



**City of Pittsburg  
Land Use Sub-Committee Meeting Agenda**

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**November 28, 2016  
4:00 p.m.**

**City Hall  
Council Chamber Anteroom, Third Floor  
65 Civic Avenue  
Pittsburg, CA 94565**

**Council Members**

**Sal Evola  
Marilyn “Merl” Craft**

**Planning Commission Members**

**AJ Fardella  
Wolfgang Croskey**

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- 1. Public Comment (Non-Agenda Items)**
- 2. 2575 Railroad Avenue – Potential Development Proposal**  
Proposal overview to be provided by potential applicant. *(Request feedback)*
- 3. Large Family Daycare Homes**  
The current zoning approval process for large family daycare homes is not consistent with State law. Staff has begun exploring options to fix this inconsistency and needs direction from the subcommittee. *(Request feedback)*
- 4. Drive-thru Uses in the CP District**  
The Economic Development team has requested that the subcommittee consider lifting (with limitations) the current restriction on drive-thru establishments in the downtown core (CP District). New and innovative methods for screening drive-thru aisles are available that could be utilized to minimize aesthetic impacts, while continuing to help spur economic development in the core. *(Request feedback)*
- 5. Healthy Hearts Community Garden**  
Proposal overview to be provided by potential applicant. *(Request feedback)*
- 6. Miscellaneous Project Updates**
  - a. Preliminary Plan Review Process Update**



## PLANNING DIVISION

### Memorandum

**MEMO:** November 28, 2016

**TO:** Land Use Subcommittee Members

**FROM:** Hector J. Rojas, AICP, Senior Planner

**RE:** Item 2, 2575 Railroad Avenue – Potential Development Proposal

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#### Background:

CE Green Capital & Development (developer) is in the process of purchasing the former Ford Dealership property at 2575 Railroad Avenue. The property is just under four acres and is located within ½ a mile of the Pittsburg Center BART Station, currently under construction.

The Railroad Avenue Specific Plan (RASP) designates this property as 'Community Commercial'. This land use designations allows for commercial only or mixed use developments with a density of up to 25 dwelling units per acre.

To make a transit-oriented development feasible at this site, the developer is interested in requesting a rezoning from 'Community Commercial' to 'Transit-Oriented Development Residential (TOD-R)' or a similar land use designation that would allow a up to 50 dwelling units per acre.

Staff is requesting the Land Use Subcommittee's feedback on the potential rezone to increase the allowable density on this site.



## PLANNING DIVISION

### Memorandum

**MEMO:** November 28, 2016  
**TO:** Land Use Subcommittee Members  
**FROM:** Kristin Pollot, Planning Manager  
**RE:** Item 3, Large Family Daycare Homes

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#### Background:

At the beginning of October, the Finance Department discovered that there were a number of large family daycare homes (8-14 children) that had been operating in the City with no business license on record. Upon this discovery, 27 letters were sent out to various providers in Pittsburg, informing them that they needed to obtain the proper business license and zoning approval in order to continue doing business in the City. The daycare providers who were provided notice have generally been operating in Pittsburg anywhere from 1 to 10 years without the proper city approvals.

On October 17, 2016, the City received a letter from the Child Care Law Center, on behalf of (at least) one child care provider in Pittsburg, asserting that the City's municipal code (PMC) requirements for large family daycare homes do not comply with state law. The City attorney's office has since verified the claim and found that the biggest concern with our existing PMC regulations is the fact that a *discretionary* (zoning administrator level) use permit is currently required, whereas state law only allows for *nondiscretionary* permits.

According to state law, cities may treat large family daycare homes in one of three ways:

- 1) Classify these homes as a permitted use;
- 2) Require a nondiscretionary permit that is subject to certain specific reasonable conditions; or
- 3) Require a nondiscretionary permit that is subject to certain specific reasonable conditions and provide notice of the proposed use to property owners within a 100 foot-radius of the property at least 10 days before the zoning administrator

reaches a decision regarding the permit. A hearing regarding the permit may be held only if the occupant or another affected person requests a hearing. (Health & Safety Code § 1597.46(a).)

Options to Consider:

A zoning text amendment is going to be needed to fix this inconsistency with state law; however, staff needs direction from the Land Use Subcommittee as to what level of permitting should be required for large family day care homes.

When considering options for zoning approval, it is important to note that in Contra Costa County there has been a significant decline in the number of licensed family child care homes available, compared to the number of children with working parents who need care. With this in mind, staff believes the first option below could be easily implemented; however, if the subcommittee wants to retain the maximum amount of discretion available under the law, then the second option would better achieve that goal.

- 1) Allow as a permitted use subject to performance standards, such as:
  - radius limitation between locations (note: tracking facilities would be difficult as location information is kept confidential by the licensing division);
  - employee parking location requirements;
  - minimum number of parking spaces for pick-ups/drop-offs;
  - notice to parents about parking requirements.

If facility is unable to meet these minimum performance standards, then a discretionary ZA use permit could be required, consistent with the existing use permit process (approach deemed acceptable by City Attorney's office).

- 2) Create a new nondiscretionary permit process with noticing requirements and an optional public hearing process, consistent with the limitations outlined by state law above. It's important to note that permit conditions would have to be limited to compliance with ordinances establishing standards and restrictions concerning:
  - Spacing and concentration;
  - Traffic control;
  - Parking;
  - Noise control; and
  - Regulations adopted by the state fire marshal for this type of use.

Attachments:

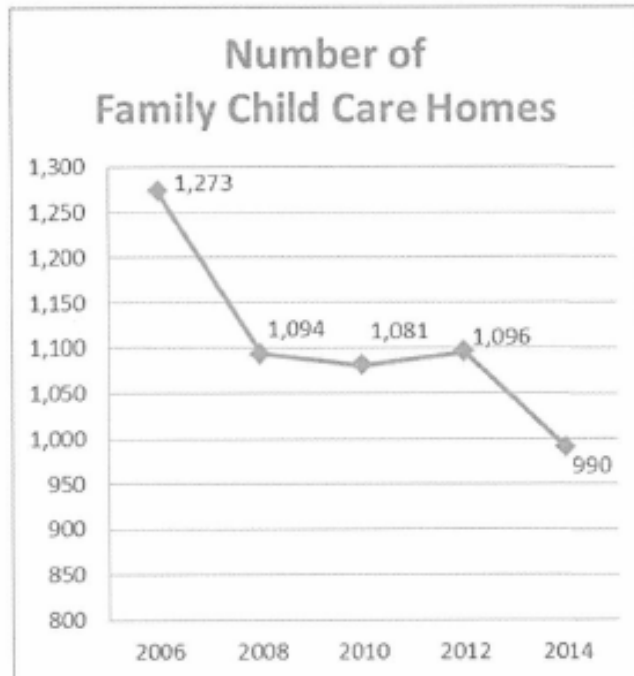
Contra Costa County Child Care Data

## Contra Costa County Child Care Data

Contra Costa County only has enough licensed child care for 30% of young children with working parents



Contra Costa County lost 22% of its Family Child Care Homes since 2006<sup>1</sup>



<sup>1</sup> Education & Child Care, *Availability of Child Care for Potential Demand and Number of Licensed Child Care Facilities, by Type of Facility*, California Child Care Resource & Referral Network, California Child Care Portfolio (Nov. 2015) available at <http://www.kidsdata.org/topic/cac=18,19>.

**Sixty-five percent of families with young children have both parents in the labor force (includes 2-parent and 1-parent homes)<sup>2</sup>**

Contra Costa County 2014	
Total number of parents with children under age 6	77,676
Number of families with children under age 6 with all parents in the labor force	50,733
Percent of families with children under age 6 with all parents in the labor force	65%

**The annual cost of child care for both infants and preschoolers in Contra Costa County increased by 17% since 2009<sup>3</sup>**

Annual Cost of Child Care in Family Child Care Homes for Infants (under age 2)			
County	2009	2014	Increased cost of child care from 2009 to 2014 (5 years)
Contra Costa	\$8,285	\$9,685	17%↑

Annual Cost of Child Care in Family Child Care Homes for Preschoolers (ages 2-5)			
County	2009	2014	Increased cost of child care from 2009 to 2014 (5 years)
Contra Costa	\$7,720	\$9,057	17%↑

<sup>2</sup> United States Census Bureau, American Community Survey, Selected Economic Characteristics 2010-2014 5-Year Estimates for Contra Costa County available at [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_5YR\\_DP03&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP03&prodType=table) (2014).

<sup>3</sup> Annual Cost of Child Care, by Age Group and Type of Facility, California Child Care Resource & Referral Network, California Child Care Portfolio (Nov. 2015), available at <http://www.kidsdata.org/topic#cat=18,19> (2015).



## PLANNING DIVISION

### Memorandum

**MEMO:** November 28, 2016

**TO:** Land Use Subcommittee Members

**FROM:** Kristin Pollot, Planning Manager

**RE:** Item 4, Drive-thru Uses in the CP District

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The subcommittee has been discussing potential changes to the CP District since 2013, and after the last discussion in August 2016, staff has begun working on some wholesale recommendations; however, progress has been slow and there are no district-wide recommendations ready for consideration yet.

Recently, staff received a request from the Economic Development team to discuss with the subcommittee the possibility of lifting (with limitations) the current restriction on drive-thru establishments in the downtown core (CP District). The city has not received any direct requests from developers for such a zoning text amendment, but there is a belief that lifting this restriction could help to spur some new development downtown. In addition, there are some new and innovative screening methods being implemented in other cities that could be utilized in Pittsburg to minimize potential aesthetic impacts.

If the subcommittee is interested in allowing drive thru establishments, potential limitations should be discussed.

#### Limitations to Consider:

- Drive-thru locations could be limited to parcels that have existing privately owned surface parking lots (see map attached of potential locations).
- Access to drive-thru aisles could be prohibited off of Railroad Avenue.
- An overall maximum number of drive-thru establishments could be established.
- Dine-in service could be required in conjunction with drive-thru establishments.
- Enhanced drive-aisle screening requirements could be required (see samples attached).
- Other suggestions?



Existing Privately Owned Surface Lots (Potential Locations)





Sample Screening Techniques

