A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, June 13, 2006 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Thomas, Chairperson Ramirez

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Dana Hoggatt, and Assistant Planner Leigha Schmidt

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, June 9, 2006.

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:


MOTION:

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

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Thomas, Ramirez

Noes: None

Abstain: None

Absent: None

PUBLIC HEARINGS:

Item 1: East County Women’s Program AP-06-322 (UP)

Application by Bi-Bett Corporation requesting approval of a use permit to relocate The East County Women’s Program, a residential care facility for fifteen women recovering from drug and alcohol abuse, from a location on School Street to two duplexes at 2 through 14 Davi Avenue, and to establish a transitional housing facility for up to eight women in an adjacent duplex at 22 and 24 Davi Avenue. The establishment is licensed and certified by the California Department of Alcohol and Drug Programs and will be located in the RM (Medium Density Residential) District. APNs 086-083-021, 086-083-022, 086-083-023.

Assistant Planner Leigha Schmidt presented the staff report dated June 13, 2006. She recommended that the Planning Commission adopt Resolution No. 9645, with the conditions as shown.

Ms. Schmidt explained that the program was required to relocate since the County had sold the former hospital site to the City of Pittsburg Redevelopment Agency. The lease requirements for the facility required the applicant to be out of the existing building by July 1, 2006 since the building would be demolished and the property used for future housing. In response to Commissioner Ohlson as to the vernacular style of the building, Ms. Schmidt explained that a vernacular style had no particular style in architecture and was a simple, plain design with few embellishments.

In further response to Commissioner Ohlson as to the size of the handicap spaces in the parking plan, Ms. Schmidt clarified that the size of the handicap spaces would be as identified in the staff report and as shown on the current site plan which she displayed to the Commission.
PUBLIC HEARING OPENED

PROPOSER:

SUSAN CINELLI, Bi-Bett Corporation, P.O. Box 5487 Concord, explained that the facility had been in the community for 30 years and had been extremely low key, which she suggested was due to the facility staff. She encouraged the support of the request since the program would be homeless on June 30. She affirmed with the Chair that she had read and was in agreement with the staff recommended conditions of approval.

Commissioner Dolojan inquired whether or not the existing site at School Street had security.

Ms. Cinelli advised that there had not been security as such, although there was a 24-hour awake staff as required by law. The program had functioned well with that process. Anyone under the influence or a visitor or anyone else trying to bring paraphernalia, as an example, into the facility would not be allowed on the premises. Anyone under the influence would be escorted off the premises to be referred or transported to a detox facility.

Ms. Cinelli commented that when people had come to the School Street site, they had come to the site to go through the detox process and would be going through the Women's Program for treatment. Those not wanting to go through the process and those under the influence would stay away. She explained that over the past six years there had been very few incidents at the School Street site. The School Street site had also operated as a DUI program and outpatient and drug testing program, which programs would be relocated to Loveridge Center and one to the City of Antioch. She described the process of escorting an individual under the influence from the site.

In response to the Chair as to the record of any police calls to the existing site, Ms. Cinelli referred to Page 7 of 11 of the June 13 staff report where the Planning Department had pulled the police reports from 1999 through 2006. She did not see that the recorded incidents during that period would increase and suggested they would actually decrease with the lack of the other two programs at one site.

Ms. Cinelli foresaw a decrease in police response activities given that the women's residential facility would be all women and would not be coed. In that regard, she suggested that there might be a reduction of incidents on Davi Avenue since the facility would have staff awake 24-hours, which would also serve as a kind of neighborhood watch.

Commissioner Tumbaga questioned how many women would be admitted into the program. She also inquired whether or not individuals would be present with those going through the entire detoxification process.
Commissioner Tumbaga further inquired whether or not the staff would be licensed professionals. She asked for a typical length of stay for an individual going through the program.

Ms. Cinelli explained that the majority of the women were self referred or had been referred by family or friends. Referrals could also be made by CPS, Social Services, Alcoholics Anonymous (AA), Narcotics Anonymous (NA) and schools. Per State requirements, all individuals would be supervised continuously, including visual observations and charting every half hour. The program would only deal with those suffering from mild to moderate withdrawals. Those experiencing an accelerated withdrawal would be referred to the County Hospital. Barring any medical complications after treatment at the County Hospital, the individual would likely be referred back to the Women’s Program to complete the process. Program staffers were all certified Alcohol and Drug Counselors.

Ms. Cinelli commented that the average stay of individuals was approximately 120 days, and those individuals would then enter transitional housing. For the treatment side, the facility would serve approximately 48 individuals. All together, 180 individuals would be served. The program was small. Of the other women to go through the withdrawal process, some would be transported to other treatment facilities in the Bay Area.

Commissioner Tumbaga inquired whether or not the facility would have any interaction with its neighbors.

Ms. Cinelli stated that they had met with some of their neighbors. She reiterated that they could expand the neighborhood watch concept with their presence. The facility would also have once a year social events and barbeques when the neighbors would be invited to attend.

Commissioner Tumbaga expressed concern with the safety of the women in the program given the activity across the street at the park area. She questioned how that would be handled.

Ms. Cinelli suggested that the fence around the property would deal with that situation along with their 24-hour awake staff, where that security would be provided. Efforts would also be taken to get to know the community during the first year to determine how much that would be a problem. She acknowledged that while the area was active, the program would be self contained with the fencing and 24-hour awake staff.

Commissioner Thomas inquired of the number of children who could be involved with the program, to which Ms. Cinelli explained that the residential care program would be for adult women only, with a total of 15 beds. There was a women’s and children program in Bay Point which was also located in a redevelopment area and which would also eventually
have to be relocated.

Only two units would be associated with the traditional housing program. There would also be the opportunity for sharing for alumni housing where there could be two mothers and two children out of eight people at one time.

LUCY DELESBORE, 1671 Fisher Drive, Concord, On-Site Manager for Meadow Glen Apartments, explained that there were a total of 32 units in the complex. Of that total, Bi-Bett Corporation would use six units for its program and two units for the transitional housing program. The apartment complex had relocated all of its current tenants. No tenants had to move out as part of the program request. She noted that the applicant had been generous in some of the relocations for handicap residents. She added that she had checked with other landlords in various locations in the Bay Area where similar programs had been located. She had received positive feedback from the owner or management company that was involved in those properties.

CRYSTAL HAWKINS, 89 Huntington Circle, Pittsburg, an alumni of East County and Waldem House, stated that she had been clean and sober for 12 years and would like to see the facility approved since it would be beneficial to the community. She was raising six children and due to her recovery and love from the staff, she had been allowed to become part of the community. She had been working as a drug and alcohol counselor for the past ten years and was glad that the facility had been there for her when it was needed.

PAULA SLAUGHTER, 1111 Cedar Street, Pittsburg, commented that she had also been in recovery and it would be ten years in December since she had been drug free as a result of the program. She suggested that the program would benefit the community since it would search, watch and monitor the women to ensure their security. The 24-hour awake staff would also add to the security. She explained that the women were encouraged to be honest and follow the rules. Those who wanted to recover were able to be helped and rejoin the community and society.

LISA JOHNSTON, Pittsburg, an alumni of the Women’s Program, stated that she was six months clean. She urged the support of the program that had changed her life over the past six months. She had joined the program in December, stayed for 120 days and was now currently employed and in transitional housing.

LISA SUSHAWN, 4553 Delta Fair Boulevard, B12, Antioch, an alumni of the Women’s Program, stated that she had completed her recovery on August 27 and was now ten months clean. She was now in transitional housing with Shelter Inc., which had changed her life. She emphasized that it was important to support the women and the facility.

In response to the Chair, Ms. Ayres acknowledged that the public had been noticed of the public hearing, as required by law, with all property owners within 300 feet noticed, along with posting at the property, the library and the kiosk at the front of City Hall.
Commissioner Tumbaga emphasized the importance of such programs in any community. She was thankful to have such a facility in the community to bring those in need of its services back into society to allow them to lead a normal life. She thanked the Bi-Bett Corporation for what it provided.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9645, approving AP-06-322 (UP), a Use Permit to establish a residential care facility for drug and alcohol treatment at 2 through 14 Davi Avenue for the “East County Women’s Program,” with the conditions as shown. The motion was seconded by Commissioner Thomas and carried by the following vote:

  Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Thomas, Ramirez
  Noes: None
  Abstain: None
  Absent: None

COMMISSION WORKSHOP

Item 2: Zoning Code Update Study Session – Industrial Districts

A study session on a City-initiated project to amend Title 18 (Zoning Ordinance) of the Pittsburg Municipal Code (PMC) in order to implement General Plan goals and policies pertaining to I (Industrial) Districts throughout the City.

Associate Planner Dana Hoggatt presented the staff report dated June 13, 2006. She recommended that the Planning Commission review the suggested changes to Chapters 18.08 (Use Classifications) and 18.54 (Industrial Districts) of the PMC, accept input from the public, and provide feedback to staff on the revisions.

Commissioner Garcia spoke to the properties that bound Bliss and Garcia Avenues and questioned whether or not the new warehouses had been included in the proposed revisions. In the event those warehouses were moved or purchased to allow the development of the future transit village, he noted that the City had no other industrial land to replace those jobs and warehouses. He questioned whether or not staff had considered finding more industrial land within the City given the continual conversion of industrial land to commercial, with no replacement land for industrial purposes. He noted that the City of
Antioch had eight new warehouses off of the Pittsburg/Antioch Highway where Pittsburg had none.

Ms. Hoggatt explained that the same concern had been raised by the Economic Development staff who had tried to take that into account when reviewing the draft zoning regulations. She advised that an area around Harbor Street had some vacant land east of Freed Way in the existing IP District. Staff had considered a portion of USS POSCO property that was undeveloped and which was currently in an IG District.

Staff had also considered making that area an IL District as a potential relocation site for tenants in the area. That consideration was also based on feedback from a Real Estate Broker working with staff who had indicated that Light Industrial incubators were becoming more and more important. For a combination of reasons, including relocation of the tenants in the area, staff had looked at that area as a potential relocation site. That same Broker was also working with USS POSCO.

Commissioner Garcia spoke to Page 4 of 13 of Attachment 1, Chapter 18.54, Industrial Districts (I), Section 18.54.010, and the list of Land Use Regulations in the IP, IL and IG Districts. He questioned why the IL District had not included retail wholesale and home improvement sales and service, with a use permit required for those uses. Also on Page 3 of 13 of Attachment 1, Building Materials with a use permit had been shown as a permitted use in all three zones, although that had been stricken, and Page 4 of 13 had shown limitations in the IG and IL Districts.

Ms. Hoggatt noted the limitations had removed the use permit requirements and replaced them with performance standards to streamline the permitting and licensing processes. The limitations for L-1.c for Lumber and Building Material Yard, as shown on Page 4 of 13 of Attachment 1, had also been an attempt to streamline the process. Such a use would be subject to design review only provided that the equipment was screened and access was viable. In some cases, a business license for site improvements would be required. The purpose of the performance standard was to replace the use permit process.

Commissioner Garcia noted that a permitted use or allowed use had conditions.

Ms. Hoggatt explained that if there was a permitted use, conditions would not be imposed due to the performance standards requirement. An existing building with a permitted use and no new construction, as an example, would not be considered by the Planning Commission. In that case, the permitted use would be allowed simply with a business license.

Commissioner Garcia noted that every allowable use had conditions attached.

Commissioner Garcia also spoke to Page 8 of 13, of Attachment 1, Table 18.54.015, IP, IL and IG Districts: Development Regulations: Development Classifications for Maximum
Height of Structures. He suggested that the IG District should not have a 50-foot height limitation. He noted that most heavy industrial uses were significantly higher than 50 feet. He cited the Calpine facility as an example. He recommended a height up to 75 feet.

Planning Director Melissa Ayres explained that other provisions of the Zoning Ordinance would allow 20 feet on top of any maximum stated height for spires, towers and mechanical equipment as examples. That section could be reviewed by staff with information on what other industrial communities used for building heights to be returned to the Commission for review.

Speaking to the same table relating to maximum lot coverage, Commissioner Garcia recognized that for the IP District it had been increased to 15 percent and 10 percent for the IL and IG Districts. He cited the Gomez Brothers property as an example which had included a City owned easement. He suggested that when the City had an easement that percentage of the easement, if the owner of the property was willing to landscape and maintain it, should be included in the 15 percent since the City had a history of not maintaining its easements.

Ms. Hoggatt commented that the increase in the maximum lot coverage had been intended to allow developers more flexibility and a more efficient use of the land. The increase in landscaping was due to the increase in National Pollutants Discharge Elimination System (NPDES) requirements. A developer could receive additional credit for recreational amenities that were provided on site. In theory, a developer could back down to the 10 percent provided the developer offered some on-site park/recreation amenities to the employees.

In response to Commissioner Garcia, Ms. Ayres noted that if they were to maintain the landscaping, it would have a benefit to the City and the public. Staff could reevaluate that issue as well.

Commissioner Garcia added that Freed Way and Garcia Avenue was the only industrial park in the area with the exception of the industrial park along Willow Pass Road. He questioned the imposition of the landscaping requirements on the few lots that remained in that area. He suggested that those lots should be finished off with the existing landscaping requirements at the time the industrial parks had been designed rather than require the 15 percent requirement which would produce smaller buildings.

Commissioner Ohlson spoke to Page 3 of 13, of Attachment 1, Chapter 18.54, Industrial Districts, (I), and suggested that the IP, IL and IG Districts should be shown at the top of the columns of each page. Also speaking to Page 3 of 13, for Public Transit Terminal under the IG column, it had been double marked and should be clarified.

Ms. Hoggatt advised that the language to be deleted in the document had been identified with a strikethrough format, with a dash.
Page 4 of 13 of Attachment 1, Commissioner Ohlson noted the second entry for Recycling Facility, Small had been listed as Z under the P Zoning designation with no definition of Z in the key. Ms. Hoggatt advised that Z stood for the Zoning Administrator where the public hearing would be heard by the Zoning Administrator rather than the Planning Commission.

Commissioner Ohlson asked that the Zoning Administrator definition be identified in the key. He also offered the following recommendations on Attachments 1 and 3: [All bulleted items are recommendations made by Commissioner Ohlson]

- Page 4 of 13, of Attachment 1 relating to Industrial, Equipment Sales, Service and Rental, recognized that the equipment must be placed behind a fence but recommended more flexibility that newer display equipment be permitted to be placed out in front of the building as a draw.

- Page 5 of 13, of Attachment 1, IP, IL and IG Districts, Additional Use Regulations, L-I.c, as written, recommended that a sentence be added to that paragraph to reflect that material could not be stored above the 8-foot wall or building.

- Page 6 of 13, Attachment 1, IP, IL and IG Districts, Additional Use Regulations, L-I.h and L-I-.i, suggested that both paragraphs be revised to either use the language “fewer square feet” or identify the number only.

- Page 8 of 13, of Attachment 1, Table 18.54.015, IP, IL and IG Districts, Development Regulations, asked that the use of the stars in the format of that table be eliminated and the text either be tabbed or a space bar used.

- Page 12 of 13, Attachment 1, Article 1, Development Standards, 18.54.105, IP, IL and IG Districts – Planting areas, B, asked that the last sentence be revised to read: Require side and rear yards abutting a residential use must be landscaped with trees.

Commissioner Dolojan disagreed with a requirement to add trees as proposed, in that oftentimes there were secondary effects with bird waste, or if the tree was too large where the roots could be intrusive.

- Page 12 of 13, Attachment 1, Article 1, Development Standards, 18.54.105, IP, IL and IG Districts, D, Exceptions, 2 a, asked that the paragraph include language that would encourage shade trees.

- Page 12 of 13, Attachment 1, Article 1, Development Standards, 18.54.105, IP, IL and IG Districts, D, Exceptions, 2b, asked that language be added that trails that meet East Bay Regional Park District (EBRPD) specifications are acceptable.
Commissioner Garcia disagreed with that recommendation in that the EBRPD drove vehicles on its trails since its parks were so large and it needed a large paved area as wide as 12 feet. The City’s trails would not be that wide and could not be maintained without driving on them. In his opinion, increasing the City’s trails to 12 feet wide was not rational. A 6 or 8-foot trail would be more acceptable. The City could either follow the standards of the East Bay Municipal Utility District (EBMUD) or specify its own.

- Page 13 of 13, of Attachment 1, Article 1, Development Standards, 18.54.105, IP, IL and IG Districts, D, Exceptions, 3, asked that the paragraph be revised to read: *Pervious surfaces. Notwithstanding subsection D 2 of this section, at least five percent (5%) of the total site area provided on-site shall consist of pervious surfaces or materials.*

- First Page of Attachment 3, Chapter 18.08, Use Classifications, Article 1. General, 18.08.010, Purpose and applicability, the first paragraph, asked that the paragraph be clarified in that it was too vague.

Ms. Ayres noted that the paragraph had not been changed by staff from current resolution but that staff could look at modifications to better reflect the intent of that section.

- Page 2 of 23, Attachment 3, Article 2. Residential Uses. 18.08.040, Residential Classifications, D 1 and 2, recommended the elimination of the use of the language “is defined” from both paragraphs.

Commissioner Thomas pointed out that the language in both paragraphs had come from the California Health and Safety Code and she questioned arbitrarily changing the verbiage.

Ms. Ayres noted that the proposed verbiage change by Commissioner Ohlson would not change the meaning of that section and that it could be revised without changing the intent.

Commissioner Ohlson withdrew his concern on that section.

- Page 3 of 23, Attachment 3, Article 2. Residential Uses. 18.08.040, Residential Classifications, K, requested the paragraph be revised to read: *Transitional Housing. Multifamily residential facility which is designed to assist persons in obtaining skills necessary for independent living in permanent housing, and that has all of the following components:*

- Page 3 of 23, Attachment 3, Article 2. Residential Uses. 18.08.040, Residential Classifications, K 2, be revised to read: *Use of a dwelling unit by a resident in a structured living environment that use is conditioned upon compliance with the transitional housing program and rules and regulations.*
• Page 3 of 23, Attachment 3, Article 2. Residential Uses, 18.08.040, Residential Classifications, K 3 be revised to read: A rule or regulation that specifies an occupancy period of thirty (30) days minimum but no more than twenty-four (24) consecutive months.

• Page 4 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060, Governmental and quasipublic use classifications, J, requested the paragraph be revised to read: Hazardous Waste Facility. All contiguous land and structures, other appurtenances and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste, and includes an expansion of an existing hazardous waste facility.

• Page 5 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, J, requested that the paragraph be revised to read: Specified Hazardous Waste Facility. Off-site facility (see Health and Safety Code Section 25117.11) that serves more than one producer of hazardous waste. (Health and Safety Code Section 25199.1(m)).

• Page 5 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, J 6, requested that the paragraph be revised to read: Transfer Facility. Off-site facility that is related to the transportation of hazardous waste, including but not limited to, loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation. (Health and Safety Code Section 25123.3(a)(3)).

• Page 5 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, L, requested that the paragraph be revised to read: Homeless Shelter. A facility for the temporary housing of homeless or needy persons.

Commissioner Thomas reiterated that the language as shown in the document for that section was appropriate as written. She disagreed with the removal of the language “Non-profit” from that section.

• Page 5 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, N, requested that the paragraph be revised to clarify all public or all private maintenance of service facilities.

• Page 5 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, O, recommended that the “National Guard” be included in that section.

• Page 5 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses.,
18.08.060 Governmental and quasipublic use classifications, P, recommended that the paragraph be revised to read:

*Park and Recreation Facility. Playground, tot lot, linear park, bicycle path, pedestrian path, sports field, athletic court public garden, multi-use path and similar areas available for use for recreational purposes, excluding a facility used for commercial recreation and entertainment.*

Commissioner Garcia disagreed with the inclusion of such language in that a multi-use path could allow anything. He suggested specificity.

Ms. Hoggatt recommended that section could be revised to read: *Park and Recreation Facility. Playground, tot lot, linear park, bicycle/pedestrian path, sports field, athletic court public garden, and similar areas available for use for recreational purposes, excluding a facility used for commercial recreation and entertainment.*

- Page 6 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, S, recommended that paragraph be revised to read: *Public Transit Terminal. Public or publicly regulated facility for passenger transit service and operations. This includes rapid transit station, passenger train depot, bus terminal, ferry terminal, and park-and-ride lot.*

- Page 6 of 23 Attachment 3, Article 3. Governmental and Quasipublic Uses., 18.08.060 Governmental and quasipublic use classifications, X, questioned the fact that a City facility was not included in that section and inquired whether or not privately owned power plants would be included in that section.

Ms. Hoggatt clarified that the Mirant Power Plant was a public utility governed by the Public Utilities Commission (PUC) and would be categorized as a public utility. In terms of City facilities, as shown in the land use matrixes for the different zones, the power generating plants and major utilities were governed by use permits. If removing the language regarding City facility, by default all water reservoirs owned by the City would be subject to use permits. Power plants and water reservoirs were all in the same categories, although staff could look at a way to restructure some of the land use conditions.

- Page 7 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 3 d, suggested that paragraph be revised to read: *Animals Retail sales. Retail Sales of small animals which takes place within an entirely enclosed building. This classification includes activities such as feeding, exercising, obedience and assistance training, and grooming, if these activities occur within the building and are incidental to the retail use.*

- Page 8 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial...
use classifications, 10 a, suggested that paragraph be revised to read:

Within Building. This classification includes movie, or live performing arts theatre, sports arena, bowling alley, billiard parlor, ice/roller skating rink, scale model course, shooting gallery, tennis/racquetball court, health/fitness club and gym, game center including pinball arcade or establishment having four or more coin-operating electronic or mechanical game machines, card room as governed by Chapter 5.24 or facility used for bingo games.

- Page 8 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 10 b, suggested that paragraph be revised to read: Outdoor facility. This classification includes movie or live performing arts theater, sports stadium and arena, athletic field, amusement park, golf, miniature golf, or scale-model course, tennis/racquetball, or basketball court, water slide and plunge, or target shooting, batting, radio control airplane, or golf driving range.

Given the volume of changes being made and to allow the public the opportunity to address the Planning Commission, the Chair asked that Commissioner Ohlson table his comments to allow public comment. The Commission would then return to his recommendations upon the completion of the public input.

In response to Commissioner Harris, Ms. Ayres affirmed that a workshop had been held on May 30, 2006, where three of the affected property owners had been present. Staff had received a number of telephone calls regarding the proposed changes and those persons had been sent copies of the staff report. The subject study session had been noticed to all affected property owners.

PUBLIC COMMENT:

DOUG MESSNER, Sierra Pacific Properties, 3980 Railroad Avenue, Pittsburg, commented that he had reviewed the documents and had met with staff to review the issues. As the owner of several properties that would be affected by the zoning changes, including lots in the Los Medanos Industrial Park, Century Way properties and properties with a zoning change in the Bliss Avenue /Harbor Street area where a BART light rail project had been envisioned, he pointed out that project was not something that would occur in the near future. He asked the Commission to keep in mind what would happen while they were operating the properties under the existing zoning regulations.

Mr. Messner expressed concern with the creation of non-conforming uses when the zoning changes were implemented. The changes did not give much flexibility for business owners to work around the non-conforming uses. Any new use would require Planning Commission review for simple tenant improvement drawings. He urged a thorough review of what would occur under non-conforming uses as it would affect a business owner’s ability to re-tenant their properties. He stated that the changes appeared to be related
more to a single building with a single use and not multi-uses which could create a hardship for those who owned the buildings.

As to the specific zoning changes, Mr. Messner noted that the Los Medanos Industrial Park along Garcia Avenue had two lots that were not built out, of which Sierra Pacific Properties owned one. He stated to now place a higher requirement on the landscaping build out was not appropriate since the business park was comprised of metal buildings.

Mr. Messner noted that Sierra Pacific Properties was one of two owners with more modern buildings. Also, the L-1.c requirement for an 8-foot masonry wall for the Contractors and Equipment Yards category could be improved upon to allow more flexibility. As an example, a construction yard off Leland or Loveridge Roads could have an 8-foot masonry wall while others in other areas might require another screening mechanism.

Mr. Messner added that the requirements increasing landscaping for industrial uses between residential uses was also a concern. He pointed out that the Los Medanos Industrial Park has been in existence for many years. KB Homes had been allowed to build a residential development with low limits with a construction wall between the two uses. To now require the industrial use to place a boundary between the two uses would be inappropriate.

Commissioner Garcia expressed concern with the possibility of buildings being left vacant when the changes were made if a prospective use was not able to meet the new zoning requirements. As an example, he referred to the warehouse owned by Pepsi behind the Vogue Theater, where food process had occurred and where materials had been stored and which had later been rezoned. In one case, the property had been left vacant for many years given that the businesses that had been interested had not met the City’s requirements.

STAN DAVIS, 284 Heron Drive, Pittsburg, commented that with the City in transition, consideration should be given to some of the uses that were in those transition areas. He noted the importance of flexibility to allow potential tenant or property owner expansions on the property. He had experienced good luck with staff to facilitate users for his business park. He suggested that the idea of mitigating a use permit to allow staff to make a decision on some uses was a good thing, given the time involved in the development of property.

Mr. Davis agreed that the increased landscaping requirements could be a concern. While the City was in transition, he urged that part to be slow, particularly along the Willow Pass Road area where the traditional industrial and older buildings were located, and since the increased requirements could prove to be economically infeasible.

Chairperson Ramirez declared a recess at 8:56 P.M. The meeting reconvened at 9:03 P.M. with all Commissioners present.
Commissioner Ohlson continued with his recommended revisions at this time.

- Page 9 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 12 asked that the last sentence of that paragraph be revised to read: Establishments engaged in the retail sale of gasoline or motor fuel, or that offer automotive oil changes or other vehicle services are classified under Vehicle/Equipment Sales and Services and are not covered in this proviso.

- Page 9 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 13 a, recommended that the last sentence of the paragraph be revised to read: This classification includes cafeterias, where food items are displayed and selected by diners from a counter or serving line from which they carry their meals to a table or booth for on-site consumption.

- Page 9 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 13 a through 13 i recommended a noun in front of the term "with" or revise the series to commence with the same word for parallel construction.

- Page 9 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 13 c, recommended the first sentence be revised to read: Restaurant, Take-Out. Establishment from which menu orders are picked up by customers for consumption primarily off the premises.

- Page 11 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 18, recommended the last sentence be revised to read: Other laboratories are classified as Industrial Services, Laboratory.

- Page 12 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 20, recommended the last sentence be revised to read: This classification includes furniture refinishing and repair, upholster or building maintenance services, but excludes maintenance and repair of vehicles (see Automobile and Recreational Vehicle Repair) boats or ships (see Industrial Services, Boatyard) or industrial repair, (see Industrial Services, Repair/Jobbing Services.)

- Page 12 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 29, recommended the paragraph be revised to read: Personal Improvement Services. Provision of instructional services on a commercial basis, including photography, fine arts, crafts, dance, music, or martial arts studio; driving or language-learning school; and diet center; and tutoring or scholastic examination preparation facility.

- Page 13 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 29, recommended the paragraph be revised to read: Personal Improvement Services. Provision of instructional services on a commercial basis, including photography, fine arts, crafts, dance, music, or martial arts studio; driving or language-learning school; and diet center; and tutoring or scholastic examination preparation facility.
use classifications, 31, recommended the first sentence be revised to read: *Printing, Copying, and Publishing Services.*

• Page 13 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 32 a, recommended the last sentence be revised to read:

• *Typically, this type of vending machine does not cover an area larger than fifty (50) square feet.*

• Page 15 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 34 d, recommended the paragraph be revised to read: *Nursery. Establishment providing the sale and cultivation in above/ground containers or flats or ornamental trees, shrubs, incidental vegetables and fruit trees and plants either inside or outside of a building, including the sale or rental or garden and landscape materials and equipment.*

In response to Commission discussion on this section, Ms. Ayres recommended the elimination of the term “ornamental” from that paragraph which would then apply to the sale of any trees.

• Page 16 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 38 a, recommended the last sentence be revised to read: *An establishment engaged in the sale, service or rental of commercial trucks, or construction or agricultural equipment is classified under Industrial Services, Equipment Sales, Service and Rental.*

• Page 16 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 38 c, recommended the paragraph be revised to read: *Automobile Rental. Rental of automobiles or motorcycles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. Lifting all four wheels off of the floor are prohibited.*

• Page 17 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 38 i, should be clarified to identify whether or not it would include 18-wheeler trucks.

• Page 17 of 23, Attachment 3, Article 4. Commercial Uses., 18.08.080, Commercial use classifications, 39 a, questioned whether or not the City owned Bed and Breakfast Inn would be included in this section.

Ms. Ayres responded that the City’s Bed and Breakfast Inn would fall under 39 c, Hotel.

Commissioner Ohlson requested that section be clarified to address the City’s Bed and
Breakfast Inn since in his opinion it would not fall under the section for Hotel.

- Page 19 of 23, Attachment 3, Article 5. Industrial Uses. 18.08.100, Industrial use classifications, B 6, recommended the paragraph be revised to reflect whether or not auto dismantlers should only be in an enclosed building since oftentimes the work was done both inside and outdoors.

- Page 19 of 23, Attachment 3, Article 5. Industrial Uses. 18.08.100, Industrial use classifications, B 7, recommended that paragraph also be clarified to identify whether or not spray painting would be permitted in that section.

- Page 20 of 23, Attachment 3, Article 5. Industrial Uses. 18.08.100, Industrial use classifications, C 3, recommended the last sentence be revised to be consistent with the language for C 1 and 2 which would permit the uses “within an enclosed building.”

Ms. Ayres commented that Commercial use classifications were always in a building unless it was specified as being outside of the building. Those sections could be modified with the elimination of the language “within an enclosed building” and only clarify when uses were allowed outside of a building.

- Page 20 of 23, Attachment 3, Article 5. Industrial Uses. 18.08.100, Industrial use classifications, D, understood that the construction of computers was toxic and questioned whether or not there was a non-toxic computer construction. Staff was asked to review the toxicity of what was allowed in that section.

- Page 20 of 23, Attachment 3, Article 5. Industrial Uses. 18.08.100, Industrial use classifications, E 2, requested a revision to include the term “team track.”

- Page 22 of 23, Attachment 3, Article 6. Agricultural and Extractive Uses. 18.08.120, Agricultural and extractive use classifications, requested that a new section “E” be created with the addition of the definition of “Photo Voltaic Array” a sun farm.

- Page 23 of 23, Attachment 3, Article 8. Temporary Uses. 18.08.160, Temporary Use classifications, C, requested that the first sentence be revised to read: Circus and Carnival. Provision of games, eating and drinking facilities live entertainment, animal exhibitions, rides or similar activities on a site, or in a tent, or other temporary structure as governed by Section 5.12.050.

- Page 23 of 23, Attachment 3, Article 8. Temporary Uses. 18.08.160, Temporary Use classifications, G, requested that the time limitation which would allow the sale of personal property be identified.

Commissioner Garcia understood that the sale of personal property was allowed three
Ms. Hoggatt suggested that she be allowed to review that issue. The language in sections J and K could be added to section G to address the concerns related to the time limitation.

- Page 23 of 23, Attachment 3, Article 8. Temporary Uses. 18.08.160, Temporary Use classifications, I, requested that the paragraph be revised to read: Religious Assembly. Religious services conducted on a site that is not permanently occupied by a religious assembly use, no more than two times in a calendar year for a maximum period of forty-eight (48) hours each time by different congregations.

Ms. Hoggatt noted that the religious assembly uses were only allowed as temporary uses in those districts and were as such, regulated by temporary activity permits.

Ms. Ayres added that any given church could file for a temporary permit for a short term activity for the 48 hour period as specified.

- Page 23 of 23, Attachment 3, Article 8. Temporary Uses. 18.08.160, Temporary Use classifications, M, requested that the paragraph be revised to read: Trade Fair. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of ten (10) days per year.

Commissioner Tumbaga inquired whether or not the City’s Annual Car Shows should be added to the definitions.

Ms. Ayres explained that the Zoning Ordinance regulated private property not the public right-of-way. The City’s car shows were operated in the public right-of-way under the Encroachment Permit provision.

In response to Commissioner Harris, Ms. Ayres explained that the feedback that had been received by staff would be included in the meeting minutes. Staff would review and analyze the proposed changes and determine to the extent possible whether suggestions could be incorporated into the next set of draft standards. She acknowledged that Commissioner Ohlson’s recommendations had not been agreed to by the entire Commission. The intent of the discussion was a study session with feedback being solicited from the Planning Commission and the public.

Ms. Ayres advised that additional workshops could be scheduled as needed on each component of the Zoning Code Update.

Commissioner Tumbaga emphasized that she did not want any existing businesses to be adversely affected by the ordinance when it was ultimately adopted.

Ms. Ayres reiterated that a business would not be affected until it wanted to expand, do
something different, or the use changed. The Municipal Code already allowed a transition from the adopted 2001 General Plan and the yet to be created Zoning Ordinance, which would allow a business to continue to operate under the City’s Nonconforming Regulations.

Commissioner Tumbaga clarified for the record that the Los Medanos Industrial Center did not include the buildings on Bliss Avenue since there was a definite distinction between that and the other buildings.

Commissioner Garcia urged caution to avoid creating empty buildings with the proposed zoning changes.

STAFF COMMUNICATIONS:

The Planning Commission acknowledged receipt of the following Notice of Intent (to review/approve project at staff level.)

a. Church of Christ Sign Replacement. AP-06-334
b. San Marco Units 1-5 Additional House Plans. AP-06-336

Ms. Ayres reported that Commissioners had been provided with Certificates of Completion for the ethics training. Also, the citywide public workshop on the transit village had recently been held with a strong turnout. A workshop with the Chamber of Commerce on a pedestrian retail district for the downtown core had also recently been conducted.

COMMITTEE REPORTS:

Commissioner Garcia reported that the TRANSPLAN Committee had met and there had been a contentious discussion of eBART. In addition, the Committee had received the environmental register on projects in East County, cleaned up some of the ordinances for the receipt of Measure C funds, and discussed the status of the TRANSPLAN staff budget.

COMMENTS FROM COMMISSIONERS:

Commissioner Harris expressed concern with the fact that the City was slow moving on many of its development projects while neighboring communities had continued to grow and develop.

Commissioner Tumbaga noted that a mattress was still located behind her building on Railroad Avenue and needed to be removed. She also understood that the City had an outside Smoking Ordinance and inquired whether it applied to public buildings, or citywide buildings. She noted that a condo project in the City had shared balconies where one resident smoked outside and impacted the adjacent tenant.
Ms. Ayres advised that the City did not currently regulate smoking on private residential properties.

Commissioner Garcia reported that the median strip along the Pittsburg/Antioch freeway to Loveridge Road was full of weeds and should be abated given that fact that it was an entrance into the City.

Commissioner Harris inquired of the status of the Copper Skillet property which had been cleaned up. Ms. Ayres was unaware of any plans for the property.

Commissioner Harris also reported that a television had been left in front of the sign at the end of Garcia Avenue near the Union Hall. Also, the KB fence on Piedmont Way had an iron fence where anyone could climb over on the outside. He suggested that fence should have been the same height as the one on the inside.

Commissioner Thomas wished all gentlemen on the Planning Commission a Happy Father’s Day.

Commissioner Dolojan expressed concern with the number of potholes on City streets, particularly along Atherton Way near Crestview Drive.

In response to Commissioner Tumbaga, Ms. Ayres advised that the Arroyo Market had been contacted by letter about its signs and paintings.

The Chair thanked staff for the Commission Appreciation Dinner. He also announced that the Marina Promenade Groundbreaking Ceremony would be held at 4:00 P.M. on Friday, June 16.

Commissioner Harris noted that the parking lot at the Wah Sing Chinese Restaurant along Railroad Avenue was in very poor condition and should be repaired since it was a hazard. He asked that staff send the business owner a letter requesting that the parking lot be either sealed or repaired.

Ms. Ayres noted that staff would look into that situation although the City did not have a mechanism to force a private property owner to conduct such repairs.

As to the status of conditions yet to be met for the Mehran Restaurant, Commissioner Harris understood that nothing had been done.

Ms. Ayres reported that Fort Knox Self Storage would be removing the fence at the end of the month and had been working on its landscaping.
In response to a Commissioner inquiry, Ms. Hoggatt added that the building across the street from the gas station and St. Vincent de Paul property would be removing the unit on the top of the roof.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:13 P.M. to a regular meeting of the Planning Commission on June 27, 2006 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission