MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
October 28, 2008

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 p.m. on Tuesday, October 28, 2008, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Kelley, Ohlson, Wegerbauer, Chairperson Ramirez

Excused: None

Staff: City Engineer Joe Sbranti, Senior Planner Dana Hoggatt, Associate Planner Kristi Vahl, Assistant Planner Jason Burke, Planning Intern Krystal Hinojosa, Senior Police Officer Dan Callahan, and Administrative Assistant to Director Kathy Comtois

POSTING OF AGENDA:

The agenda was posted at City Hall on Thursday, October 23, 2008.

PLEDGE OF ALLEGIANCE:

Commissioner Garcia 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.
PRESENTATIONS:

There were no presentations.

CONSENT:

Item 1: Minutes of Meeting, October 14, 2008

MOTION:

Motion by Commissioner Ohlson to adopt the Consent Calendar, as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

   Ayes: Commissioners Diokno, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez
   Noes: None
   Abstain: None
   Absent: None

PUBLIC HEARINGS:

Item 2: Mi Pueblo Food Center. AP-08-558 (UP, DR).

An application by Bonnie Tragni of Mi Pueblo Food Centers requesting: 1) design review approval for façade remodel; 2) a conditional use permit to allow a full-service grocery store with incidental alcoholic beverage sales and an on-site bakery, tortilleria, cremeria, and taqueria/deli; and 3) outdoor dining permit, all for an existing commercial building (formerly Albertson’s grocery store) located at 2100 Railroad Avenue, in the CC (Community Commercial) District. APN 087-030-068.

Senior Planner Dana Hoggatt reported that the Planning Commission had been provided with a Planning Department Memorandum dated October 28, 2008, with recommended revisions to Resolution No. 9777. In addition, the Commission had been provided copies of an e-mail, dated October 20, 2008, from Pittsburg resident Rocco Ricci, in opposition to the Mi Pueblo Food Center.

Planning Intern Krystal Hinojosa presented the staff report dated October 28, 2008. She recommended that the Planning Commission adopt Resolution No. 9777, approving AP-08-558 (UP, DR), as conditioned and as modified.

Commissioner Ohlson questioned whether or not the City would address a sinkhole located at the northwest corner of the building, that had been there for the past three years and that had routinely collected water.
City Engineer Joe Sbranti stated that he was unaware of the sinkhole but could review that situation. If the applicants were amenable, staff would work with them to resolve it.

Commissioner Ohlson asked staff of the status of the extra curb and gutter from the old Frontage Road on the east side parallel to Railroad Avenue which appeared to have been forgotten when the Class I multi-use trail and the building had been constructed.

Mr. Sbranti explained that the City had spoken with Caltrans on that remainder parcel with the long-term goal of acquiring that parcel, demolishing the remaining pieces of Frontage Road, and making that parcel adjoin the remainder parcel abutting Railroad Avenue, in order to create a parcel that could be developed. The price the City had from Caltrans for Caltrans' portion was in excess of $200,000, and the City was considering options to make that an affordable approach.

Commissioner Wegerbauer spoke to the planters around the pergola area and asked if the plants would be hand watered or watered by an irrigation system.

Ms. Hinojosa noted that would be up to the applicant. Staff would work with the applicant on the final landscaping plans.

Commissioner Wegerbauer expressed concern that the path of travel for the watering of the planters in the pergola area could become a slip hazard for the seating area. She recommended consideration of an automatic watering system.

Commissioner Diokno liked the landscaping plan and the additional trees in the planter area on the north side. He clarified with staff that there was an existing irrigation system in place. He otherwise asked whether or not staff had asked the applicant to consider other sources of energy such as solar on the rooftop, to which Ms. Hinojosa acknowledged that no such discussion had occurred with the applicant.

Commissioner Diokno asked that other sources of energy be considered for future applications. He also asked whether or not there would be sinks or wash basins in the barbeque addition area. If that addition was pursued, he would like to see an area where someone could wash their hands, particularly in terms of health conditions.

Ms. Hinojosa recommended that the applicant clarify that issue.

Commissioner Kelley referenced Use Permit Conditions, Condition 10 of Resolution No. 9777 and asked why that condition was recommended to be modified.

Associate Planner Kristi Vahl explained that the same condition had been imposed on the La Raza Market. The subject applicant had requested that the hours for the sale of alcohol match the hours of operation for the store. Given that the subject application did
not have the same type of issues as the area of the La Raza Market, staff had agreed with that recommended revision.

Commissioner Kelley pointed out that children passed by the subject site each morning.

Senior Police Officer Dan Callahan preferred that no liquor sales be allowed. However, the Police Department had initially discussed the sale of alcohol from 9:00 a.m. to 10:00 p.m. to be consistent with other liquor sales in the area. Factoring in the size and intent of the store, he suggested it would be more consistent with a Raley’s or a Safeway, which was also located in the community and which also sold liquor. While there were students walking in the area, he suggested that allowing the sale of alcohol from 7:00 a.m. to 10:00 p.m. would be consistent with the type of store being proposed.

PUBLIC HEARING OPENED

PROPOSENT:

JEFF ALVES, Chief Operating Officer, Mi Pueblo Food Centers, 1745 Story Road, San Jose, explained that the applicant had every intention of investing in the community and planned to open the store soon. He advised that Mi Pueblo operated 11 stores in the Bay Area, most of which were located in the South Bay. Mi Pueblo had been open since 1991 and employed 1,800 employees. They were excited to join the community, had conducted a two-year demographic analysis of Pittsburg and Concord, and had determined that the Pittsburg area would be a good fit. He clarified that Mi Pueblo would be a full service supermarket with every product found in a Safeway or a Raley’s and with a number of diverse customers. He affirmed that he had read and was in agreement with the staff recommended conditions of approval as written and as modified.

Commissioner Diokno asked about the floor plan and a row of cubicles or displays and asked if those were for food items, to which Mr. Alves noted the displays were intended for seasonal promotions.

DAVID MENA, Architect, clarified that there would be sinks inside the barbeque area for employees and where the food would be served.

Chairperson Ramirez asked what would be served in the cremeria.

Mr. Alves explained that the cremeria was an addition to the meat department with a variety of fresh salsas, freshly prepared items, including fresh cheeses, fruit, and dairy products.
Commissioner Ohlson spoke to Use Permit Conditions, Condition 8 of Resolution No. 9777, and clarified with the applicant that signage advising customers of the consumption of alcoholic beverages and no loitering on site would be provided in both English and Spanish.

As to Condition 25 of Resolution No. 9777 in response to Commissioner Ohlson, Mr. Alves explained for internal purposes that they would bag any internal waste from their fresh food departments to be disposed of in clear plastic bags, and to be verified by the Project Manager to control waste. All waste would be compacted and logged. The business also would have a number of janitors to maintain the property. An external janitorial company would maintain the parking lot nightly and there would be plenty of trash receptacles on-site.

As to the watering of the planter boxes, Mr. Mena commented that a regular manual watering system would be more convenient, but they would ensure the area was kept clean at all times. He noted that drip systems tended to leak and were a maintenance issue.

Commissioner Wegerbauer recommended that the location of the drains should be addressed and that the cement should be sloped so that any runoff would be limited.

Mr. Mena noted that the drains were an existing condition but that they could be reviewed.

Commissioner Diokno asked that the planter area on the north side at the rear be irrigated, and Mr. Mena advised that the existing irrigation system would be reviewed to ensure that it was properly functioning.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Ohlson referenced Use Permit Conditions, Condition 11 of Resolution No. 9777, and recommended that that the last sentence be amended to read:

Single-serving bottles of wine or wine coolers may be sold, provided that each single-serving bottle contains at least 187mL of product and provided that they are sold in manufacturer-assembled multi-packs of four or more bottles.

Ms. Hoggatt suggested the use of the term “alcohol” could be revised to read “liquid” or “product” with the intent of the condition to address single-serving bottles of wine that were sold in four packs.
Commissioner Wegerbauer clarified with staff that the e-mail received by Mr. Ricci would become part of the project file and did not have to be read into the record.

Commissioner Ohlson pointed out the misuse of the word “pallette” as shown on Use Permit Conditions, Condition 3 of Resolution No. 9777. He asked staff to correct that error.

MOTION: AP-08-558 (UP, DR)

Motion by Commissioner Garcia to adopt Resolution No. 9777 granting: 1) approval of a use permit for a grocery store within an existing building; 2) design review approval of architectural plans for a façade remodel; and 3) outdoor dining permit approval at 2100 Railroad Avenue for “Mi Pueblo Food Center, AP-08-558 (UP, DR)”, as conditioned and with modification to Condition Nos. 10, 11, 39, 41a, 41b, 41d, and 41e as shown on the memorandum dated October 28, 2008. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioner Diokno, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez

Noes: None

Abstain: None

Absent: None


An application by Garaventa Enterprises requesting approval of a conditional use permit to allow for outdoor storage of debris boxes on a five-acre portion in the southeastern corner of the larger 149-acre site located at 1580 Loveridge Road, in the (Light Industrial) District. APN 073-200-021.

Assistant Planner Jason Burke presented the staff report dated October 28, 2008. He recommended that the Planning Commission adopt Resolution No. 9778, approving AP-08-562 (UP), as conditioned.

PUBLIC HEARING OPENED

PROONENT:

DAVE ADLER, Contra Costa Waste Services, Inc., 4080 Mallard Drive, Concord, affirmed when asked that he had read and was in agreement with the staff recommended conditions in the resolution of approval, as shown.

Commissioner Ohlson referenced Section 3. Decision, Use Permit, Condition 4a of Resolution No. 9778 and asked the applicant to clarify how that condition would be met.
Mr. Adler noted that there was an existing easement for USS POSCO on the south side of the property to access the site and where the fire trucks would access, as well. That area would be fully paved. The Contra Costa County Fire Protection District (CCCFPD) had reviewed and was in agreement with the plans. He added, when asked, that the bins were currently stored on site and would be relocated to the subject location to allow an expansion of operations.

Commissioner Garcia understood that the access road had been used by cement trucks in the past. He was confident the road would handle the trucks.

Mr. Adler explained that upgrades would be made to the road as well. He otherwise invited the Commission to the Mt. Diablo Recycling Grand Opening scheduled for November 13, 2008, from 6:00 to 8:00 p.m.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-08-562 (UP)

Motion by Commissioner Wegerbauer to adopt Resolution No. 9778 approving a use permit to allow outdoor storage on a five-acre portion of the 149-acre parcel located at 1580 Loveridge Road (APN 073-200-021) for “USS POSCO / Contra Costa Waste Service, Inc. Five Acre Outdoor Storage, AP-08-562 (UP)”, as conditioned. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioner Diokno, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez
Noes: None
Abstain: None
Absent: None

COMMISSION CONSIDERATIONS:

There were no Commission Considerations.

ZONING ADMINISTRATOR REPORTS:

There were no Zoning Administrator Reports.

PLANNING DIRECTOR / STAFF COMMUNICATIONS:

Public Review of Draft Sign Ordinance
Ms. Hoggatt reported that each Planning Commissioner had been provided with a copy of the Draft Sign Ordinance and a status report on the draft ordinance. The draft had been released for public review with public comments to be accepted through the end of next week. She advised that Commissioners should provide their comments to staff in the next week. Any comments received would be incorporated into the document and the item would be brought back to the Commission for consideration and recommendation and would then be forwarded to the City Council for action.

Ms. Hoggatt added that a new Planning Commissioner would be sworn in during the Planning Commission meeting of November 12. The Commission would likely convene as the Historic Resource Commission (HRC) during that meeting, as well. In addition, staff was considering canceling the December 23 Commission meeting. During the first Commission meeting in December, staff would likely recommend that the Commission adjourn to the first meeting in January 2009.

COMMITTEE REPORTS:

There were no committee reports.

PLANNING COMMISSIONERS COMMENTS:

Commissioner Diokno reported that he had been contacted by a resident who lived at 2050 Harbor Street and who had advised that the curb had recently been painted red in front of three duplexes at the corner of Harbor Street and California Avenue, preventing the occupants from parking in front of the residences. Parking was not allowed in the landscaped area either, although other vehicles in the same neighborhood had parked with one wheel in the landscape area. Residents were concerned with the lack of parking which had impacted seven households for the two to three parking spots that were available. Residents informed him they had not been notified of the red curb other than notification through the City’s water bill. Residents asked for a more direct notification process. Although the resident had asked if the City would allow him to pave his front yard to allow him to park his vehicle off the road, he had been informed that City code prevented that from being done. He asked staff to review the situation.

Mr. Sbranti expressed the willingness to review that situation, of which he was unaware. He stated that Harbor Street had recently been repaved and it was possible the contractor had painted more of the curb red than required. Staff would follow up on that situation.

Commissioner Ohlson noted that neither the Municipal Code, the State Constitution nor the Constitution of the United States required on-street parking in front of every residence.
Commissioner Kelley asked of the owner of the vacant property adjacent to Winco Foods and stated that the property was full of paper and debris.

Mr. Sbranti understood the issue was something about which Code Enforcement staff was aware. He advised that staff would follow up on that issue.

Commissioner Ohlson pointed out that every large employer or grocery store of which he was aware had rules whereby employees could not go off the property, which was a concern for any entity such as Winco or Mi Pueblo Food Center with regard to the issue of debris blowing off of their properties and onto adjacent properties.

Commissioner Wegerbauer suggested that the goal could be met with a requirement for the hiring of a sweeping service which was a paid vendor and which would pick up the debris generated by adjacent properties in the case of Winco or Mi Pueblo Food Center, as an example, and which would be her solution if she was the property manager.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:51 p.m. to a Regular Meeting scheduled on November 12, 2008, in the City Council Chamber at 65 Civic Avenue, Pittsburg, CA.

MARC S. GRISHAM, Secretary
Pittsburg Planning Commission