

**CITY OF PITTSBURG**  
**Redevelopment Agency Minutes**  
**July 7, 2003**

Chair Yvonne Beals called the meeting of the Redevelopment Agency to order at 7:11 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. in Closed Session pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding two cases; and pursuant to Section 54956.95 Liability Claims regarding William R. Hendricks, and Public Employee Performance Evaluation for the City Attorney. There was nothing to report from Closed Session.

**MEMBERS PRESENT:** Glynn, Kee, Parent, Rios, Beals

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Assistant Executive Director, Nasser Shirazi  
Legal Counsel, Linda Daube  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
Director of Recreation, Paul Flores  
Director of Finance, Marie Simons  
City Engineer, Joe Sbranti  
Planning Manager, Melissa Ayres  
Police Chief, Aaron Baker  
Executive Assistant to the City Manager, Alice Evenson

**PLEDGE OF ALLEGIANCE**

Ben Johnson led the Pledge of Allegiance.

**CITIZENS REMARKS**

There were no citizens remarks.

**MEMBERS REMARKS**

There were no Member remarks.

**CONSENT**

On motion by Vice Chair Rios, seconded by Member Glynn and carried unanimously to approve the Consent Calendar, as follows:

a. **MINUTES**

Dated: June 16, 2003

Approved Minutes dated June 16, 2003.

**CONSIDERATION**

1. **RESOLUTION 03-899** Authorization to Approve Delivery and Installation of Furnishings for New Senior Center, Contract 00-11

Assistant Executive Director Nasser Shirazi reported that the selection of the Pittsburg Senior Center furnishings had been confirmed through a community selection process. Furniture manufacturers K1 and One Work Place L. Ferrari submitted quotes under the Corporate Purchasing Agreements competitively bid by the lead agencies, Alameda County General Services Department and the US Communities Fairfax Purchasing Consortium, County of Fairfax.

Mr. Shirazi identified the fiscal impact and advised that a \$4.75 million budget had previously been approved for the Senior Center Project, to be funded by the Redevelopment Agency, which included a budget of \$75,000 for the Senior Center furnishings. The actual contract total of the furnishings was identified as \$70,233.54, to come from account #78-2080-1414-2410.

Mr. Shirazi recommended the approval of the agreement with K1 and Work Place One L Ferrari and authorize and direct the Executive Director to approve the purchase of identified selected furnishings for the Senior Center Project.

On motion by Member Parent, seconded by Chair Beals and carried unanimously to adopt Resolution 03-899.

**ADJOURNMENT**

The meeting of the Redevelopment Agency adjourned at 7:15 P.M. to the next meeting set for July 21, 2003.

Respectfully submitted,

Lillian J. Pride, Secretary

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**CITY OF PITTSBURG**  
**City Council Minutes**  
**July 7, 2003**

Mayor Yvonne Beals called the meeting of the City Council to order at 7:16 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having met at 5:00 P.M. in Closed Session pursuant to subdivision (b) of Section 54956.9 of the Government Code regarding two cases; and pursuant to Section 54956.95 Liability Claims regarding William R. Hendricks, and Public Employee Performance Evaluation for the City Attorney. There was nothing to report from Closed Session.

**MEMBERS PRESENT:** Glynn, Kee, Parent, Rios, Beals

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Assistant City Manager, Nasser Shirazi  
City Attorney, Linda Daube  
City Clerk, Lillian Pride  
Director of the Redevelopment Agency, Garrett Evans  
Director of Economic Development, Brad Nail  
Director of Human Resources, Marc Fox  
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Director of Finance, Marie Simons  
City Engineer, Joe Sbranti  
Planning Manager, Melissa Ayres  
Police Chief, Aaron Baker  
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**CITIZENS REMARKS**

JENNIFER BONDS, Pittsburg, a West Boulevard resident, noted the desire of the residents of the area to use an empty lot on West Boulevard as an activity field. She stated that the residents had met, had learned that the lot was owned by the City, and had cleaned up that lot. She had submitted a letter to the City Council to identify that situation. She inquired how the lot could be used and asked if the lot could be leveled off and planted with grass to allow a safe place for children to play.

Mayor Beals advised that the matter would be referred to the City Manager's Office, the Public Works Department and the Police Department through the Code Enforcement Division to address the request.

Ms. Bonds explained that the resident group had already spoken to Officers from the Code Enforcement Division who had attended the last meeting of residents, who were working with the residents and whose presence was already being felt in the neighborhood. She presented an article about a similar program in San Diego County to show what could

be done in Pittsburg.

BEN JOHNSON, Pittsburg, on behalf of the veterans of Pittsburg and East County thanked the Council for approving the process to acquire the military tank to be placed in Pittsburg. He stated that the tank had been approved although two items remained to be completed; the demilitarization of the tank and making arrangements for transportation to move the tank to the City. The veterans were also working with the Union Pacific Railroad (UPRR) in that regard since the UPRR might be willing to transport the tank at no cost to the veterans. The Disabled American Veterans had donated another \$1,000 to the required fees to complete the process of acquiring and placing the tank at no cost to the City.

BERTHA STOBBS, Pittsburg, asked the Council again to look at the budget and be certain that the item related to the inspection of the two mobilehome parks in the City remained in the budget. She emphasized that the parks should have been inspected long ago. As private property she stated it was difficult to get other than inspectors to do the job. She commented that the only staff member she had heard from since the last City Council meeting had been Building Official John Little. She had been apprised by Mr. Little that the inspections had remained in the budget.

In response to the Mayor who directed staff to address the issue, Assistant City Manager Nasser Shirazi advised that John Little was the City's contact person working with Ms. Stobb.

MARY ROSAS, Pittsburg, offered an update from the joint City Council/Community Advisory Committee (CAC) meeting held earlier in the year. She thanked Council liaisons Councilmembers Parent and Kee who had continued to stay informed with the CAC as far as communications were concerned.

Presenting an update to the CAC's goals, Ms. Rosas explained that the CAC was attempting to increase its presence in the community. To that end, the City's website was being used as a resource. The media had also been represented at CAC meetings from the Los Medanos College (LMC) President to learn how the CAC could be a resource of stories for the school newspaper, from The Ledger and from The Courier and to partner with the CAC to let the residents know what was going on and how to get involved. Recruitment of applicants was also being aggressively pursued by each Commissioner to fill the vacancies on the CAC. Three to five respective candidates had been recruited to date. An update of the CAC's bylaws and ordinance had been put on hold pending the Council's review.

Addressing quality of life issues through the work of the immediate past Chair Stobb and new Commissioner Wendy Cervantes, Ms. Rosas stated that the CAC was supporting efforts to increase speed limit signage and increase Neighborhood Watch meetings, providing the CAC's perspective to Supervisor Glover regarding the Urban Limit Line (ULL) and monitoring the progress of the California Theater.

Ms. Rosas explained that the CAC's Community Development Block Grant (CDBG)

work was not yet completed since the full funding had not been committed. She stated that sector meetings continued to be established, that the CAC had been working with the West Boulevard group, and that it had also been pursuing youth outreach continuing to invite the Pittsburg Youth Commission and the County Youth Commission to participate with the CAC and to include a Youth Commissioner on the CAC. Further, the CAC had also sought the Council's support of the budget line item for the CAC to allow it to continue its work.

Mayor Beals sought a copy of Ms. Rosas' report in writing to be provided to the Council, and asked Commissioner Rosas to keep the Council informed particularly involving discussions at the County level regarding the Urban Limit Line.

LOUISE JONES, Pittsburg, a Gladstone Drive resident recognized that the Council had been apprised of the problems on Gladstone Drive although she sought a status of the proposed Gladstone Drive traffic calming measures at this time.

Mayor Beals reported that City Engineer Joe Sbranti would provide that update.

LONELL NOLEN, Pittsburg, asked about the potential claim to the City by Commander Hendricks.

City Attorney Daube stated that the referenced claim had been referred to the Risk Management Authority. The claim would be investigated thoroughly and would be returned to the City Council for review. She added that at this point information was not available concerning the nature of the allegations.

Mayor Beals clarified that the Risk Management Authority was conducting the investigation and not the City of Pittsburg.

DAVID SHEPARD, a local Real Estate Broker, was present regarding Resolution 03-9759, which the Council had approved on January 31, 2003. He had recently purchased an interest in the property, the abandoned gas station at 301 Central Avenue. He formally requested a brief amount of time to resolve the issues related to the gas station, which issues he understood related to the gas tanks, possible structural problems, lead-based paint and asbestos issues, clean-up, painting and other issues. He added that at the time of his purchase he had not been aware that the site was scheduled to be demolished. Mr. Shepard sought a 30-day continuance so that he could address all of the concerns. He explained that he had already spoken to City planning and building staff, that he had received two estimates for the removal of the tanks from AEI Engineering and W.A. Craig, both in the range of \$30,000. He urged to be allowed the time to do the work and emphasized that would not cost the City anything as opposed to not allowing an extension that would prove costly to the City.

Mayor Beals referred Mr. Shepard to the City Attorney's Office and asked the City Attorney to provide the City Council with an update.

LONELL NOLEN, Pittsburg, who had earlier been advised that he could speak to the

Commander Hendricks claim but that the Council could not respond to the comments, spoke to some items that had been mentioned in the claim given that some of the items had been directly related to him. He noted that last year he had attempted to open up a restaurant/lounge in the City, had met opposition from the City and that his request for the necessary permits had been denied at the final hour, in his opinion because he was an Afro-American. It was his understanding that statements had been made in the report related to his efforts to open that facility. He expressed concern with some derogatory statements that had been made about him and citizens of the Afro-American community and explained that his building had been red tagged at the same time that three other Afro-American buildings had been red tagged. Mr. Nolen expressed his hope that through the claims process the City would take the necessary steps to address the individuals who were involved.

WENDY CERVANTES, Pittsburg, had submitted a card to speak but did not wish to do so at this time.

ROGER RILEY, Pittsburg, invited the City Council and the public to an open house at the Church of Latter Day Saints located at the corner of West Leland and Golf Links Road on July 13 from 6:00 to 8:30 P.M. He noted that the church had recently spent a year refurbishing the building and adding on to it. He distributed flyers to identify the event and to invite everyone to the open house.

## **COUNCIL REPORTS**

Vice Mayor Rios presented a report on the Library Committee public workshop at the Pittsburg Library and commented that she would have liked to have seen more participation from the citizenry. She commented that the Mayor would report on the multitude of Centennial events held during the last week, during which time she had also attended the Pinole Centennial Dinner that she had attended on behalf of the Mayor and the Council. She had also attended the two-day event highlighting the Singing Flag and she had been awed by that event which had included a number of other performances.

Councilmember Parent stated that in addition to the Centennial events which many had attended, she had represented the City at the opening of five Habitat for Humanity houses on Herb White Way, which openings were joyful occasions not only for the families moving into the homes but for those who had donated their time and effort and for the representatives of the corporations that donated the money that made it possible for the houses to be built. She noted that those involved were very appreciative of the City's role in acquiring property, in writing down the cost of the permits and in the availability of City inspectors since the houses were primarily built on the weekends when the voluntary labor was available.

Councilmember Parent commented that over the past weekend, the City's parks had been extremely well used. Having passed a very large park in her neighborhood on July 5 at 10:00 A.M., Councilmember Parent stated that except for the wear on the grass it would otherwise have been unknown that four to five thousand people had been in the park the

day before. She commented that she had been told that the same thing had happened in all of the other City parks over the weekend and that the staffs of the Public Works Department and all other related departments had worked hard to see that the citizenry had an enjoyable holiday celebration. She stated that all should be commended for the extra efforts that had been taken to ensure that the parks looked good every single day allowing an enjoyment of those facilities by the City's residents.

Councilmember Kee also deferred his comments on the Centennial events to the Mayor. He otherwise reported that he had attended the Health and Safety Fair sponsored by the newly formed Resident Council of the Woods Manor Apartments where bicycle helmets were provided to kids, where dental and medical screening, and child safety seats were provided to the kids and where a Pittsburg Police Officer was offering safety and bicycle concerns. Food had also been provided. He also commented that he had an opportunity to attend the fireworks celebration in the City of Antioch.

Councilmember Glynn stated that other than the Centennial events, he had attended the groundbreaking of the Pittsburg Senior Housing facility for 104 new homes, had escorted the sister city representatives of Pohang, Korea on a tour of the Napa Valley and on a cruise in the Delta, and had also attended the picnic in Buchanan Park.

Mayor Beals stated that since the last Council meeting she had represented the City in the Relay for Life related to finding a cure for cancer. She challenged the City of Pittsburg to put together a team next year to help find a cure for cancer and she noted that every other city in East County had a team.

Mayor Beals had also represented the City at the groundbreaking of the Senior Center prior to celebrating the City's Centennial Week starting out on June 25 with a special City Council meeting to commemorate the City's 100th Birthday. The Sister City of Pohang, Korea had participated in those celebrations and had presented the City with two spirit poles, which had been placed at the Marina. She noted that the poles symbolized a gateway to put Pittsburg on the map to the world and to world trade. She invited all residents to visit the spirit poles.

Mayor Beals thanked the Pittsburg Community Theater, which had reflected the City's history at the special meeting on June 25, along with the Pittsburg Chamber of Commerce and City staff who had worked to prepare that event. Other portions of the City's Centennial celebrations were the Music in the Park and the Centennial Dinner where some of the oldest businesses and three citizens over the age of 100 years had been honored. There had also been a family oriented Day in Buchanan Park. Since the remainder of the year would see additional Centennial events, Mayor Beals urged everyone to support and participate in all of the City's Centennial celebrations.

Mayor Beals announced that a new Postmaster, Mario Harris, had been installed at the Pittsburg Post Office on June 27. She also reported that she and Councilmember Glynn had both been special guests at the Lighthouse Christian Center when civic leaders had been honored.

## **CITY MANAGER REPORT**

Assistant City Manager Nasser Shirazi had nothing to report.

## **CONSENT CALENDAR**

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt the Consent Calendar, as shown.

- a. **MINUTES** Dated: June 16, 2003 and June 25, 2003  
  
Approved Minutes dated June 16 and June 25, 2003.
- b. **CLAIMS** #1514, Michelle Newman; #1517 Greg F. Caret; #1522 Veronica Hernandez; #1525 George L. Johnson  
  
Denied Claims #1514, Michelle Newman; #1517 Greg F. Caret; #1522 Veronica Hernandez; and #1525 George L. Johnson.
- c. **RESOLUTION 03-9849** Approving a Resolution Adopting Personnel Rules and Regulations  
  
Adopted Resolution 03-9849.
- d. **ORDINANCE 03-1211** Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Pittsburg  
  
Adopted Ordinance 03-1211.
- e. **RESOLUTION 03-9851** Amendment to the Stoneman Plaza Commercial Lease Agreement Between Frank Boides Associates and the City of Pittsburg  
  
Adopted Resolution 03-9851.
- f. **RESOLUTION 03-9852** Allocating Funding and Approving a Consultant Agreement for Contract 02-06, Americana Park  
  
Adopted Resolution 03-9852.
- g. **RESOLUTION 03-9853** Authorizing a Pre-Tax Payroll Deduction Plan for Service Credit Purchases with CalPERS  
  
Adopted Resolution 03-9853.

- h. **RESOLUTION 03-9854** Contra Costa Clean Water Program Agreement (2003-2010) the Reissued Joint Municipal NPDES Permit

Adopted Resolution 03-9854.

- i. **RESOLUTION 03-9855** NPDES – Stormwater Utility Area Agreement 2003 Between the Contra Costa County Flood Control and Water Conservation District and the City of Pittsburg

Adopted Resolution 03-9855.

## **CONSIDERATION**

1. **RESOLUTION 03-9856** Approving the Engineer's Report and Declaring the City Council's Intent to Order Improvements for the Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2003-2004)

Assistant City Manager Shirazi advised that the City Council was being asked to adopt the resolution approving the Engineer's Report for Landscaping and Lighting Maintenance Assessment District 1988-01, Citywide (Fiscal Year 2003-04) and to set July 21, 2003, as the public hearing for this matter.

Mr. Shirazi stated that it had been estimated that District 88-01 would collect \$1,951,561 in assessment liens this year and the Public Works Department estimated that it would expend \$3,151,091 during FY 2003-04 in managing the District, which would result in a net general fund fiscal year impact of \$1,199,530. Without the District, the general fund would be responsible for the entire amount.

Mr. Shirazi recommended the adoption of Resolution 03-9856 approving the Engineer's Report, declaring the Council's intent to levy assessments for FY 2003-04 and setting the public hearing date as July 21, 2003 for the matter.

When asked, City Attorney Linda Daube advised that while the hearing had been noticed for July 21, the public hearing would actually be at the August 4, 2003 meeting.

On motion by Councilmember Parent, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9856.

2. **RESOLUTION 03-9857** Approving the Engineer's Report and Declaring the City Council's Intent to Order Improvements for the Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2003-2004)

Mr. Shirazi explained that the City Council was being asked to adopt the resolution approving the Engineer's Report for Landscaping and Lighting Maintenance Assessment

District 1988-02, Oakhills (Fiscal Year 2003-2004) and to set August 4, 2003, as the public hearing for this matter.

Mr. Shirazi reported that District 88-02 collected \$33,880 annually in revenue for the Oakhills area. The Public Works Department estimated that it would expend \$33,880 during FY 2003-04 in managing the district, which would result in a net fiscal year impact of zero. Without the District the general fund would be responsible for the entire amount.

Mr. Shirazi recommended the adoption of Resolution 03-9857 approving the Engineer's Report, declaring the Council's intent to levy assessments for FY 2003-04, and setting the public hearing date as August 4, 2003.

On motion by Vice Mayor Rios, seconded by Councilmember Glynn and carried unanimously to adopt Resolution 03-9857.

### **PUBLIC HEARING**

Vice Mayor Rios recused herself from the next item since she lived on Ventura Drive and did not want any perception of a conflict of interest in the matter related to Ventura Drive. She left the Chambers at this time.

1. **RESOLUTION 03-9858** Approve the Installation of Four (4) Speed Humps on Ventura Drive

Mr. Shirazi stated that the City's speed hump policy states that installation of speed humps are recommended only after other conventional methods of reducing speeds had failed. Despite implementing traffic calming measures on Ventura Drive over the last eight years, the critical speed remained 10 MPH over the posted speed limit. In an attempt to address speeding and cut-through traffic on Ventura Drive, the installation of four (4) permanent speed humps was being recommended by staff and presented to the Council for consideration.

Mr. Shirazi explained that if adopted, the staff recommendation would require the use of \$5,000 of Measure C funds. He recommended the adoption of the resolution directing staff to proceed with the installation of four (4) permanent speed humps on Ventura Drive at a cost not to exceed \$5,000.

Mayor Beals opened the public hearing for Resolution 03-9858.

JESS LEBER, Pittsburg, stated that this was the first time he had addressed the City Council. He thanked those who had sought permission from the residents of Ventura Drive to bring the item up for consideration along with the Police Department over the years who had constantly ticketed speeders on Ventura Drive. As a 33 year resident, he noted that he had two trucks and two cars totaled, a truck and a car sideswiped and his son placed in the hospital for ten days as a result of speeders and drunk drivers on Ventura Drive. He urged the City Council to approve the proposal so that the speed humps would have an

opportunity to deter speeders. He would have no problem if the speed humps were placed in front of his home.

BRUCE OHLSON, Pittsburg, commented that he lived on Los Altos Place, one house away from Ventura Drive, which neighbors called the "Ventura raceway." He noted the need to reduce the high speed cut through traffic from out of area commuters who had plagued the neighborhood for some time. He otherwise requested that the speed hump be moved farther away from Suzanne Drive to encourage a slow down for the speed hump and a slow down for the stop sign. He also recommended that the speed humps be onerous enough to deter speeders. Further, he questioned why the cost of the speed humps had been estimated at \$5,000 when speed humps had recently been estimated to cost \$30,000 for Gladstone Drive.

DEBORAH BELLE, a Ventura Drive resident, stated that her children were not allowed in their front yard given the lack of safety as a result of speeders on Ventura Drive. Ms. Belle also described the numerous accidents affecting the neighborhood. She stated that the problem was ongoing all the time. She urged the Council to consider speed humps, stoplights or some other mechanism to slow down traffic given the seriousness of the situation.

JABBAR GRAHAM, Pittsburg, reiterated the concerns for the cut-through speeding traffic affecting Ventura Drive all the time morning and night.

Mayor Beals closed the public hearing on Resolution 03-9858.

In response to Councilmember Parent as to the cost of the speed humps estimated at \$5,000, City Engineer Joe Sbranti explained that when Gladstone Drive had been bid for three speed humps, three bids had been received. Two were in the \$10,000 to \$15,000 range, with one at \$5,000. The reason that the Gladstone Drive speed humps had not been installed was the desire to bid the Gladstone Drive and Ventura Drive speed humps at the same time to save money, which was being done and which should be completed this month.

Mayor Beals verified that the proposal had gone through the City's speed hump process where there were a number of items that had to be completed.

Councilmember Kee noted that many members of the community had spoken to him about the speeding on Ventura Drive.

On motion by Councilmember Kee, seconded by Councilmember Glynn to adopt Resolution 03-9858 carried by the following vote:

Ayes: Glynn, Kee, Parent, Beals  
Noes: None  
Absent: Rios [recused]

Vice Mayor Rios rejoined the Council at this time.

Mayor Beals advised that the next two items would be considered jointly.

2. **RESOLUTION 03-9859**      Lawlor Estates Residential Development (General Plan  
**Combined w/03-1212**      Map Amendment, Rezoning, and Appeal of Approval of  
Tentative Subdivision Map)
  
3. **ORDINANCE 03-1212**      Ordinance to Rezone a 10.8 Acre Site Located at the  
**Combined w/03-9859**      South Side of West Leland Road, East of Evergreen  
Estates and West of Chestnut Drive from RM (Medium  
Density Residential) to RS-O (Single-Family Residential  
with a Limited Overlay) to Allow a 50 Unit Residential  
Subdivision for "Lawlor Estates" (RZ -02-14)

Mr. Shirazi presented the public hearing on a request by Albert Seeno III of Discovery Builders to amend the General Plan map to change the land use designation of a 10.8 acre site from Medium Density Residential to Low Density Residential and to rezone the site from RM to RS-O. The public hearing was also being held to consider an appeal of the Planning Commission's approval of a tentative map for a 50 unit residential subdivision.

Mr. Shirazi reported that there was no fiscal impact associated with the project. He recommended that the City Council deny the appeal and adopt Resolution 03-9859 adopting the Mitigated Negative Declaration amending the General Plan Land Use Designation of the Lawlor Estates property from Medium Density Residential to Low Density Residential, and introduce and waive further reading Ordinance 03-1212 and pass to the second reading the rezoning of the Lawlor Estates property from RM (Medium Density Residential) to RS-O (Single Family Residential with a Limited Overlay). He added that the City Council could also uphold the appeal and send Subdivision 8112 back to the Planning Commission for reconsideration, or uphold the appeal and take no further action.

Planning Manager Melissa Ayres oriented the Council to the 10-acre site located on the south side of West Leland Road, east of Lawlor ravine and west of Chestnut Drive, the southeast corner of Bailey and Leland Roads. The proposal was to subdivide the property into 50 single-family lots ranging in size from 4,100 square feet to one acre. There would be a public street along Lawlor ravine on the west side of the property serving 36 lots and a private street serving 14 lots that followed an existing paved road on the east property line. The project would require extensive grading for the lower lots while the upper lots would be left in the natural terrain and the houses would be designed to fall down the slope from the upper street. There were retaining walls on the property as high as eight to ten feet.

Ms. Ayres explained that the applicant sought three approvals. The Planning Commission had recommended approval of a General Plan change on the property from its existing designation from medium density to low density to accommodate the development and the zoning change requested by the applicant. Several exceptions to development standards had been requested including lot size, lot width, front yard setbacks and building

height exceptions.

Ms. Ayres advised that on June 22, 2003, Councilmember Parent had filed an appeal of the subdivision, which the Commission had approved subject to the Council's rezoning of the property with the overlay. The reason cited for the appeal was to provide an opportunity for the Council to consider the whole package to see what product would result if the changes were approved.

Ms. Ayres stated that even though staff had initially not supported the General Plan change given staff's concern that the property should maintain its multiple density designation for meeting the City's regional fair share housing in the area and because of its proximity to BART and shopping in that area, sufficient evidence had been presented to substantiate the General Plan request, particularly given the fact that the adjacent single family homes to the west had been developed on 6,000 square foot lots.

Ms. Ayres stated that while the Planning Commission had recommended approval of the zoning changes with the exceptions to the RS standards, staff did not support that since staff believed that was inconsistent with the adjacent homes. She referenced the staff report showing how the property may be developed if constructed to RS standards.

Ms. Ayres stated that the Planning Commission had recommended approval of the General Plan, zoning and the subdivision and if the City Council were to approve the project, as proposed, it would take action to approve the General Plan, approve the rezoning application with an overlay and reapprove the tentative map. Resolutions and ordinances had been provided for those items. Action could also be taken to deny the appeal and a resolution would be presented at the next meeting. If the Council desired that the application comply with the RS standards as other developments in the area had done, the rezoning would have to be denied and a resolution would be returned to that effect.

Mayor Beals opened the public hearing on Resolution 03-9859 and Ordinance 03-1212.

As the appellant, Councilmember Parent explained that she had attended the public hearing at the Planning Commission and had heard everything said at that time. Having read the staff report before going to the Planning Commission meeting, after the hearing it was her belief that the Council would need to see everything. She had been advised that if the subdivision map was not raised by an appeal and the Council were to rezone the property the subdivision map would automatically be approved and not require Council review. Her concerns related primarily to the subdivision map and the RS standards rather than to the rezoning.

SALVATORE EVOLA, Discovery Builders, 4601 Port Chicago Highway, Concord, speaking to the Lawlor Estates proposal, presented a letter dated July 7, 2003 from Miller Starr & Regalia to the City Council. He noted that the site was originally to have been apartments. As currently zoned and General Planned, he noted that the site could essentially allow 144 apartments.

Mr. Evola explained that the project had been brought to Discovery Builders with the understanding that the City's intention was to change the General Plan and the rezoning to allow a single family development, which he stated had always been Discovery Builders proposal. He noted that the site had 50 single-family homes, was located off West Leland Road, with two streets, one public and one private. Several concerns had been raised at the Planning Commission level because of the private street and he had agreed to the creation of a Homeowners Association (HOA), which had alleviated most of the concerns.

Mr. Evola stated that the primary argument for a single-family subdivision at the location was the land use in that the property was surrounded on three sides by single family residential units. He suggested that the development of 144 apartments would represent an incompatible land use at the site and he added that the nearby BART Specific Plan provided more appropriate higher density units.

Mr. Evola commented that staff had originally supported the project although at some point that position had changed and staff had sought compliance with the initial zoning. At staff requests traffic, biotic and water quality studies had been conducted. The proposal had been submitted to the Planning Commission, which had offered its approval of the project. He suggested that the single-family proposal would more appropriately serve the area.

Mr. Evola explained that he had met with many of the residents in the adjacent Evergreen subdivision to address their concerns. He referred to the letter from Miller, Starr & Regalia related to the proposal and commented that once staff had received direction from the Planning Commission staff should have honored the Commission's decision. He reiterated that he had met not only with the neighbors, various City leaders, and other concerned citizens and had been receptive to incorporating all of the changes that had been proposed. He had also agreed to all of the staff recommended conditions.

Mayor Beals offered the Chair of the Planning Commission an opportunity to speak. George Harris who had chaired the Commission meeting in question declined to speak at this time.

DEANNA BAUGHMAN, Pittsburg, stated that the proposal would directly affect her back yard. She clarified staff's reference to a road as being the driveway to the water tank and explained that the development of that road had impacted her property with dirt that had also affected her pool. She noted that the existing houses bordered on the hill in question and all were impacted by that road/driveway to the water tank. She added that she had resided at the site for 26 years and was happy with her home but concerned with her 65-foot embankment and concerned that she had only a 3-foot retaining wall between the road and her pool, which represented a significant impact to her. She also commented that numerous calls to the City and various agencies had not been returned and she requested some contact to address her problems.

Ms. Ayres noted that the project had two roads. The one at the top would be widened

and improved with concrete. That road would serve 14 to 16 lots.

BRUCE OHLSON, Pittsburg, on the Board of Directors of the East Bay Bicycle coalition on the Safety Committee of the Delta Pedalers Bicycle Club stated that the Pittsburg bicycle community sought assurance that any collector or arterial streets in the subject or any other subdivision in the City were designed with proper and adequate bicycle lanes called for by the Pittsburg General Plan, the County General Plan, and the Contra Costa County Transportation Authority (CCTA) and Metropolitan Transportation Commission (MTC) Guidelines for facilities in subdivisions.

Mayor Beals closed the public hearing for Resolution 03-9859 and Ordinance 03-1212.

In response to Councilmember Kee, Ms. Ayres clarified the staff recommendation and explained that while staff had initially recommended a denial of the General Plan change, staff had reversed its recommendation to support a change from multiple family to a single family development designation. Staff had not changed its position with respect to the overlay zone or the subdivision.

Councilmember Kee also verified with Ms. Ayres that the density of the adjacent Evergreen residential development, which had been zoned RM, was at 7 units an acre consistent with both RM and RS standards.

In further response to Councilmember Kee as to whether or not an RM zoning designation would necessarily equate to apartments, Ms. Ayres stated that under that General Plan designation there was a range of 7 to 14 units per acre. The reference to 144 apartments would represent the worst case scenario of that range. She added that because of the terrain of the subject property it was not likely that 6,000 square foot lots could be developed on the site.

Councilmember Kee asked Mr. Evola with respect to his request for reduced minimum lot width, reduced required front yard setback, reduced minimum lot area and increased building height what the City would receive in return for granting those exceptions.

In response, Mr. Evola stated that a more appropriate land use would result. He added that it had been suggested by the Planning Commission that evergreen trees be planted in between the top row of houses and the bottom, at two per lot or 100 evergreen trees that would provide a greenbelt and terraced and stepped effect. He also stated that an HOA would take the burden away from the City, that there were some open areas within the community which could be modified and take away from the potential lots and have the HOA maintain them, and when reviewed for design review, he had pledged that everything would be a high density quality with four sided homes. He was receptive to anything that would make the proposal more attractive to the community.

DAVE ISAKSON, the Project Engineer, reported that the roadway would front the

houses on Lawlor Creek and all along from Lawlor Creek up the bank to the roadway, an approximate acre of land would be landscaped. Driving eastbound along Leland Road the creek would be visible with the acre of landscaping before approaching the roadway, and the houses would front on Lawlor Creek. He stated that would be another benefit that the City would receive with the layout that had been proposed.

Councilmember Parent identified her specific concerns for the design and density of the subdivision as the minimum lot size being changed from 6,000 to 4,000 or so square feet, the tendency for bigger and bigger houses in that all the houses were two story except for the ones that were three story, 2,400 up to 3,000 square feet at the top of the hill; and the tendency to make bigger and bigger houses on smaller and smaller lots. She sought a greater mix and noted the problems with slopes even on the public street.

Further, Councilmember Parent referred to the houses on Alta Vista Court as an example of one of her concerns, where the rear end of houses, some of which was built on stilts, were visible. She added that those cantilevered houses would be on a street with no sidewalks, no parking since it would be a private street too narrow to allow on street parking, and that the entrance to the private street would be at an 18 percent grade.

Councilmember Parent commented that she would support a single family residential zoning without all of the overlays, which she suggested, equated to exceptions. Acknowledging that the residents in the Hillsdale and Evergreen subdivisions had preferred a single-family development, which she suggested made good sense in between two existing single family residential subdivisions, the question would be how many units would be allowed and whether or not private streets would be built. She emphasized that the streets were private because they were not built to normal standards. If built to normal street standards the City would accept those streets and maintain them. As proposed, the private street would have to be maintained by the property owners fronting that street.

Councilmember Glynn inquired whether or not the three story houses could start at the foot of the private road with two story homes at the top of the road.

Mr. Evola stated that the house plans, as depicted in the staff report, were so preliminary that the architect had spent only two hours on them, which was why design review had not been pursued at this time. He stated that a more accurate representation would be something with a single story element at the top of the private road looking out, which would then cantilever down the hill offering more architecturally pleasing relief on the backside. He agreed that the subdivision could be started out with the less massive home. He also noted that he had agreed to the creation of an HOA for the private road, which would provide funding to maintain that private road as opposed to burdening the homeowner. The street would be 28 feet wide with a sidewalk on one side of the street.

Councilmember Glynn inquired whether or not there was sufficient space with only a 15 foot setback to park two cars in the drive of the home, to which Mr. Evola stated that the homes currently being developed in the Oakhills and San Marco subdivisions had the same building variance to the front yard setback.

Mr. Evola added in further response to Councilmember Glynn that the steepness of the slope was not as steep as some and that only a portion of that drive was steep. He stated that a mitigation of that condition would require substantial grading. He also clarified that the roadbed could not accurately be characterized as being occupied by three story houses.

With respect to Resolution 03-9859, City Attorney Daube clarified that the issue of whether or not to deny the Planning Commission's appeal which would uphold the Commission's determination on the map would have to be determined and would be done with the adoption of the resolution and the introduction and waiving first reading of the ordinance.

Ms. Daube explained that the appeal could also be upheld and returned to the Planning Commission for consideration. The Council could otherwise pursue the adoption of the Negative Declaration and the General Plan Amendment.

Ms. Ayres stated that the motion to approve Resolution 03-9859 would only affect the General Plan land use designation from Medium Density to Low Density Residential.

The City Attorney affirmed that only the General Plan designation would be changed with Resolution 03-9859. She cautioned that what was not before the Council was the need to consider upholding or denying the appeal.

On motion by Councilmember Glynn, seconded by Vice Mayor Rios and carried unanimously to adopt Resolution 03-9859.

With respect to Ordinance 03-1212, Ms. Ayres clarified that the introduction of the ordinance would rezone the property from RM to RS-O providing for the exceptions to the four RS development standards of lot size, lot width, building height and front yard setbacks. There was no resolution presented to the Council to deny that application. Should the Council desire to deny the application, it would have to direct staff to prepare a resolution of denial to return to the Council at the next meeting. The introduction of the ordinance would approve the rezoning with the overlay.

Councilmember Parent reiterated her objections to lot size and noted that the proposal with respect to the HOA for the maintenance of the street was a concern as was the exception that would allow a 38-foot tall house. For those reasons she did not support the proposal and preferred that the application be returned to staff to consider a proposal with fewer exceptions.

Mayor Beals inquired of the applicant whether or not if approved the applicant would continue to work with staff to find the best quality product for the site.

Mr. Evola stated that the project would still require design review. He added with respect to height that 38 feet was deceiving and there was a specific height requirement

related to slope. He noted that none of the proposed homes exceeded lot coverage. All were proportionately sized for their lot and none exceeded the 40 percent lot coverage requirement.

Councilmember Kee explained that he had read through the reports. He referenced comments that appeared to be just settling for something. He did not want to see the project eliminated and he preferred that the applicant and staff work out a compromise. He noted the intent to work with a hillside ordinance and suggested that the subject project would be appropriate for that. He would like to see such an ordinance in place and applicable to the project. As such, he was not certain he could support the overlay of the project at this time.

In response to Councilmember Glynn, Mr. Evola expressed a willingness to consider a height adjustment of the homes relative to the lot size proportionately to the private road. He clarified that the height of the homes had not yet been defined, but with a home on a slope he stated that building height was deceiving. He clarified that there would be a single story element from the street level and that the structure would conform to the topography. He did not believe that the homes would ultimately be 38 feet in height.

On motion by Councilmember Glynn, seconded by Mayor Beals to introduce Ordinance 03-1212 and to waive further reading of the ordinance, carried by the following vote:

Ayes:	Glynn, Rios, Beals
Noes:	Kee, Parent

Mayor Beals asked the City Manager's Office to ensure that the City Council was apprised when the item was submitted to the Planning Commission to ensure that the Council's concerns were addressed. She urged the applicant to continue to address the Council's concerns and to work with staff, counsel and the residents to address those concerns.

## **ADJOURNMENT**

The meeting of the City Council adjourned at 9:03 P.M. to the regular City Council meeting scheduled for July 21, 2003

Respectfully submitted,

Lillian J. Pride, City Clerk

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