or of an area. In that instance, redevelopment funds and not CIP funds would be involved.

Mr. Sbranti acknowledged that over the past couple of years there had been discussions with a downtown group that had considered the remodel of the California Theater, although that group had been unsuccessful obtaining the necessary funding to do so.

PUBLIC HEARING OPENED

INTERESTED SPEAKER:

PETE CARPINO, Pittsburg, inquired whether or not plans for the extension of a stacking lane on Leland Road and Century Boulevard had also been listed in the CIP project program for the 2003 period.
In response, Mr. Sbranti explained that the stacking lane had been partially funded and had been included in the CIP program, although it had not been slated and identified as a project that would be completed this year. Once the RDA bonding capability had been determined the status of other projects could be better defined. He also clarified that the projects that had been listed in the CIP program were construction ready projects. With few exceptions, all should be out to bid and under construction this year.

Mr. Sbranti also clarified when asked by the Vice Chair, that several RDA projects had been included in the total number of projects listed in the CIP. The City Council would be asked to reserve $18 million of the RDA bonds that become available to fund the listed group of projects. If that request was approved, all of the listed projects would be funded. Mr. Sbranti further referenced the Kirker Creek project and noted that the City had invested over $6 million to date on that project, which was time sensitive. If the City did not move forward with that project by June 2003, the City would run the risk of losing its $3.5 million grant that would essentially expire. He also affirmed, when asked, that there was staff available to complete all of the listed projects, although some of the projects would require some consultant assistance, which assistance had been built into the cost.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9412, confirming compliance of the Capital Improvement Program Five Year Plan with the City of Pittsburg adopted General Plan. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

PUBLIC HEARINGS:

Item 2: Majestic Pools and Landscape. UP-01-33 and DR-01-60.

Public hearing on an application by Courtney Turpen, of Majestic Pool and Landscape requesting approval of a use permit to establish a contractor yard in conjunction with its pool and landscape business and design review approval to install a 1,560 square foot modular office, a 2,000 square foot metal storage building and related site improvements on a portion of a 10-acre site located at 104 Avila Road, OS-O (Open Space with a Limited Overlay) zone; APN 097-140-012.
Planning Technician Christopher Barton presented the staff report. Mr. Barton reported that the applicant currently owned the 10-acre site and had proposed site developments including two new buildings. The applicant had proposed the installation of a new 20-foot wide driveway with asphalt as a surfacing material, and a 1,440 square foot office building with a patio in the front, along with customer parking to the east. A metal storage building would be located to the north and would include two large roll-up doors and a man door on the side. Decorative rock bins for storage of landscaping rock and a soils storage bin would be used off site.

The developer only planned to develop one quarter of the site with the remainder to remain undeveloped, which was consistent with the intent of the Open Space zoning district since it did not represent an intensive use of the property. A Mitigated Negative Declaration had been posted on December 27, 2002.

Mr. Barton advised that staff had recommended that the landscaping strip along Avila Road be increased to 15 feet. The applicant had drawn the site plan to show adequate room for the widening of Avila Road once it had been connected to West Leland Road. The applicant had agreed to dedicate 20 feet of right-of-way along that frontage to accommodate the future widening.

Mr. Barton recommended that the fence be relocated to the south side of the front yard planter strip along Avila Road because it would improve the visual aesthetics of the property. In addition, he recommended that additional landscaping be provided around the water tanks and storage bins to serve as additional screening.

Mr. Barton recommended that the Planning Commission adopt Resolution 9404 approving UP-01-33, and Resolution 9405 approving DR-01-06, with the conditions as shown and as modified.

Commissioner Tumbaga understood that the applicant had proposed a well and septic system for water and sewer services. She inquired whether City services extend to the site. She also inquired whether or not the utilities would be adequate to maintain the business.

Mr. Barton understood that most of the area was served by septic and wells on each parcel. Mr. Barton advised that the Contra Costa Consolidated Fire Protection District (CCCFPD) had provided comments on the amount of water to be provided to the site. The size of the water tanks to be located on the site would have to comply with the CCCFPD's requirements. The applicant would also be required to ensure that the well system was adequate to fill the water tanks. The water usage had also been reviewed. It had been determined not to be an intensive use. Staff anticipated that the well would be adequate to meet the needs of the business.
PUBLIC HEARING OPENED

PROPONENTS:

COURTNEY TURPEN, 1107 Whispering Pines Road, Clayton, advised that he had read the conditions of approval and was in agreement with those conditions. He also acknowledged and agreed with the staff recommendations regarding the relocation of the fence and the landscaping around the water tanks.

BRUCE OHLSON, Pittsburg, a member of the Board of Directors of the East Bay Bicycle Coalition and the Delta Pedalers Bicycle Club noted that Avila Road would eventually be the continuation of West Leland Road, which had bicycle lanes. While the applicant did not have to develop the bicycle lanes at this time, he wanted assurance that there would be enough dedicated land for the bicycle lanes so the could be built when the Road was extended.

Planning Manager Ayres referenced Condition No. 30 for UP-01-33, which would require that the developer dedicate 50 feet from the centerline for future road widening which would result in an ultimate 100-foot right-of-way. She stated that a 100-foot right-of-way would accommodate bicycle lanes within that right-of-way.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **UP-01-33**

Motion by Commissioner Garcia to adopt Resolution No. 9404, approving UP-01-33, a Use Permit to operate a contractor yard at 104 Avila Road for "Majestic Pool and Landscape," with the conditions as shown and with the following additional conditions:

- The applicant shall relocate the fence on the other side of the planter strip; and
- Additional landscaping shall be provided around the water tanks.

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

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

MOTION: **DR-01-60**

Motion by Commissioner Garcia to adopt Resolution No. 9405, approving DR-01-60,
Design Review approval to install a 1,440 square foot modular office, a 4,000 square foot metal storage building and related site improvements on a portion of a 10-acre site located at 104 Avila Road for "Majestic Pool and Landscape," with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Commissioner Harris stepped down from the dais due to a potential conflict of interest with the following agenda item.

Commissioner Garcia acted as Chairman Pro Tem at this time.

**PUBLIC HEARINGS**

**Item 1: Heritage Pointe Subdivision. GP-02-02, RZ-02-12, DR-02-17 and Subd. 8625.**

Continued public hearing on a request for: 1) amendment of the existing IP-O (Industrial Park with a Limited Overlay District) zoning of the site to allow single-family residential development with a use permit and subject to the development regulations stated in the use permit; 2) a use permit to allow single-family residential development at a density of 5.6 units per acre; 3) approval of a vesting tentative map to subdivide 22 lots totaling 22.07 acres into 125 single-family residential lots, a 0.4-acre private park, five privately-maintained landscaping parcels, and a 3.8-acre remainder parcel; and 4) design approval to construct 125 single-family homes. The property is located on Builders Circle, south of West Tenth Street west of Beacon Street; APNs 085-260-018 to -024, 085-260-027 to -040 and 085-260-042.

Ms. Ayres reported that the Commission had been provided copies of correspondence from the City in response to comments received from Adams, Broadwell, Joseph and Cardozo dated January 27, 2003, regarding the Negative Declaration/Initial Study and the revised Initial Study for the project. In addition, the Commission had been provided with copies of an Environmental Settlement Agreement for the project from the same firm, which had been negotiated between the developer and the firm.

Assistant Planner Dana Hoggatt presented the staff report and noted that during the November 26 and subsequent December 10, 2002 Planning Commission meetings, the entitlements for the project had been amended. The amendment had been necessitated because Planning staff had determined that the project was consistent with General Plan Policy 2-P-9, which allowed residential development on underutilized commercial/industrial properties. Staff had also determined that the residential use was consistent with the IP-O zoning, which conditionally allowed single-family residences.
Ms. Hoggatt noted that Parcel A, would not be developed as residential, but was intended to be a remainder industrial parcel segregated from the subdivision. She explained that when the December 10 staff report had originally been written there had been an application for an easement from the adjacent property to access the parcel. Since that time, however, staff had received a subsequent application to merge Parcel A with 701 Willow Pass Road, the industrial complex located next door.

Further, Ms. Hoggatt advised that the City had responded in writing to previous comments received from Adams, Broadwell, Joseph and Cardozo and that the City had received a request on this meeting date that the Commission add certain conditions to the project as stated in the Environmental Settlement Agreement between their client and the developer. She noted that there were five to six conditions involved. Staff had determined that the most of the requested conditions had already been included in the subdivision resolution in some manner. She explained that one of the proposed conditions had requested that a traffic study be prepared post construction. Since a traffic study had already been prepared for the project, she was uncertain what could be added by doing another study since the traffic impacts had already been analyzed.

Ms. Hoggatt recommended that the Planning Commission approve the entitlements for the project, with the conditions presented in the resolutions prepared by staff.

CONTINUED PUBLIC HEARING

In response to Commissioner Dolojan, Ms. Hoggatt explained that the project engineer had indicated that the intersections would be controlled with stop signs in response to staff’s sight distance concerns. A condition requiring stops signs had been incorporated into the subdivision resolution.

Commissioner Tumbaga understood that the applicant had proposed small lots, although she recalled that it had been the desire of the City to increase the lot sizes in new construction. She inquired why the subdivision had included such small lots.

Ms. Hoggatt advised that the Tenth Street neighborhood located adjacent to the site had small lots. She also referenced the Harbor Lights subdivision, which was located to the west of the site and noted that project was also a newer development with similarly small lots. The proposal was consistent with the older neighborhood to the east and with newer development located to the west on Willow Pass Road.

Commissioner Tumbaga inquired whether or not the circulation of the subdivision was appropriate in terms of traffic flow, particularly along the loop road.

Ms. Hoggatt affirmed that the courts would have stop signs and the loop road would not be a through street. The traffic study that had been prepared for the project had indicated no concern with the loop road as long as the minor approaches to the project were controlled.
Commissioner Tumbaga also understood that the water table in the area had been quite high. She inquired whether or not that was a concern, and if it was she asked what mitigation had been proposed.

Ms. Hoggatt advised that with any tentative map, a soils report would be required which would analyze the water table with recommendations to address any concerns. She recalled that the soils report had recognized the high water table and had made some recommendations pertaining to landscaping and trenching to certain depths. All indications were that the project could still be built with certain conditions and mitigations.

Commissioner Dolojan understood that the project would be built with no sidewalks. He inquired why the lot sizes could not be increased as a result.

Ms. Hoggatt explained that staff had spoken with the Commission during the previous public hearings and had discussed that the minor streets were not through streets and would serve only four to six homes with no sidewalks. The main loop road would provide access to the park where a sidewalk would be maintained.

PROPONENTS:

VINCE FLETCHER, Western Pacific Housing, 1210 Central Boulevard, Brentwood, explained that the developer had designed and constructed homes in the City for the past five years, having built the Americana and Harbor Lights projects. The lot sizes would be the same as those in Harbor Lights, a product that had worked well with the streetscapes off set with massing, with three different elevations per model to offer a soft, friendly attractive streetscape.

Mr. Fletcher noted that the subject project would have parking on both sides of the street as opposed to sidewalks on both sides of the street. Mr. Fletcher suggested that the future homeowners and the community as a whole would benefit with parking on both sides of the street. He also noted that some projects currently being built did not have sidewalks on either side. Residents used the streets to get around.

As to the loop road, Mr. Fletcher noted that they would be taking the street out and would narrow the street to slow the speed of traffic that should meet the intent of the conditions. He further noted that the gated community would include a number of amenities including a tot lot and a Homeowners Association (HOA) that would be responsible for the maintenance and replacement of streets, when necessary. The site was also in close proximity to the downtown and was pedestrian friendly.

Mr. Fletcher requested that the conditions listed in the Environmental Settlement Agreement, which he had mutually agreed upon with the IBEW, be included and read into Planning Commission Minutes January 28, 2003
the conditions of approval as part of the project as a whole. He emphasized that he was in agreement with both the staff and IBEW proposed conditions of approval.

TANYA GULESSARIAN, Adams Broadwell, Joseph & Cardozo, 651 Gateway Boulevard, Suite 900, South San Francisco, advised that the firm was representing the International Brotherhood of Electrical Workers (IBEW) Local #302, whose members resided and worked in the City and in Contra Costa County. She noted that IBEW Local #302 generally supported urban infill housing projects, although there were a few environmental concerns she believed had not been adequately addressed, in particular those related to land use, air, traffic and noise.

Ms. Gulessarian commented that the IBEW had reached an agreement with the developer to incorporate some additional measures in order to reduce the impacts and to address the outstanding environmental issues that would have economic benefits to the community, such as the hiring of local workers and ensuring decent wages and benefits.

Speaking to the Environmental Settlement Agreement for the project between IBEW Local #302 and the developer, Ms. Gulessarian advised that the applicant had agreed to remediate any hazards associated with the project site to a level safe for residential use by the use of construction dust abatement measures to reduce dust emissions in the area. The project would also be designed and constructed to ensure that future residents were not exposed to interior noise levels above the standard recommended by the City’s General Plan. The project would also modify existing streets to reduce traffic impacts, ensure emergency access and provide pedestrian and bicycle access to the park, as proposed in the development.

Ms. Gulessarian walked the Commission through the mitigation measures and the conditions of approval she would like incorporated into the Conditions of Approval for the project, as identified in the Environmental Settlement Agreement. She reiterated that the applicant had agreed to remove all of the existing Builders Circle roadway and all contaminated soil underneath and adjacent to the roadway using methods to ensure that there was no propagation of toxic or hazardous materials around the area. The remediation would be to the level not less than the U.S.E.P.A. residential preliminary remediation goals to ensure that the soils under the future residences were appropriate for residential use. The applicant had also agreed to obtain certification that the soils were free of any hazardous materials that exceeded those levels. Further, the applicant had agreed to comply with the Bay Area Air Quality Management District (BAAQMD) standard construction dust abatement measures.

Ms. Gulessarian noted that the applicant had also agreed to design and construct the project to ensure that the interior noise levels for each residence would not exceed 45 dBA, as set forth in the City’s General Plan and had agreed to modify the existing loop to deter excessive traffic speeds and ensure appropriate use as a residential street. There had also been agreement to obtain a written determination from the City Traffic Engineer.
regarding the need for a traffic control device at West Tenth Street and Builders Circle to prevent or relieve traffic congestion, to be done no later than six months after the issuance of the Certificate of Occupancy to ensure that the City had another opportunity to ensure that a traffic signal was not needed at the intersection. If the City determined that such a signal was needed, the developer would fund the installation of any particular traffic control device the City determined was necessary.

The applicant had further agreed to obtain written approval from the CCCFPD and the Pittsburg Police Department for the planned emergency access to the site and had agreed to provide pedestrian and bicycle access to the planned four acre park.

Ms. Gulessarian explained that the agreement was dependent upon the conditions being incorporated into the City's final conditions of approval. She suggested that the Commission would find the conditions helpful in ensuring public health and safety and the protection of the environment and she requested that the Commission approve the project with the incorporation of the identified mitigation measures to protect public health and safety.

Commissioner Dolojan commented that the Environmental Settlement Agreement was a private agreement between the developer and the IBEW and as such would not bind the City. In that regard, he questioned whether or not the conditions could be incorporated into the conditions of approval recommended by staff.

Ms. Gulessarian reiterated that the applicant had agreed to request the incorporation of the conditions into the project description and in City's conditions of approval, which she suggested could be done.

Ms. Ayres explained that if the Commission were to agree to include the conditions they would be added to the subdivision resolutions. She otherwise agreed with the statement made by Commissioner Dolojan that the City was not bound by the IBEW's provisions and that the City Attorney had expressed concern with the precedent that could be set in binding the City to settlement agreements between two separate parties. She noted that most of the proposed conditions were vague and would already be covered by the staff recommended conditions of approval.

Ms. Ayres pointed out that the project would be required to provide bicycle and pedestrian access and would be required to meet the 45 dBA noise levels pursuant to the regulations of the General Plan. A traffic study had already been prepared that had determined there was no need for a signal after the units had been built. She suggested it was not necessary to include the IBEW recommended conditions to certify the environmental documentation for the project.

Commissioner Dolojan pointed out that the streets would be private where even the Police Department would not be able to issue citations inside the complex. If the settlement...
agreement conditions were incorporated with a Commission approval, he suggested that could set a precedent for future subdivisions.

In response to Commissioner Garcia, Mr. Fletcher reiterated that he was in agreement with the staff recommended conditions of approval and that he had agreed to the union's conditions as well. He encouraged the Commission to incorporate the conditions in the Environmental Settlement Agreement into the City's recommended conditions, even if they were redundant. While he understood the City Attorney's concerns, he commented that he also had an obligation to the unions and would like to fulfill that obligation by asking that the union conditions be combined with the City's conditions for "one large set."

Commissioner Garcia reiterated that many of the union conditions had already been identified as conditions of approval in the resolutions submitted to the Commission for approval.

Ms. Gulessarian recognized that there was a City condition as to the removal of the roadbed, although the IBEW desired that the soil be tested underneath as well. She reiterated the recommendations included in the settlement agreement.

Assistant Civil Engineer II Alfredo Hurtado explained that typically with development from commercial to industrial to residential, it was standard practice that a soils engineer conduct a study of the site to determine whether or not there were chemicals or substances on the site, which was a requirement of the Building Department. He advised that the Health Department also stipulated such requirements prior to the issuance of a building permit.

Ms. Gulessarian recognized that a Phase I site assessment had been done to test the soil in the area, although Sierra Crete had levels of dioxin that were hazardous to both workers and future residents at very low levels. She commented that the Phase I assessment had not been sent to a laboratory that could detect that level of dioxin which was the reason why the mitigation measure had carefully recommended in part "...prior to providing such certification the soil engineer shall collect representative soil samples from the excavated roadway site for testing of metals and dioxin levels at a certified lab capable of detecting metals and dioxins to the level of residential PRGs." She noted that the laboratory that had previously done the analysis had not been capable of detecting those levels.

Commissioner Garcia reiterated that the settlement agreement was between the IBEW and the developer. He stated that the IBEW could hold the developer “to the fire” on that one and that the City would hold its staff accountable for its conditions. He disagreed with the study in that no one in the County was removing any of the Sierra Crete since the Environmental Protection Agency (EPA) had determined that it was not a serious problem, was not leaching anywhere and was at such low levels that it would not affect anyone.

Ms. Gulessarian pointed out that the Sierra Crete would be removed if the IBEW conditions
were incorporated into the City conditions.

Commissioner Garcia emphasized that it would be removed anyway since the street would be removed whether the Sierra Crete was present or not.

Ms. Gulessarian suggested that there would be potentially significant environmental impacts without the additional mitigation measures.

Commissioner Garcia pointed out that without the presence of the City Attorney it was difficult to add those conditions to the staff recommended conditions of approval. It was possible that the City Attorney would not advise that the IBEW conditions be added. He suggested that the union would prefer the project go forward and not be delayed further. He reiterated that a traffic study had already been prepared and he suggested that everything that had been raised in the settlement agreement had already been addressed in the resolutions and conditions of approval presented to the Commission, with the exception of the special treatment regarding the removal of the Sierra Crete.

Ms. Gulessarian pointed out that she was present to address the City’s review of potentially significant environmental impacts pursuant to the California Environmental Quality Act (CEQA) requirements. She suggested that there was evidence in the record that there were impacts, which was what she was trying to resolve through the settlement agreement.

Mr. Jerome recommended that the settlement agreement not be a condition of approval, although the Commission could state for the record that a private Environmental Settlement Agreement had been submitted and that the applicant had agreed to all of the points in that agreement, though the City was not a party to that agreement.

The Commission supported that recommendation.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **RZ-02-12**

Motion by Commissioner Dolojan to adopt Resolution No. 9348, recommending that the City Council adopt an ordinance amending the use restrictions of an existing IP-O (Industrial Park with a Limited Overlay, Ord. No. 96.118) District for 22 parcels totaling 22.07 acres for "Heritage Pointe Residential Subdivision," RZ-02-12, acknowledging that a private Environmental Settlement Agreement between the developer Western Pacific Housing and IBEW Local #302 had been submitted, that the applicant had agreed to all of the points in that agreement, and that the applicant had agreed to incorporate those points. The motion was seconded by Commissioner Kelley and carried by the following vote:
MOTION: **UP-02-31**

Motion by Commissioner Dolojan to adopt Resolution No. 9349, approving UP-02-31, a Use Permit to construct a 125 unit single family residential development on 18.27 acres located on Builders Circle for "Heritage Pointe Residential Subdivision," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

MOTION: **Subdivision 8625**

Motion by Commissioner Dolojan to adopt Resolution No. 9350, approving Subdivision 8625, a Tentative Map for a 125 unit residential subdivision for "Heritage Pointe Residential Subdivision," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

MOTION: **DR-02-17**

Motion by Commissioner Dolojan to adopt Resolution No. 9351, approving DR-02-17, Design Review approval of house, site, and development plans for "Heritage Pointe Residential Subdivision," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Vice Chairperson Harris returned to the dais at this time.
**Item 3: Security Public Storage. RZ-02-18, UP-02-27, VAR-02-02 and DR-02-38.**

Public hearing on an application by Richard Berling and Ed Blankenship, Pacific Design Group on a request for: 1) rezoning of 3.7 acres from IP (Industrial Park) and IP-O (Industrial Park with a Limited Overlay District, Ord. No. 91-1007) to a new IP-O district in order to add *Limited Warehousing and Storage* as a conditionally permitted use, to increase floor area to site area ratio (FAR) to 1.0 and to reduce the minimum on-site parking requirement to install per 20,000 square feet of building floor area; 2) a variance for reduction in the minimum required interior side yard; 3) a conditional use permit to allow the expansion of the self-storage use; 4) design review approval of architectural, landscaping and site development plans for the construction of the three new buildings with a combined floor area of 78,200 square feet. The project site is located east of Harbor Street and south of State Route 4, APNs 088-250-048, 088-500-008, and 088-500-009.

Assistant Planner Dana Hoggatt presented the request for a rezoning from IP (Industrial Park) and IP-O (Industrial Park with a Limited Overlay District) to a new IP-O district in order to add *Limited Warehousing and Storage* as a conditionally permitted use.

The application also proposed to increase floor area to site area ratio (FAR) to 1.0 and to reduce the minimum on-site parking requirement to install per 20,000 square feet of building floor area, a variance for a reduction in the minimum required interior side yard, a conditional use permit to allow the expansion of the self-storage use, and design review of architectural, landscaping and site development plans for the construction of the three new buildings with a combined floor area of 78,200 square feet on a site east of Harbor Street and south of SR4.

Ms. Hoggatt explained that the site would be losing two and half buildings due to the SR4 freeway widening expected to occur in the next couple of years. The applicant planned to expand to the adjacent site located to the west of the existing business, which site had previously been developed with a couple of metal buildings for a recreational vehicle and RV repair business, as well as the Faith Worship Center.

Since the work on the Harbor Street overcrossing had commenced, the buildings had been demolished and the 5 acre site was now vacant. Once the freeway acquisition occurred the site would be reduced to approximately 2.5 acres. The applicant requested approval to rezone the property from IP and IP-O to a new IP-O district since the current IP-O district would not allow self storage uses, although the base IP district would allow such a use. The applicant had requested that the property be rezoned to a new overlay district to allow self storage on the entire property.

The applicant had also requested a reduction in parking since self storage uses generally did not generate major traffic. The City's Municipal Code required one parking stall per...
2,000 square feet, which would equate to 50 parking stalls. It was the staff recommendation that number of parking stalls were unnecessary based on existing businesses in the area and in this instance, the parking ratio was excessive.

The applicant had also requested an increase in the Floor Area Ratio (FAR) which currently had a maximum FAR of 0.5 where the proposed project would have a 0.6 FAR. An increase of the FAR to about 1.0 was deemed to be consistent with General Plan standards.

Ms. Hoggatt reported that the applicant had further requested the approval of a variance to allow the building up to the property line at the new edge of the right-of-way of SR4, since the property had been narrowed. If all setback and lot coverage standards were applied, she stated the property would be virtually unbuildable unless the interior side yard setback was reduced.

The applicant had also requested the approval of a use permit for self storage uses consistent with the recommended overlay district. The new buildings would all be capable of having two stories although they would currently be built as one story units. The second story would be built out as demand warranted.

The buildings would also be beige in color with standing metal seam roofs, concrete block walls with detail on the lower floors and some reveals along the upper story to add additional shadow lines. The older buildings that would remain would be painted beige and off white to match the new buildings.

Ms. Hoggatt advised that the project was located in an area near the proposed BART Station at Railroad Avenue. The area had been intended for a very high intensity higher end office commercial use, although in this instance she suggested that the proposed use was consistent with the General Plan in that it would develop a potentially underutilized site that could be potentially unbuildable, and would allow the continuation of an existing business that was being relocated due to the future of the SR4 widening.

Ms. Hoggatt recommended that the Planning Commission approve the project subject to the staff recommended conditions for all four entitlements and adopt the resolutions for the variance, design review, rezoning and use permit applications.

PUBLIC HEARING OPENED

PROONENTS:

ED BLANKENSHIP, Architect, Pacific Design Group, 444 Magnolia Avenue, Suite 102, Larkspur, expressed his appreciation to Planning staff for working with the applicants on the proposal. He advised that the land involved was a long, narrow sliver portion of two larger pieces. He commented that a sideyard setback had been requested since it would
be the sideyard to the freeway where there would be a large landscape buffer between the actual freeway and the property line. The proposed plan had shown extensive landscaping on the Caltrans property to screen and mitigate the impacts along the zero lot line.

Caltrans had worked with the developer on the proposed landscaping on the freeway side of the property and Mr. Blankenship suggested that the landscaping plan was extensive enough to help mitigate the zero lot line request. He also commented that the existing two story buildings would be removed and replaced with new buildings that would be well detailed architecturally. The buildings would be complicated from the Harbor Court elevation with articulated roof plans, split face block on the bottom and stucco on the top.

In response to the parking requirements, Mr. Blankenship noted that in speaking to the CCCFPD, it had allowed them to have a 25-foot lane that would run through the entire project, which would allow for parking on one side of the 25 feet. As a result, there would be parking all along the buildings and around the buildings as long as a 16 foot lane would be maintained free and clear for fire access.

Mr. Blankenship also noted that parking could be accommodated on both sides of Harbor Court since the City Engineer had requested the installation of curb and gutter along Harbor Court. Mr. Blankenship suggested that most people would simply park in front of their storage units.

In response to Commissioner Garcia, Mr. Blankenship advised that he had read and was in agreement with the staff recommended conditions of project approval.

Commissioner Garcia suggested that the design of the buildings would be much better than those that would be removed. In his opinion, it should be a very nice project.

RANDY ALSMIN, Brentwood, commented that he owned a business located on Harbor Court. He inquired whether or not Harbor Court was a private or a public street and whether the work that would be done for the project would involve the repair of the street as a result of more traffic to the storage facility.

Ms. Hoggatt explained that Harbor Court was a private street and as such the property line ran to the center of Harbor Court. The applicant would only be responsible for what was on his/her property, to the centerline of Harbor Court where improvements would be conducted. The remainder of the roadway was the responsibility of the other property owners.

Ms. Hoggatt explained that self-storage uses generally did not generate a lot of traffic. With the proposed expansion only 20 to 25 more vehicle trips were expected on the street during the peak periods, which had been one of the reasons why staff had supported a reduction in the parking requirements.
MOTION: **RZ-02-18**

Motion by Commissioner Garcia to adopt Resolution No. 9406, recommending that the City Council adopt an ordinance establishing an IP-O (Industrial Park with a Limited Overlay District) on 3.7 acres located on Harbor Court for "Security Public Storage Overlay," RZ-02-18. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

MOTION: **VA-02-02**

Motion by reduce the minimum required side yard on a 7.8 acre property located east of Harbor Street and south of State Route 4, for "Security Public Storage," with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

MOTION: **UP-02-27**

Motion by Commissioner Garcia to adopt Resolution No. 9408, approving UP-02-27, a Use Permit to allow Warehousing and Storage, Limited, with an accessory caretakers' quarters on 4.9 acres located east of Harbor Street and south of State Route 4, for "Security Public Storage," with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

MOTION: **DR-02-38**

Motion by Commissioner Garcia to adopt Resolution No. 9409, approving DR-02-38,
Design Review approval of architectural plans to construct three buildings for self-storage use on a 4.8 acre property located east of Harbor Street and south of State Route 4, for "Security Public Storage," with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Vice Chairperson Harris declared a recess at 9:15 P.M. The meeting reconvened at 9:23 P.M. with all Commissioners present or absent as initially shown.

Vice Chairperson Harris stepped down from the dais due to a potential conflict with respect to Items Nos. 4 and 5.

Commissioner Garcia chaired the meeting at this time.

**Item 4: Cardinale Terrace Subdivision. Subdivision 8693 and DR-02-39.**

Public hearing on an application by Sal Evola of Discovery Builders requesting approval of a tentative map to subdivide a 0.95 acre site into 10 single-family lots with a private road, and design review approval of architectural plans to construct 10 single-family detached homes. The property is located on East Third Street, east of Cumberland, west of Harbor Street, and north of the Village at New York Landing residential subdivision, RM-O (Medium-Density Residential with a Limited Overlay District); APNs 085-370-054, 085-370-143 and 085-370-144.

Assistant Planner Hoggatt presented the staff report. Ms. Hoggatt explained that the location of the proposed development was at the site of the former Cardinale Bakery which had since closed and which building had been demolished. The applicant had proposed to subdivide the property into 10 single-family lots ranging in size from 3,500 to 4,300 square feet, with a private roadway to serve all 10 homes.

All homes would be two story residences, with two floor plans to choose from, one three bedroom and one four-bedroom plan. The square footages would range from 1,400 to 1,700 square feet. The homes would be the same design as those approved for the Railroad Terrace project located to the east and west of the subject property. The proposed project was consistent with the General Plan and with Residential identified as a permitted use in the Downtown Commercial Land Use Area of the General Plan.

The subdivision and development standards would require front yards and lot frontages in compliance with the standards adopted by the Planning Commission and the City Council with the Overlay District adopted as part of the approved Railroad Terrace subdivision in mid-2002.
Ms. Hoggatt suggested that the findings could be made to approve the project, as identified in the staff report, since the project was consistent with the General Plan and Zoning Ordinance and consistent with the development in the area. The property itself could also support the development.

Ms. Hoggatt also noted that staff had received e-mail comments from Benita Jenkins, a resident of Bay Harbor Park, who had expressed concern with the parking and circulation on Cardinale Court. Copies of the comments were provided to the Commission.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9410, approving Subdivision 8693 and Resolution No. 9411 approving DR-02-39, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOUNENTS:

SALVATORE EVOLA, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, commented that they had been working on the project since October 10, 2002. He explained that the project was a direct extension of the Railroad Terrace subdivision. At the time the Railroad Terrace subdivision had been approved the parcel had not been acquired. The properties would otherwise have been developed at the same time. He noted that he had been working with staff on the project and he understood that all issues had been resolved in that the project met all zoning and setback requirements. He also affirmed that he had read and was in agreement with the staff recommended conditions of approval.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, referenced Condition No. 29 of Resolution No. 9410 and commented that as stated in that condition, the development would be required to remove and replace curb and gutter in the existing driveway aprons on East Third Street and restripe parking spaces on East Third Street. Since bicyclists regularly used Third and Harbor Street in both directions to access the downtown, the Marina, and other neighborhoods in the area, the bicycle community requested that the developer be directed to construct a bike lane on the Third Street frontage.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Tumbaga recognized that Mr. Ohlson had raised a number of issues regarding bicycle lanes during previous applications. She inquired whether or not there
was standard language that could be inserted into the conditions of approval, which would be appropriate, where bicycle lanes would be required for certain projects.

Ms. Ayres explained that the General Plan had called for bicycle lanes on certain roads and when identified, the requirements for the bike lanes would be included.

Commissioner Garcia understood that if there was a bicycle lane installed on the south side at Third Street it would result in the removal of all of the public parking from the residents who would reside in the development since the homes would all be facing Third Street. If a bicycle lane was installed, he suggested it would probably have to be on the north side of the street where the homes did not face Third Street. He suggested that the street was wide enough to accommodate a bicycle lane if it was installed on the north side.

Mr. Hurtado explained that the project was an infill lot, which would be required to meet existing conditions. In this instance, whatever existed on Third Street would have to be replaced in the same condition by the applicant. He said it was not appropriate to require that of the developer at this time due to the size of the project and since that would require a bicycle lane all the way down Third Street from Harbor to Black Diamond.

Ms. Ayres reiterated, when asked, that when the General Plan called for a bicycle lane on the subject property, the language would be included in the resolutions.

**MOTION: Subdivision 8693**

Motion by Commissioner Dolojan to adopt Resolution No. 9410, approving Subdivision 8693, a Tentative Map for a ten-lot residential subdivision located on East Third Street, east of Cumberland Street and west of Harbor Street, for "Cardinale Terrace," with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

**MOTION: DR-02-39**

Motion by Commissioner Dolojan to adopt Resolution No. 9411, approving DR-02-39, Design Review approval of architectural plans to construct a ten-lot residential subdivision on East Third Street, for "Cardinale Terrace," with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:
Ayes: Commissioners Dolojan, Garcia, Kelley, Tumbaga
Noes: None
Abstain: Commissioner Harris
Absent: Commissioners Ramirez, Leonard

COMMISSION CONSIDERATION:

Item 5: Bancroft Gardens Subdivision. RZ-01-04 and Subdivision 8657.

Study Session on an application by Sal Evola of Discovery Builders requesting approval to rezone 4.07 acres from RS (Single-Family Residential) to RS-O (Single Family Residential with Limited Overlay) to allow for a reduction in minimum lot size and lot width requirements, and approval of a tentative map for a 26-lot single-family residential subdivision located on an undeveloped 4.07 acre site south of State Route 4 and North of West Leland Road at the western terminal of Wedgewood Drive; APN 095-150-030.

Associate Planner Ken Strelo explained that the project was being presented as a Study Session for the Planning Commission to discuss the proposal and to provide feedback and direction to the developer and staff on the proposed design and requested exceptions to the development standards. The project was consistent with the General Plan in terms of density and would fall under the seven dwelling units per acre maximum for Low-Density Residential development.

Mr. Strelo advised that the applicant had requested exceptions to the minimum lot size, lot width and front yard setbacks contained in the development standards. The current RS regulations required a 6,000 minimum lot size, although the subdivision request would involve a minimum lot size of 5,000 square feet. The minimum lot width required would be 60 feet, although the applicant had requested a minimum lot width of 50 feet.

Mr. Strelo also explained that there were special methods to measure the lot width, regarding lots on a curb or cul-de-sac. Staff had not analyzed those lots and was uncertain that those lots would meet the minimum lot width requirements. In addition, the applicant would be required to maintain the normal 20 foot setback to the garage. The request was also to allow other portions of the house to encroach up to 15 feet from the front property line.

Mr. Strelo noted that the City's street standards had called for the continuation of Wedgewood Drive with a 48 foot right-of-way, although the applicant's plans had identified a 45 foot right-of-way. Additionally, the applicant had requested approval to reduce the sidewalks to 4.5 feet in width, where typically they would be 6 feet in width.

Mr. Strelo explained that the Study Session had been noticed to residents within 300 feet of the site, as typically done for public hearings, to allow the public to provide testimony on the project. He reported that staff was not supportive of the requested exceptions to the lot size, width and front yard setback requirements.
The project would be located at the end of a street that served a large established neighborhood in which lots had been built in conformance with the RS development standards. Approving a new subdivision in the subject location with substandard lot sizes, widths, and street frontages with 15 foot front setbacks would be out of character and incompatible with currently established patterns of development in the neighborhood, including homes on Wedgewood Drive and residential neighborhoods throughout the area.

Mr. Strelo recommended that the maintenance of the 6,000 square foot lot size, 60 foot wide frontages and 20 foot front setbacks and consistent street improvements would be important to maintain the character of the area. He suggested that the introduction of flag lots and narrow private streets would be out of character with the surrounding subdivisions as such development was absent in the immediate area. The applicant would also need to provide more information on the proposed retaining walls along the east property line in that large retaining walls in that location could have unintended visual impacts and present no opportunities for on-site screening.

Mr. Strelo recommended that the applicant be encouraged to submit a revised Tentative Map in compliance with current adopted street and RS development standards as well as review the proposed retaining walls heights along the eastern property line. It was also recommended that the Planning Commission provide the applicant and staff with feedback on the proposed subdivision design, including requested exceptions to existing development standards.

PUBLIC COMMENT:

SALVATORE EVOLA, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, explained that they had been working on the project with staff since July 2002. From the beginning it had been acknowledged that the project site was unique. He was aware of staff’s concerns with the exceptions being requested. He disagreed with staff’s recommendations.

Mr. Evola reiterated that the site was unique with a 100 foot East Bay Municipal Utility Easement (EBMUD) easement, a 100 foot PG&E easement and State Route 4. The project would be an infill development, not an extension of the current subdivision. The nearest proposed home to an adjacent home would be approximately 140 feet away. He suggested that would provide a sufficient buffer zone to merit an infill project such as what had been proposed.

Mr. Evola commented that they would be able to maintain 5,000 square foot lot minimums for 26 lots. The proposed homes would not involve larger homes on smaller lots and would involve a project that would be consistent with an infill project.

Mr. Evola commented that due to the surrounding easements, the property almost became
an island that was separated on all sides. He also recognized that the surrounding homes had been built over twenty years ago with smaller homes than what had been proposed, although they were on larger lots.

JOHN SCHERMERHORN, Architect, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, advised that the architecture would be unique as requested by the City earlier in the process with a product that had not been seen before. The product line would range from 2,400 to 2,900 square feet, with five bedrooms, and two car garages. He noted that the site backed to the freeway. In terms of the potential noise impacts, the master bedroom would be oriented away from the noisy areas. The home designs would be brand new, never been built, and yet to be tested in the area.

Mr. Schermerhorn stated that their marketing research had led them to believe that the product would be a good one for the area. He also noted that the subdivision was located at the end of Wedgewood Drive, which was currently a dead-end. He recognized that the existing homes in the area were between 1,000 and 1,600 square feet in size, with old style design and shake roofs. The proposed homes would include tile roofing, stucco fronts with different pop outs and relief elements.

In response to the staff concerns with the setback requirements, Mr. Schermerhorn recognized that they would be required to maintain a minimum 20 feet from the front property line to the garage. That had been done and in one of the plans they would actually be 25 feet back. He reiterated that some of the living spaces had been pulled forward to provide relief to the streetscape. He suggested that the proposed homes and sizes would be appropriate and successful in the area.

Commissioner Garcia commented that in reviewing the drawings, he was aware that there was a sound wall along the freeway although it did not cover the full length of the property, stopping short of the proposed flag lots. He inquired what the developer intended to do to complete the sound wall to the PG&E right-of-way.

Mr. Schermerhorn understood that the sound wall would be continued to the PG&E right-of-way and he acknowledged that leaving the site exposed to the freeway would not be a benefit to the project.

Commissioner Tumbaga commented that she liked the idea of uniqueness and she suggested that the architectural plans appeared good, although she agreed with staff that the development standards should be met. She suggested that the developer could develop a project that would meet the code requirements. She sought a project that was more consistent with what had been designated in the General Plan in terms of the lot sizes, which required a minimum of 6,000 square feet.

Commissioner Tumbaga also inquired whether or not the project would include shake roofs.
similar to the older subdivisions, to which Mr. Schermerhorn noted that the project would not include shake roofs. He reiterated that the site was located at the end of a road and he suggested that the property would be a destination location and not a drive through neighborhood.

Mr. Schermerhorn also commented that although they were requesting revisions to the zoning requirements, the exceptions were not as extensive as one might believe in that the exceptions tended to mirror what was being allowed in other areas of the City. In this instance, he suggested that the lot sizes and size of the homes would be well matched and appropriate. He also suggested that potential homebuyers would be commuters with the homes reasonably affordable. He commented that the amount of time to maintain larger lots was no longer an interest of homebuyers.

Commissioner Kelley expressed her agreement with Commissioner Tumbaga's comments. She recognized that the property was located at a dead end street although she noted that the homes would be visible to those driving past the neighborhood.

Commissioner Dolojan understood the request for a reduction in setback requirements and the site’s constraints for any development. He also acknowledged that most people had less time for yard maintenance. He stated that the project appeared to be nice and was in his opinion a better use of the land than an apartment development, as an example. He too suggested that the project could be modified to address the Commission's concerns.

JOHN SEBAUGH, 853 Wedgewood Drive, Pittsburg, clarified that he was not opposed to the development of the site. He noted that the PG&E easement was also a seasonal creek and wetland. He believed that if the site was developed it would have an impact on that wetland. If the lot sizes were changed to smaller lots, he suggested it would result in even more homes which was a concern given the water pressure problem in the surrounding neighborhoods.

While he had contacted the City on numerous occasions to report the water pressure concerns, Mr. Sebaugh commented that he barely received 45 pounds of pressure at his residence during the summer months. He questioned whether or not existing utilities would be upgraded to support additional homes. He also noted that the EBMUD easement also served as a bicycle trail. Currently bicyclists rode through across the dirt in that area and through the barbed wire fence at the end of Wedgewood Drive to access the trail since the nearest formal trail access was located on Ackerman Drive, some distance away.

Mr. Sebaugh suggested that the new homeowners might desire the same access and he suggested that there should be some sort of easement or access point to the trail.

In addition, Mr. Sebaugh stated that the some entity had installed a 36-inch culvert pipe to accommodate the seasonal creek, which he had viewed overflowing the culvert on two occasions and which had eroded some of the road base. He suggested that the culvert
was not adequate. He also suggested that the sound wall be extended to buffer any noise from State Route 4. Further, he understood that if the site was ultimately developed, the Army Corps of Engineers would have to issue permits as would the Department of Fish and Game, due to the wetlands in the area. He expressed his hope that any development would be constructed properly.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, commented that the EBMUD right-of-way located to the south of the project and the Delta DeAnza Multi-Use Regional Trail extended from the cities of Brentwood to Martinez with some gaps. The Delta DeAnza Trail also connected to the Iron Horse Trail, which extended from Solano County to San Joaquin County, also with some gaps. He emphasized that the County was one of the premier counties in the nation when it came to regional trails. He noted that property owners near similar trails had indicated that the adjacent trails increased their quality of life and surveys had indicated it increased property values.

Mr. Ohlson advised that bicyclists and future property owners requested that the developer build a formal access to the Delta DeAnza Trail at the west end of the project which would provide for bicyclist and pedestrian access to Ambrose Park, shopping and other sites. In addition, if the project were built with rear yard fencing, convenient public access would be denied since the closest access point was on Ackerman Drive.

Mr. Ohlson also requested that the developer plant and maintain trees along the EBMUD right-of-way to provide privacy to homeowners and to pedestrians and cyclists using the trail. He also noted that the General Plan had called for a multi-use trail in the PG&E right-of-way and while some bridges would need to be built, which were currently unfunded, he expressed his hope that the project would not encroach on that plan.

Further, Mr. Ohlson suggested that infill development should reflect the quality of adjacent development with roads and sidewalks the same width and lots of similar size. Additionally, he suggested that the City should mandate that the developer take proper care of the wetlands and seasonal creek located adjacent to the site.

Commissioner Garcia commented that he had viewed the site and had spoken with the architect. He suggested that there was no way to make the project match the existing homes in the area. Commissioner Garcia suggested that the project was a good infill project which consisted of smaller lots with larger homes, which were selling in the community. Given that most people commuted, he suggested that the project was appropriate. Commissioner Garcia also commented on the constraints on the site for any development.

Commissioner Garcia cited the Monterra and Oak Hills developments where several flag lots had been developed. He suggested that the proposal be returned to the full Commission for consideration since it appeared as if the Commission was split on the proposal at this time. He also suggested that it was possible that the proposed 15-foot
front yard setbacks for the homes might not be proper and suggested the homes be pulled back for a 20 foot front yard setback.

With respect to water pressure, Commissioner Garcia commented that if the neighborhood was not receiving enough water pressure, that was a problem since there had to be at least 2,500 gallons of water a minute through the fire hydrants for fire protection. He suggested that the Engineering Department review the water pressure issues in the surrounding neighborhood.

Speaking from the audience, Mr. Sebaugh explained that he understood that his home had to maintain 45 pounds of minimum water pressure and his home was at that mark. He again questioned the adequacy of water pressure for the area if more homes were constructed in the immediate neighborhood.

Mr. Strelo explained that staff had started the CEQA studies and a wetland delineation had already been prepared for the project including a biological resources analysis and a special status species analysis. The environmental analyses had not been presented to the Commission since this was only a Study Session on site planning.

Mr. Evola expressed his appreciation to the Commission and public for the comments. He expressed the willingness to work with EBMUD to determine whether or not it would allow some sort of access point to the trail. Speaking to the PG&E easement, he advised that there was no intention of infringing on that easement. He looked forward to working with staff on resolving the issues.

Vice Chairperson Harris returned to the dais at this time.

Item 7: Potential Discussion Items for Joint Workshop with City Council on February 18, 2003

A Request for Commission input on establishing a list of potential discussion items for a Joint Workshop with the City Council.

Ms. Ayres explained that the Commission had requested a joint workshop with the City Council with the intent to discuss the direction of the new Council and to discuss a number of projects and issues of concern, particularly the Pittsburg/Bay Point BART Specific Plan. In discussions with the City Clerk, the City Council had offered an expanded discussion time of one hour during a workshop scheduled on February 18 to discuss other items of importance to the City Council and to the Planning Commission. As indicated in the memorandum dated January 28 included in the Commission packets, a number of discussion items had been identified for consideration. Additional suggestions were sought from the Commission.

Vice Chairperson Harris questioned the limited time for the workshop, which would not allow adequate time to discuss the issues.
Commissioner Garcia suggested that the Commission should be informed of the Council's direction. He commented that the discussion items listed in the memorandum were a good starting point, although he noted that a discussion of the Pittsburg/Bay Point BART Specific Plan might be lengthy and necessitate another joint session.

Commissioner Tumbaga suggested that all of the identified topics were excellent topics of interest. She agreed that it appeared as if more than one workshop would be warranted.

Ms. Ayres advised that staff could ask that the workshop period be extended.

Mr. Jerome explained that the Planning Commission had been given an hour for the joint workshop. He acknowledged the possibility that more intense workshops might be needed.

**STAFF COMMUNICATIONS**

There were no staff communications.

**COMMITTEE REPORTS**

Commissioner Garcia reported that he had attended a TRANSPLAN meeting where the Committee had reorganized with City Councilmember Bill Glynn appointed as the Chair. The Committee had also discussed eBART and the intent of Union Pacific Railroad to sell the Mococo Line. He understood that BART could then purchase the right-of-way starting in Byron and move it all the way down to Loveridge Road, with two tracks eventually placed on the same right-of-way. Discussions had been held on the fact that there would be no BART Station in the City of Pittsburg.

**COMMENTS FROM COMMISSIONERS**

There were no comments from the Commissioners.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:24 P.M. to a regular meeting of the Planning Commission on February 11, 2003 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.