

**MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION**

June 9, 2020

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the Planning Commission for June 9, 2020 was conducted telephonically through Zoom with broadcasting live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. Council Members participated telephonically or through Zoom and were not physically present in the Council Chamber.

Vice-Chair Moreno called the meeting of the Pittsburg Planning Commission to order at 7:00 p.m. on Tuesday, June 9, 2020, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California via Zoom teleconference.

ROLL CALL

Present: Vice-Chair Moreno, Commissioners Nguyen, Croskey, Bhasin, Robinson

Absent: Chair Foster, Commissioner Coniglio

Staff: City Attorney Donna Mooney, Community Development Director Jill Hecht, City Engineer Richard Abono, Planning Manager/ Secretary Kristin Pollot, Senior Planner Hector Rojas, Associates Planner Trishia Caguiat, Assistant Planner Palmer, Deputy City Clerk Amanda McVey, Administrative Coordinator Shelby Rose

PLEDGE OF ALLEGIANCE

Commissioner Nguyen led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT

1. Minutes of May 26, 2020

On motion by Commissioner Robinson and seconded by Commissioner Croskey to approve the Minutes of May 26, 2020 and carried by the following vote:

AYES: Bhasin, Croskey, Moreno, Nguyen, Robinson,
NAYES: None
ABSTAIN: None
ABSENT: Coniglio, Foster

PUBLIC HEARINGS

2. Rege Ministorage and Trucking Yard, AP-18-1319 (UP, DR)

A public hearing on a request for a use permit amendment and design review approval of plans to allow a ministorage and contractor yard on a five-acre site located at 103,105, 107, 109, and 111 Avila Road in the OS00 (Open Space with Limited Overlay, City Council Ordinance No. 18-1440) District. Assessor's Parcel No. 091-020-019.

Senior Planner Rojas gave a presentation on the item.

Vice-Chair Moreno opened the public hearing.

Applicant Dave Rege spoke on behalf of his application.

There being no one to speak further to the item, Vice-Chair Moreno closed the public hearing.

On motion by Commissioner Croskey and seconded by Commissioner Nguyen to approve and carried by the following vote:

AYES: Bhasin, Croskey, Moreno, Nguyen, Robinson
NAYES: None
ABSTAIN: None
ABSENT: Coniglio, Foster

3. Recommendations on Amendments to Title 18 of the Pittsburg Municipal Code as it Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units

A public hearing to consider potential amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing "Accessory Dwelling Units" Standards into conformance with adopted state legislation.

Associate Planner Caguiat gave a presentation on the item.

Planning Manager / Secretary Pollot informed the Commission of a letter that was received on the item from the Californians for Homeownership and presented several staff recommended changes in response to the concerns raised in the letter.

Vice-Chair Moreno opened the public hearing.

Comments were received through email from the following and were read aloud:

Joan Sellers, Pittsburg
Matthew Gelfand, Californians for Homeownership

There being no one to speak further to the item, Vice-Chair Moreno closed the public hearing.

On motion by Commissioner Robinson with the inclusion of the staff recommended changes, and seconded by Commissioner Bhasin to approve and carried by the following vote:

AYES: Bhasin, Moreno, Nguyen, Robinson
NAYES: Croskey
ABSTAIN: None
ABSENT: Coniglio, Foster

COMMISSION CONSIDERATION

4. Oak Hills Sign Program Update 2020, AP-20-1503 (SR)

A request for sign review approval of amendments to an existing master sign program for Oak Hills Shopping Center located at 408-692 Bailey Road, in the CC (Community Commercial) District. Assessor's Parcel Nos. 093-130-027, -038, and -046.

Assistant Planner Palmer gave a presentation on the item.

Applicant Bob Garrison spoke on behalf of the project.

On motion by Commissioner Croskey with clarification that Condition of Approval #3 applies to multiple frontages, and seconded by Commissioner Robinson to approve and carried by the following vote:

AYES: Coniglio, Croskey Moreno, Nguyen, Foster
NAYES: None
ABSTAIN: None
ABSENT: Bhasin, Robinson

ZONING ADMINISTRATOR REPORTS

5. The Zoning Administrator submitted one notice of intent to exercise delegated design review authority for a new crane installation at 1 Leslie Drive, for Concord Iron Works.

The Commissioners acknowledged receipt of notice of intent.

STAFF COMMUNICATIONS

Planning Manager / Secretary Pollot suggested the Commission convene to next regular meeting of June 23, 2020.

COMMITTEE REPORTS / COMMISSIONER COMMENTS

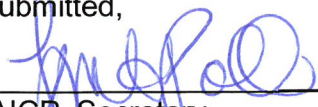
There were no reports from the commissioners.

Commissioner Croskey asked for the process in submitting applications to Pittsburg Recognition Committee (PRC). As staff to PRC the Community Development Director Jill Hecht gave a response.

ADJOURNMENT

The meeting was adjourned at 8:29 p.m. to June 23, 2020.

Respectfully Submitted,



Kristin Pollot, AICP, Secretary

From: [Matthew Gelfand](#) on behalf of matt@caforhomes.org
To: [PlanningCommissioner](#); [meetingcomments](#)
Cc: [Trishia Caguiat](#)
Subject: FOR PUBLIC COMMENT - AGENDA ITEM 3
Date: Tuesday, June 9, 2020 6:04:32 PM
Attachments: [2020-6-9 - Californians Letter to Planning Commission.pdf](#)

External Sender: Use caution before opening links or attachments

To the Planning Commission:

Please see the attached correspondence regarding Agenda Item 3 being considered at your upcoming meeting.

TO STAFF: In light of the length of the letter, we are not asking that the letter be read into the record. Instead, we ask that you read this short statement: "Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. You have been provided with a letter we submitted as part of our work monitoring local compliance with California's laws regarding accessory dwelling units. We encourage you to review our letter closely and to make the changes identified in the letter to bring the City's draft ADU ordinance into compliance with state law. Thank you for your consideration."

Sincerely,

Matthew Gelfand

--

Matthew Gelfand
Counsel, Californians for Homeownership
525 S. Virgil Avenue
Los Angeles, CA 90020
matt@caforhomes.org
Tel: (213) 739-8206

Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools.



CALIFORNIANS FOR
HOMEOWNERSHIP

MATTHEW GELFAND, COUNSEL
MATT@CAFORHOMES.ORG
TEL: (213) 739-8206

June 9, 2020

VIA EMAIL

Planning Commission
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Email: planningcommissioner@ci.pittsburg.ca.us; meetingcomments@ci.pittsburg.ca.us

RE: June 9, 2020 Planning Commission Meeting, Agenda Item 3

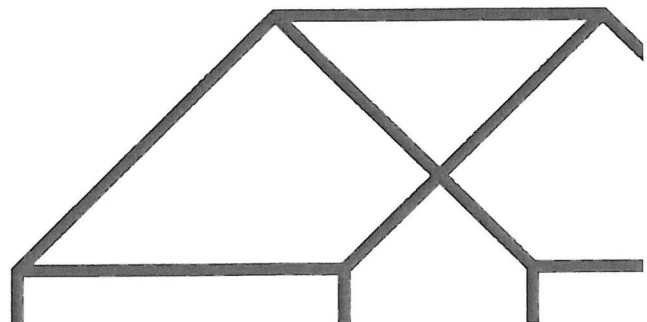
To the Planning Commission:

Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. I am writing as part of our work monitoring local compliance with California's laws regarding accessory dwelling units (ADUs).

At your June 9 meeting, you will consider an ordinance intended to address recent changes to state ADU law. If the City adopts a compliant ADU ordinance, it will be able to maintain certain local controls on ADU development.

The draft ordinance is generally good. But we do have some concerns, which staff should address before the City moves forward with the ordinance:

- The ordinance limits the number of detached ADUs on multifamily properties to 25% of the unit count of the primary dwelling. The 25% limit applies only to conversions of non-livable space under Government Code Section 65852.2(e)(1)(C). Two detached ADUs are allowed on multifamily properties, regardless of the unit count of the primary dwelling. Gov. Code § 65852.2(e)(1)(D).
- The draft JADU provisions in the ordinance purport to require JADUs to conform to various standards for the underlying zone. These provisions are meaningless and should be removed to avoid confusion. JADUs are built within the walls of a single-family dwelling, and a City cannot prevent the creation of a JADU based on existing non-conformities. Gov. Code § 65852.2(e)(2).
- The ordinance appears to apply different standards to the conversion of a garage as compared with other structures, allowing only non-garage accessory structures to be converted



June 9, 2020

Page 2

under Government Code Section 65852.2(e)(1)(A). All lawfully established structures are eligible for conversion under Government Code Section 65852.2(e)(1)(A).

- The ordinance makes an unlawful change to the list of parking exceptions provided by state law. An ADU is not subject to any parking requirement if it “is part of the proposed or existing primary residence or an accessory structure.” Gov. Code § 65852.2(d)(3). The City is not permitted to limit the exception to conversions of habitable space.

- The draft ordinance should be amended to expressly state that replacement parking is not required for parking structures lost through conversion into ADUs or demolition to construct ADUs. Gov. Code § 65852.2(a)(1)(D)(xi).

- The draft ordinance does not provide the required special treatment for the categories of ADUs listed in Government Code Section 65852.2(e)(1). Although the ordinance provides a limited degree of special treatment for conversions of some accessory structures, this treatment is very incomplete. Subdivision (e)(1) ADUs must be ministerially permitted “notwithstanding” the provisions allowing cities to pass local ADU ordinances, meaning that these ADUs must be approved without applying any local development standards other than those specifically authorized by Government Code Section 65852.2(e). According to guidance from the Department of Housing and Community Development, these ADUs “do[] not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements,” and the Department has issued non-compliance letters to cities that have improperly applied local development standards to these ADUs. As examples, the City’s front-yard setback cannot be applied to detached ADUs under 800 square feet (which fall into Government Code Section 65852.2(e)(1)(B)) and its size limits cannot be applied to the special categories of ADUs for multifamily properties in Government Code Sections 65852.2(e)(1)(C) and (D). To assist the City in crafting appropriate language, we are providing (below) example language based on ordinances adopted by other cities.

- The draft ordinance defines “primary dwelling” to mean a “single-family” dwelling on the lot. This appears to be an accidental holdover from the City’s prior ordinance, and should be adjusted to reflect that the primary dwelling can be single-family or multifamily.

We hope this information is helpful to you as you work to develop the City’s ADU ordinance. We would like to be part of that process. To that end, we request that the City include us on the notice list for all future public meetings regarding the City’s ADU policies, and we request that this letter be included in the correspondence file for those meetings.

Sincerely,



Matthew Gelfand

cc: Trishia Caguiat, Associate Planner (by email to tcaguiat@ci.pittsburg.ca.us)

Example Language For Government Code Section 65852.2(e)(1) ADUs

Units Subject to Limited Standards.

Notwithstanding [the other sections of the local ADU ordinance], accessory dwelling unit and junior accessory dwelling unit permits shall be issued based solely on the standards set forth in this section and all applicable Building Code standards, as follows:

- (a) Internal ADUs. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - (1) The ADU or JADU unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (2) The space has exterior access from the proposed or existing single-family dwelling.
 - (3) The side and rear setbacks are sufficient for fire and safety.
 - (4) The JADU complies with the requirements of Section 65852.22.
- (b) Detached ADUs. One detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection (a)(1) of this section. A local agency may impose the following conditions on the accessory dwelling unit:
 - (1) A total floor area limitation of not more than 800 square feet.
 - (2) A height limitation of 16 feet.
- (c) Multifamily Dwelling ADUs
 - (1) Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - (2) A local agency shall allow at least one ADU within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- (d) Not more than two ADUs that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
- (e) Rentals of ADU and JADU permitted pursuant to this section shall be for a term longer than 30 days.
- (f) Installation of fire sprinklers are not required in an ADU or JADU if sprinklers are not required for the primary residence.
- (g) ADUs and JADUs permitted under this section shall not be required to install a new or separate utility connection directly between the ADU and the utility nor shall a related connection fee or capacity be charged unless the ADU or JADU is proposed to be constructed with a new single-family home.

From: Joan Sellers
To: meetingcomments
Subject: ADU- accessory dwelling unit item #2
Date: Tuesday, June 9, 2020 4:22:31 PM

External Sender: Use caution before opening links or attachments

The Just a thought regarding ADUs.
According to City Data:

The renting rate among poor residents was 70.3%. (That would make 30% homeowners)

For comparison, it was 33.4% among residents with income above the poverty level.
(That would make 60% homeowners)

Having an additional unit would provide extra living quarters for additional family or rental income to subsidize their current income. The need is there. The percentage of homeowners under the median income level seems to be comparable to those above.

The concern with accommodating this need is to assure neighborhoods that rules would be established and enforced regarding a one vehicle limit and occupancy limits.

Read more: <http://www.city-data.com/poverty/poverty-Pittsburg-California.html>

Joan Sellers