MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
August 26, 2008

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 p.m. on Tuesday, August 26, 2008, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: Assistant City Manager Matt Rodriguez, Senior Planner Dana Hoggatt, Assistant Planner Ali Endress, Senior Civil Engineer Alfredo Hurtado, and Administrative Assistant to Director Kathy Comtois

POSTING OF AGENDA:
The agenda was posted at City Hall on Thursday, August 21, 2008.

PLEDGE OF ALLEGIANCE:
Commissioner Ohlson 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, August 26, 2008

MOTION:

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

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

PUBLIC HEARINGS:

Item 2: Enean Theater Remodel. AP-08-521 (UP, DR, VA, SR).

An application by Kerry Lyman, on behalf of the Redevelopment Agency of the City of Pittsburg, requesting approval of: 1) a use permit to establish a commercial recreation and entertainment use with full alcoholic beverage service; 2) design review of architectural plans to remodel the Enean Theater and expand the existing square foot theater building by constructing building additions and installing an outdoor gathering area; 3) variances to allow reductions in the minimum rear yard setback and parking requirements, and to allow increases in maximum allowable lot coverage and floor area ratio standards; and 4) sign exceptions to allow a 267 square foot reader board marquee sign with exposed neon tubing, that does not conform to the sign area or type regulations set forth in the Sign Ordinance. The site is located at 325 East Tenth Street in the CS-D (Downtown Service Commercial) District. APN 085-182-007 and 085-182-008.

Assistant Planner Eli Endress presented the staff report dated August 26, 2008. She explained that the only modification to the project plans was to the treatment of the northern façade of the 54-foot tall fly loft. The material currently included a blank, split face concrete masonry unit (CMU) wall that staff recommended include a treatment to reflect the stripes on the front façade along East Tenth Street to be consistent with the Design Guidelines. The architect and the Redevelopment Agency (RDA) had agreed to that condition.
Ms. Endress recommended that the Planning Commission adopt Resolution No. 9768, approving Use Permit, Design Review, Variance and Sign Review Application No. 08-521, as conditioned.

Commissioner Diokno liked the project and suggested that it was needed in the City. He asked whether or not a cost had been attached to the project.

PROPONENT: Redevelopment Agency of the City of Pittsburg

Kerry Lyman, Project Manager, Redevelopment Agency of the City of Pittsburg (RDA), explained that the architectural costs had been estimated at $10 million, although he anticipated a budget of approximately $14 million since those cost estimates did not include the cost of a construction manager and tenant improvements. He added, when asked, that if the parking lot chosen was the lot across the street, it would have landscaping and lights.

Commissioner Diokno asked whether or not sound tests had been conducted to ensure that surrounding neighbors would not be disturbed by any music in the building.

Mr. Lyman advised that the building had 12-inch thick concrete and rebar walls. While the acoustics had not been tested, he was confident that any sound inside the building would not be heard outside the building.

Commissioner Wegerbauer asked for clarification of the use of the outdoor area. Based on her review of the staff report, noise would be restricted past 10:00 p.m. on weekdays and past 12:00 a.m. on weekends.

Mr. Lyman anticipated that the outdoor area would be used during intermissions or as a waiting area. The uses for the building had not yet been actively defined. The City was expected to be the initial user, although the building could be leased privately for operation of the theater. The building had been designed for multi-purpose use and the outdoor area could potentially be used for any number of things, although specific programs for the facility had not yet been developed.

Commissioner Wegerbauer liked the design and the project. She commented that she had a recent tour of the interior of the building and was pleased with the proposal, although she would like assurance that the proposed uses at such a late hour would be defined soon. She expressed concern that any noise could carry through the neighborhood.

Mr. Lyman could not envision the outdoor area being used late in the evening other than for intermission, possibly for a half hour period.
Commissioner Ohlson identified a typographic error on Page 1 of 18 of the August 26 staff report where a different resolution number had been shown than for Resolution No. 9768. He also referenced Planning Department Conditions, Condition 15, and asked for clarification on the intent of that condition.

Ms. Endress explained that Condition 15 related to the Uniform Building Code (UBC), which required that all building access ladders to roofs be either located inside or outside of the building but which had not provided requirements for the visual treatment or screening of those ladders. While that condition could be modified by the Commission, she stated it was a standard condition of approval. If the applicant opted for an exterior ladder, it would have to be screened.

Commissioner Harris recognized the work on the design and agreed that the building would look nice, although he questioned when construction was expected to occur.

Mr. Lyman stated that he could not predict the starting date due to the current housing market, which had affected the income of the RDA, and since all available RDA funds had been directed toward other priority projects. The construction drawings for the subject design would be placed on the shelf pending the turnaround of the market and until the RDA could pursue another bond issue and go out bid for construction. He acknowledged that the project may not be realized for a couple more years and that costs could increase.

Commissioner Harris questioned rushing the project through at this time given that the RDA did not have the funds to move forward and given that construction costs could significantly increase.

Assistant City Manager Matt Rodriguez explained that the City was working to prioritize all RDA projects and it was not uncommon for an RDA or a city to bring forth plans and gain approval and not go through the same process in the next two to three years when there was ample funding in place so that the project could proceed. The City was also subject to the State’s budget and it was a matter of prioritizing what funding was available for projects. When funds were available, the City could then move to the construction phase.

Mr. Lyman added that construction bids would still have to go before the City Council. He explained that, when made aware that the project could not proceed to construction in 2009, as anticipated, the architect had revised the drawings to conform to the UBC requirements that had gone into affect in 2008. There should therefore be few changes to the design, if any, when going out to bid.

Lieutenant Dan Callahan, representing the Pittsburg Police Department, stated when asked by Commissioner Ohlson that the Acting Chief of Police had reviewed the project plans and the issue of the sale of alcohol. The Police Department supported the project
100 percent and had no issues with how the project conditions had been drafted and proposed.

Chairperson Ramirez spoke to the vacant lot across the street on the south side, which he understood the RDA was in negotiations with the property owner. He inquired of the status of those negotiations.

Mr. Lyman advised that the RDA had been working with the property owner for the past three and a half years. A proposed settlement agreement was due to go before the City Council on September 2.

Commissioner Diokno clarified with Mr. Lyman that no restroom facilities had been planned for the third floor of the building and that there were only restroom facilities on the first floor.

PUBLIC COMMENT OPENED

NICASIO REBUCAS, 348 East Ninth Street, Pittsburg, inquired whether or not the existing three homes located behind the theater would be preserved or demolished. His home was located directly behind the theater.

Mr. Lyman explained that there were no plans to acquire the properties at this time. The referenced properties had not been included in the Unified Development Area (UDA). He noted that a couple of the homes were in foreclosure, and while the RDA had considered acquiring them to supply affordable housing, there were no RDA plans to acquire or demolish those properties in association with the project.

A.J. FARDELLA, Director, Oak Hills Community Group, 209 Havenwood Circle, Pittsburg, spoke to his background in stagehand/production and theater renovations, and expressed concern with the loading/unloading truck access to the stage. He also expressed concern with the adequacy of the restroom facilities given that there would be three floors of occupancy with the restrooms located only on the first floor. He would like to see the consideration of additional restroom facilities.

Ms. Endress identified on the plans the outdoor gathering area, which had a pedestrian and vehicle gate and which had shown paving that would be more than adequate for the loading/unloading of stage equipment.

Chairperson Ramirez affirmed with Mr. Lyman that he was in agreement with the staff recommended conditions of approval. He added that there would be twice as many women’s restroom facilities as men’s, but all would be located on the first floor. It was also clarified that the existing restrooms on the second floor of the original building would be removed.
OPPONENTS: None

PUBLIC COMMENT CLOSED

Commissioner Diokno expressed concern with the lack of restrooms given the multi-purpose intent of the building design. While he recognized that the women’s restroom facilities would be expanded on the first floor, he suggested it would be more convenient for the patrons of the building to have a facility on the third floor at the least. He requested a condition that a restroom facility be added to the third floor.

Commissioner Diokno made a motion to adopt the resolution approving the project, as conditioned, with an additional condition that the architect find a suitable location to add restroom facilities to the third floor. He suggested that a unisex facility would be acceptable.

Commissioner Ohlson seconded the motion although he questioned the parking issue in that there was no condition requiring parking. He wanted to add a condition that once the parking was identified it would be provided.

Senior Planner Dana Hoggatt identified Planning Department Conditions, Condition 9 of Resolution No. 9768, which identified the required parking.

Commissioner Ohlson withdrew his concern and seconded the motion.

MOTION:

Motion by Commissioner Diokno to adopt Resolution No. 9768, granting Use Permit, Design Review, Variance and Sign Review approval of plans to: 1) reestablish the Enean Theater as a commercial entertainment use with ancillary alcoholic beverage service; 2) remodel the existing site and structure; 3) grant variances for parking, lot coverage, floor area ratio, and rear yard setback; and 4) add a reader board marquee sign with exposed neon tubing. The project is located at 325 East Tenth Street in the CS-D (Downtown Service Commercial) District, “Enean Theater Remodel, AP-08-521 (UP/DR/VA/SR),” with the conditions as shown and with an additional condition added before Condition 12, to read as follows:

A restroom facility shall be added to the third floor of the theater building. The restroom facility may be unisex and shall be identified on any plans submitted for purposes of obtaining a building permit to construct the theater improvements.
The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Harris, Kelley, Ohlson, Wegerbauer, Ramirez

Noes: None

Abstain: None

Absent: None

Item 3: La Raza Market Modifications. AP-08-547 (UP, DR).

An application by Badr Sanane of La Raza Market, requesting administrative design review and use permit approval to: 1) legalize the existing façade improvements (boarding of certain windows) that were previously installed without Planning approval; and 2) modify Conditions 5 and 8 from the existing use permit (U-92-20, Planning Commission Resolution No. 8673). The business is located at 134 East Tenth Street and is zoned CS-D (Downtown Service Commercial) District. APN 085-204-009.

Senior Planner Dana Hoggatt presented the staff report dated August 26, 2008. She recommended that the Planning Commission adopt Resolution No. 9766, approving Administrative Design Review and Use Permit Application No. 08-547, as conditioned.

Commissioner Wegerbauer inquired of the applicant’s rights to the sale of alcohol.

Ms. Hoggatt explained that the proposed resolution would prohibit the applicant from selling single containers less than 24 ounces in size, although he could sell containers less than 24 ounces in size if they were sold in prepackaged multi-packs.

Commissioner Wegerbauer requested clarification of the staff recommendation to accept the boarded up windows, to which Ms. Hoggatt clarified that staff had recommended that at least 75 percent of the storefront be transparent. In that case, the boarded up window could remain, although there was a condition of approval to repaint the building, including the boards. She added that the resolution, if approved as written, would allow the boarded up windows to remain.

Commissioner Ohlson spoke to Condition 8 of Section 3. Decision, Use Permit, of Resolution No. 9766, and asked staff how that condition would be determined.

Ms. Hoggatt noted that the regulation of the floor area taken up by alcohol sales could be revised in that condition. The intent of that condition was that the grocery store not turn into a liquor store or tavern where there was primarily alcohol being sold in the store.

Commissioner Garcia referred to Section 3. Decision, Design Review, Condition 12 of Resolution No. 9766 and commented that there appeared to be no trash enclosure on the site. He stated that he had just viewed the property prior to the meeting and had found trash scattered over a wrought iron fence.
Ms. Hoggatt understood that a trash enclosure was located on the east side of the property, although she recommended that the applicant clarify that issue.

PUBLIC HEARING OPENED

PROPOONENT:

BADR SANANE, La Raza Market, 134 East Tenth Street, Pittsburg, explained that he operated a family-owned business. He would like to be allowed to start selling alcohol earlier than the 9:00 a.m. time recommended by staff. He wanted to be able to sell alcohol between the hours of 7:00 a.m. and 8:00 a.m. since he had regular customers who traveled to the area during those hours. He added that he had no area inside the store to which he could relocate his existing produce case other than at the rear where the soda cases were located. If the soda cases were placed at the front of the store, he explained they would be taller than 4.5 feet. He also clarified that there was a three-walled enclosure where the garbage cans were located.

TONY WONG, the property owner, explained that in 1994, the City had required that a trash can enclosure be built, which had been done at that time with a three-wall enclosure that he described as five feet in height and 12 feet by eight feet in size. He noted that the next day, Wednesday, was garbage pick-up day, and the garbage cans would have been put out for pick up. As to the boarded windows, he commented that he had obtained a private use permit in 1992, at which time a walk-in box had been built for beer and wine. The window had then been closed so that the merchandise was not visible. He stated that the City had not mentioned anything about the windows until this time. He would like to cover that area with stucco like the remainder of the building wall rather than re-install a glass window.

Commissioner Wegerbauber stated that she had also visited the site. She referred to the secondary sign on the building façade reading Delta Chinese Food To Go/La Raza Groceries & Fresh Produce, and the like. She questioned whether or not the sign had been permitted by the City.

Mr. Wong was uncertain that sign had been permitted since his father had leased the grocery use to the tenants.

Commissioner Wegerbauber also referred to an area of broken storefront glass close to the entry and affirmed with Mr. Wong that it would be repaired.

Commissioner Wegerbauber also understood that some of the exterior fluorescent light bulbs had been replaced. She inquired whether or not there were any plans to finish the light fixtures so that there would be no exposed bulbs since the entire front was currently exposed.
Mr. Wong noted that the fluorescent tubes would be replaced and would be covered with a plastic material.

Commissioner Wegerbauer added that at the entrance, a blue newsstand was in disrepair. She asked whether or not there were any plans to replace that item.

Mr. Sanane reported that he had contacted the company to replace or remove the newsstand.

In response to Commissioner Harris, Mr. Wong reiterated that he planned to stucco over the boarded up window area.

Mr. Sanane explained that area faced a storage room on the inside of the building.

Commissioner Harris wanted that area to be finished off, which Mr. Wong agreed to do. Commissioner Harris stated that he would also like to see the building be repainted on the front and all sides to match the stucco.

Mr. Wong stated that he was willing to do that as well.

Commissioner Ohlson referred to Section 3. Decision, Use Permit, Condition 2 of Resolution No. 9766, and requested clarification from the property owner on the private security camera system to be installed.

Mr. Wong explained that he had a private security camera system that recorded for approximately 45 days and that would override automatically after that time unless there was a reason to check something.

Commissioner Ohlson spoke to Section 3. Decision, Design Review, Condition 12 of Resolution No. 9766 and expressed concern that the requirement for a roof over the trash enclosure within 60 days may not allow an adequate time for the property owner to accomplish that work. He recommended that the time period be extended to 90 days.

Ms. Hoggatt stated that staff was not opposed to a modification of Condition 12 to extend the time period to install a roof over the trash enclosure and believed that the necessary design review findings could still be made with the extended timeline.

Commissioner Ohlson also spoke to Section 3. Decision, Design Review, Condition 23 of Resolution No. 9766 and asked that the list of agencies the applicant must contact for requirements be identified in that condition.

Ms. Hoggatt noted that Section 3. Decision, Design Review Condition 22 had listed the Contra Costa County Fire Protection District and the state Department of Alcoholic
Beverage Control, and that those were the primary agencies that would be involved with the building changes and use permit amendments described with this application.

Mr. Wong stated, when asked, that he understood the intent of the conditions.

Given the nearby school and the presence of students en route to school in the mornings, Commissioner Kelley did not support a change recommended time restriction on the sale of alcohol. She supported the staff recommendation that the sale of alcohol not occur prior to 9:00 a.m.

Mr. Sanane asked that the sale of alcohol be allowed beginning at 8:00 a.m.

Commissioner Garcia asked for clarification of the wrought iron fence on the east side of the building, to which Mr. Wong noted that there had been a problem with illegal dumping in the past.

Commissioner Garcia also asked staff for clarification of a second large wooden sign on the building frontage.

Ms. Hoggatt explained that the total sign area was in excess of what was allowed. Staff had spoken with the property owner in the past about the signage. The sign had not been installed with a permit and that issue had not been resolved. That issue could be addressed through a condition of approval of the subject resolution.

Commissioner Garcia suggested that the second, wooden sign was inappropriate and detracted from the main channel-lettered sign reading La Raza Market.

Lieutenant Callahan reported that with the new elementary school around the corner from the site, the intent of the Police Department was to discourage the current presence of transient alcoholics who tended to loiter in the area with the intent to purchase alcohol from the subject market and other markets in the area. It was hoped that liquor would not be sold until 9:00 a.m. He added that there were plans to develop senior housing across the street and referenced a new building that had recently been built on the corner of East Tenth Street and Railroad Avenue.

Lieutenant Callahan also explained that there was a church on East Ninth Street that fed the homeless and transients who oftentimes purchased alcohol early in the morning while waiting for the church to open up. By not allowing alcohol to be sold prior to 9:00 a.m., those individuals would not show up until after 9:00 a.m. and would not intermix with the school children in the area. The Police Department supported the staff recommendation to only allow the sale of alcohol after 9:00 a.m.

Lieutenant Callahan clarified, when asked by the Chair, that there were two other markets in the area that sold alcohol. The Police Department was currently in negotiations.
through the use permit review process to convince those business owners also not to sell alcohol prior to 9:00 a.m. Efforts were also being made with all other liquor stores in the City, particularly those located near a school or in a high crime area as Tenth Street had been considered.

Commissioner Wegerbauer expressed her appreciation for the improvements taking place in the area. Having walked around the building, she saw opportunities to present the building in a more positive manner. She asked whether or not the property owner would be willing to consider using a 3M window layering material, as an example, that could be placed on the glass and that would have images or a design that could be patterned to present something nicer to the public rather than the backs of the shelves. Mr. Wong stated that he was willing to consider that option.

Commissioner Wegebauer also wanted to see a cover on the outside lights or installation of a light fixture appropriate to the exterior.

Mr. Wong commented that if his budget allowed, he may be able to do that, although he had a lot to do already, with the repainting of the building, stucco on the window, a roof over the garbage enclosure and the like. He commented that he was not wealthy and would need some time to see if he could make all those improvements. He added that he had been contacted by the City regarding a possible acquisition of the building. As such, he noted that if he put all of that money in the building, he could lose money.

A.J. FARDELLA, Pittsburg, agreed that the sale of alcohol should not be permitted prior to 9:00 a.m., a condition he found to be reasonable in response to the efforts to improve the area and for the reasons as stated by the Police Department.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Diokno commented that the store was in a prime location with potential new housing and new development to be the source of many benefits from the City’s development. He suggested it would behoove the property owner to improve the inside and outside of the store to attract new customers.

Mr. Wong agreed and thanked the Commission.

Commissioner Wegerbauer recommended additional conditions and noted that the Commission was consistent in enforcing the code and the use permit requirements on different users. She asked that the signage be evaluated from the perspective of the City’s code, that the applicant remove the piece of wood on the storefront, that the wooden sign alongside the primary sign reading La Raza Market be removed, and if visibility was required inside the facility, that the cabinets be rearranged inside or that
there be consideration in covering the lower portion of the windows with a 3M material
designed to complement the building as a whole, to be reviewed in comparison to the
new building colors. She further recommended that the exposed exterior fluorescent
bulbs be evaluated and upgraded to provide a better presentation to the public, while also
being safe.

Commissioner Garcia made a motion to adopt Resolution No. 9766, as conditioned, with
the following modifications and additional conditions:

- References to 90 days in Resolution No. 9766 to be increased to 120 days;
- References to 60 days in Resolution No. 9766 to be increased to 120 days;
- Add Condition 24 to Section 3. Decision, Design Review, specifying that the
  plywood on the two boarded windows be removed and that the area be
  resurfaced with stucco and painted to match the exterior of the building, with
  sheet rock applied to the inside;
- Add Condition 25 to Section 3. Decision, Design Review, specifying that the
  applicant comply with the current sign code; and that the second, white,
  wooden sign, located alongside the La Raza Market sign, that reads Delta
  Chinese Food To Go/La Raza Groceries & Fresh Produce, etc., be removed
  within 60 days;
- Add Condition 26 to Section 3. Decision, Design Review, specifying that staff
  work with the applicant to either remove the shelving adjacent to the storefront
  window or find a well-designed option that would be appropriate to cover the
  storefront glass where it is adjacent to the back of a shelf; and
- Add Condition 27 to Section 3. Decision, Design Review, specifying that the
  applicant have one year to re-evaluate the outdoor lighting and work with staff
  to change the lights to something more appropriate.

Commissioner Wegerbauer seconded the motion.

On the motion, Commissioner Ohlson asked that Section 3. Decision, Use Permit,
Condition 10 be modified with the trash cans to be kept in the trash enclosure area except
the evening before the morning pick up, after the store closes.

Speaking to Section 3. Decision, Use Permit, Condition 8, Commissioner Ohlson, asked
staff to work with the Police Department with respect to the square footage to determine
how much the sale of alcohol must expand before it was an issue, or to identify some
other method to identify a substantial increase in the sale of alcoholic beverages.

Ms. Hoggatt recommended that the Commission consider establish a percentage of the
floor area of the building rather than defer to staff to come up with a number.
Commissioner Garcia recommended that staff and the Police Department work on a number that could be added to that condition to determine what would be allowed or possibly a small increase in size to identify an appropriate regulatory figure.

Mr. Rodriguez explained that staff would come up with a regulatory mechanism to clarify that condition.

On the discussion, Commissioner Garcia clarified that his motion was to change those conditions with timing identified as either 60 or 90 days, to be extended to 120 days, with the exception of the exterior lighting fixtures which would have to be addressed within one year.

**MOTION:**

Motion by Commissioner Garcia to adopt Resolution No. 9766, granting design review approval for façade improvements and use permit approval for modifications to U-92-20 for a grocery store at 134 East Tenth Street, APN 085-204-009. "La Raza Market Modifications. AP-08-547 (DR/UP)", with the conditions as shown and subject to the following changes:

- Modify references to 90 days in Resolution No. 9766 to 120 days;
- Modify references to 60 days in Resolution No. 9766 to 120 days;
- Add Condition 24 to Section 3. Decision, Design Review, specifying that the plywood on the two boarded windows be removed and that the area be resurfaced with stucco and painted to match the exterior of the building, with sheetrock applied to the inside;
- Add Condition 25 to Section 3. Decision, Design Review, specifying that the applicant comply with the current sign code; and that the second, white, wooden sign, located alongside the La Raza Market sign, that reads *Delta Chinese Food To Go/La Raza Groceries & Fresh Produce*, etc., be removed within 60 days;
- Add Condition 26 to Section 3. Decision, Design Review, specifying that staff work with the applicant to either remove the shelving adjacent to the storefront window or find a well-designed option that would be appropriate to cover the storefront glass where it is adjacent to the back of a shelf; and
- Add Condition 27 to Section 3. Decision, Design Review, specifying that the applicant have one year to re-evaluate the outdoor lighting and work with staff to change the lights to something more appropriate.
- Modify Section 3. Decision, Use Permit, Condition 10, to specify that the trash cans be kept within the trash enclosure area, except in the evening before the morning pick up, after the store closes; and
- Craft a regulatory mechanism to clarify Section 3. Decision, Use Permit, Condition 8.
The motion was seconded by Commissioner Wegerbauer and carried by the following vote:

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

COMMISSION CONSIDERATIONS:

There were no Commission Considerations.

ZONING ADMINISTRATOR REPORTS:

The Planning Commission acknowledged receipt of the following:

4. Notice of Intent to Exercise Delegated Design Review Authority:
   Ramos Oil Company E.V.R. Installation. AP-08-552 (AD).
   Jack in the Box Color Change. AP-08-554 (AD).
   Shell Gas Station E.V.R. Installation (2253 Loveridge Road).
       AP-08-556 (AD).
   Shell Gas Station E.V.R. Installation (3737 Railroad Avenue)
       AP-08-577 (AD).

Commissioner Wegerbauer recommended that the E.V.R. equipment locations be camouflaged as much as possible, with landscaping similar to the equipment installation at the Beacon Gas Station located at the corner of Kirker Pass and Clayton Roads in Concord.

PLANNING DIRECTOR / STAFF COMMUNICATIONS:

There were no Planning Director/Staff Communications.

COMMITTEE REPORTS:

Commissioner Ohlson reported that the TRANSPLAN Committee had met on August 14 and had released the second draft of the East County Action Plan for inclusion in the Countywide Transportation Plan, which was out for public comment and could be referenced on the TRANSPLAN website. He added that TRANSPLAN had also welcomed a new member, Jim Frazier, from the City of Oakley Planning Commission.
PLANNING COMMISSIONERS’ COMMENTS:

Commissioner Ohlson reported that he would not miss upcoming TRANSPLAN Committee meetings in the next few months as previously reported.

Commissioner Wegerbauer reported that the Mexican Market located in the Wal-Mart Shopping Center had completely covered the storefront glass with paper, which she did not recall was compliant with the business’ conditions of approval or the sign code and which should be evaluated.

Chairperson Ramirez added that the columns of the store had also been covered with paper.

Mr. Rodriguez advised that staff would follow up on that situation.

Commissioner Diokno reported that the business owner of Ramar Foods had made numerous requests for Planning Commission consideration over the past few months. He asked that Ramar Foods be agendized for the first meeting in September.

Mr. Rodriguez reported that he could not speak in detail on the matter due to the Brown Act, although staff had been working productively with the property owner to possibly resolve all issues within the week. Essentially one item remained to be addressed. Once resolved, the project would be in substantial conformance and a Temporary Certificate of Occupancy Permit could be issued. A staff communication report could be provided to the Commission on September 9.

Commissioner Diokno asked to be apprised of the situation if it was resolved.

Mr. Rodriguez understood the concerns and understood the applicant’s desire to move forward. He also understood that there was an Industrial Development Bond at stake and the City had been speaking with the Industrial Board. As long as the applicant was working in conjunction with the City and a Temporary Certificate of Occupancy was imminent, that would satisfy the requirements the applicant was required to fulfill with the State.

Commissioner Harris expressed his disappointment that the City had not repaired or replaced the curb and gutters in his neighborhood, although the City was obligating funds for the Enean Theater, as an example. He emphasized that there remained infrastructure improvements that needed to be made but had not been done in the area for many years. In his opinion, the Enean Theater project should have been postponed given that the City still had time to work on the bonds.

In response to Commissioner Garcia, Mr. Rodriguez reiterated that he could not speak in detail to the issue regarding Ramar Foods due to the Brown Act. He reiterated that staff
was working cooperatively with the property owner, and that a Temporary Certificate of Occupancy was due to be issued as long as the project was in substantial conformance with its conditions of approval.

Commissioner Garcia commented that the property owner had desired to be heard by the Planning Commission since June, and there was no guarantee the matter would be placed on the September agenda for consideration. He expressed concern that the City was not allowing the business owner to occupy the building pending the resolution of what he understood were some architectural issues. He saw no reason not to issue a Temporary Certificate of Occupancy. He reiterated that the issue should have been agendized for Commission consideration. The property owner had 200 employees in the community, and the City was delaying the occupancy of a building that would hire more people. He expressed concern that the City was discouraging businesses from locating in the City. He identified businesses that had left Pittsburg to locate in neighboring communities.

Chairperson Ramirez added that the property owner of Ramar Foods had contacted him regarding the situation. As the Chair of the Planning Commission, he requested that the matter be agendized for the September 9 Planning Commission meeting or for the September 23 meeting at the latest.

Commissioner Kelley reported on complaints in the Wal-Mart parking lot, where people were selling items in the parking lot and which was discouraging customers from patronizing the businesses in the center. She requested that Wal-Mart be contacted and recommended consideration of additional security in the lot.

Commissioner Wegerbauer asked that the use permit for that use be reviewed to determine whether or not the City could use some leverage, in that a good landlord would ensure that the parking lot was a safe and comfortable environment for consumers.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:04 p.m. to a Regular Meeting scheduled on September 9, 2008, in the City Council Chamber at 65 Civic Avenue, Pittsburg, CA.

MARC S. GRISHAM, Secretary
Pittsburg Planning Commission