MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
February 14, 2006

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, February 14, 2006 in the City Council Chambers, Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Dana Hoggatt, Associate Planner Christopher Barton, Assistant Planner Kristi Vahl, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:
The agenda was posted at City Hall on Friday, February 10, 2006.

PLEDGE OF ALLEGIANCE:
Commissioner Thomas 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:


Commissioner Ohlson requested a clarification to the third bullet under the comments he had made as identified on Page 15 of the minutes. He wanted to make certain that his comments did not imply that Pittsburg High School was located on Leland Road.

Planning Director Melissa Ayres recommended that the bullet be modified as follows:

- Page 297, top paragraph, third sentence, referenced Pittsburg High School as being near the intersection of Railroad Avenue at Leland Road. He [Commissioner Ohlson] asked that the sentence be modified in that the school was closer to the intersection of Harbor and School Streets.

MOTION:

Motion by Commissioner Garcia to approve the minutes of the January 24, 2006 meeting, as amended. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

PUBLIC HEARINGS:

Item 1: Just Unique Detail Service. AP-05-198 (UP)

Application by Perez Lowry requesting a use permit to establish an automobile car washing and detailing business within an existing 1,146 square foot building on a 0.17-acre site located at 301 Central Avenue, Service Commercial General Land Use designation; APN 086-132-007.

Associate Planner Dana Hoggatt presented the staff report dated February 14, 2006. She recommended that the Planning Commission adopt Resolution No. 9625, approving Use Permit Application No. AP-05-198, with the conditions as shown.
Commissioner Ohlson spoke to Condition 10 and commented on his understanding that no vehicles could be stored in the building overnight. Staff affirmed that was the case. Ms. Hoggatt commented that the intent of the condition was that no vehicles were to be stored overnight, although the Planning Commission could determine whether or not that was allowed. Staff’s concern was that the required parking stalls outside of the building would be used for overnight storage.

Commissioner Ohlson was not opposed to allowing overnight parking inside the building and he asked that Condition 10 be modified to allow such use. He also spoke to Condition 19 and inquired whether or not it was normal for a commercial site to have two separate water meters.

Senior Civil Engineer Alfredo Hurtado explained that because of the cost of the meters, the applicant had the choice to split the difference. A larger meter would allow the water to be split as long as there was a backflow preventer. It would also depend on the pressure the landscaping would require.

Commissioner Ohlson also spoke to Condition 34 and requested that the condition be modified as follows:

> 34. *Existing non-compliant handicapped accessibility ramps in the sidewalk adjacent to the property and Central Avenue shall be removed and replaced with Americans with Disabilities Act compliant ramps and truncated domes. All proposed handicapped accessibility ramps to be newly constructed as shown in the plans, shall be ADA compliant and with truncated domes.*

Commissioner Ohlson otherwise thanked staff for the condition requiring bicycle parking.

PUBLIC HEARING OPENED

PROPOSENT:

PEREZ LOWRY, 301 Central Avenue, Pittsburg, stated, when asked by the Chair, that he had no concerns with the conditions of approval as proposed and as modified. He noted that he had been working on the application for over a year and was the owner of other sites in the cities of Brisbane and San Francisco. He clarified that his primary residence was in the City of Pittsburg.

Commissioner Thomas welcomed the business to the City.

OPPONENTS: None

PUBLIC HEARING CLOSED
MOTION: AP-05-198 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9625, approving Use Permit Application No. AP-05-198, a Use Permit to establish an automobile washing business within an existing building on a 0.17-acre lot located at 301 Central Avenue, “Just Unique Detail Service,” with the conditions as shown and with modifications to Conditions 10 and 34, as discussed. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

Item 2: Delta Gate Lot 7 Self Service Restaurants. AP-06-296 (UP)

Application by Douglas W. Messner of Sierra Pacific Properties requesting a use permit to establish self service restaurants within a new 9,100 square foot multi-tenant building (currently under construction) located at 4400 Century Boulevard, CC (Community Commercial) District; APN 074-460-025 and 026.

Associate Planner Christopher Barton presented the staff report dated February 14, 2006. He recommended that the Planning Commission adopt Resolution No. 9621, approving Use Permit Application No. AP-06-296, with the conditions as shown.

Commissioner Ohlson inquired whether or not the previous use permit for the multi-tenant building had required bicycle parking in front of the building. He was advised by Mr. Barton that bicycle parking had been required for the multi-tenant building and had been identified on the building plans.

PUBLIC HEARING OPENED

PROпонENT:

DOUGLAS W. MESSNER, Sierra Pacific Properties, stated that he was in agreement with the staff recommended conditions of approval.

OPПONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-06-296 (UP)
Motion by Commissioner Thomas to adopt Resolution No.9621, approving Use Permit Application No. AP-06-296, a Use Permit to allow self-service restaurants within a 9,100 square foot multi-tenant building located at 4400 Century Boulevard for “Delta Gateway Lot 7 Self Service Restaurants,” with the conditions as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

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

Commissioner Thomas left the meeting at 7:29 P.M.

Item 3: Chipotle Full Alcohol Service. AP-06-303 (UP)
Application by John Vezirian of Rauschenbach Marvelli Becker Architects on behalf of Chipotle Mexican Grill requesting a use permit to allow full alcohol sales in conjunction with a planned self-service restaurant within a new 9,100 square foot multi-tenant building (currently under construction) located at 4400 Century Boulevard, CC (Community Commercial) District; APN 074-460-025 and 026.

Associate Planner Christopher Barton presented the staff report dated February 14, 2006 and recommended the adoption of Resolution No. 9622 approving Use Permit Application No. AP-06-303.

PUBLIC HEARING OPENED

PROONENTS:

JOHN VEZIRIAN, Rauschenbach Marvelli Becker Architects, 2277 Watt Avenue, Second Floor, Sacramento, stated that he had read the conditions of approval, had reviewed them with his client, and was in agreement with those conditions. As to the sale of alcohol, beer and wine in response to Commissioner Dolojan, he stated that those drinks would be sold in bottles, with margaritas to be sold in cups. Employees would be trained in the sale of alcohol, which would be monitored, particularly in terms of the outdoor patio area to ensure that alcohol was not being passed outside of the seating area. He added that Chipotle Mexican Grill had other sites throughout the Bay Area, the State and the east and west coasts.

DOUGLAS W. MESSNER, Sierra Pacific Properties, advised that Sierra Pacific Properties supported the tenant which would be a nice use in between the existing fast food uses closer to Somersville Road and the adjacent sit down restaurant sites.
OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-06-303 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9622, approving Use Permit Application No. AP-06-303, a Use Permit to allow full alcohol service in conjunction with a self service restaurant within a 9,100 square foot multi-tenant building located at 4400 Central Boulevard for “Chipotle Full Alcohol Service,” with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

COMMISSION CONSIDERATIONS:

Item 4: Lawlor Estates Models. AP-05-268 (DR)

Application by John Schermerhorn of Discovery Builders requesting design review approval of architectural plans for six residential models and related fencing and landscape plans to be built throughout the approved 50-unit Lawlor Estates residential subdivision. The project site is located on the south side of West Leland Road approximately 400 feet west of Bailey Road in the RS-O (Single-Family Residential with Overlay) District. APN: 094-160-001.

Assistant Planner Kristi Vahl presented the staff report dated February 14, 2006. She recommended that the Planning Commission adopt Resolution No. 9623, with the conditions as shown.

Commissioner Ohlson spoke to Pages 3 and 4 of the February 14th staff report and the discussion of an uphill and downhill plan. He requested clarification from staff.

Ms. Vahl explained that not all of the lots were flat. Some of the lots were located on an upward slope. In that case, the slope had been incorporated into the plans. The same had occurred with the downhill slopes, as viewed from the street.

Commissioner Ohlson spoke to the master plot plan and inquired of the location of the water tank. Ms. Vahl identified the water tank located on a neighboring property with a road leading up to it.

Commissioner Garcia added that the water tank was part of the Bay Point Water District.
Commissioner Ohlson liked the design guidelines for a masonry wall along the arterial street. He was not happy with stone columns every 20 feet and expressed a desire to see the same type of stone wall as provided on just about every other arterial street in the City.

Commissioner Garcia commented that there was an easement with utilities in the area of the wall. He suggested that a hardship would be placed on the homeowners to remove a stone wall to reach the utilities which was the reason he did not want to place that burden on the homeowners. He pointed out that the wall would be required to be maintained since it would be part of a Homeowner’s Association (HOA).

Mr. Hurtado also clarified that there was a utility easement behind the property along Leland Road and a bus stop located adjacent thereto, which had pushed utilities behind the bus stop with some electrical wires and gas lines.

PROPOINENT:

JOHN SCHERMERHORN, Discovery Builders, stated that the project had been ongoing for many years. The architecture had been molded over the years through meetings with staff and the Planning Commission to create a very solid and attractive architectural conclusion.

In terms of the masonry wall, Mr. Schermerhorn explained that there was a nest of utilities underground in the area along Leland Road. A masonry wall would require deep footings for support. Having worked with City staff at length on that issue and based on a sound attenuation report, it had been learned that it would make no difference whether the wall was wood or masonry. A wood wall with masonry columns had been determined to be the best solution. The wood wall would require drilling only three feet in depth. The retaining wall below on Lots 1 and 2 would help to raise the wall giving the appearance of being six feet from the Leland Road side. The wall would be maintained by the HOA.

Mr. Schermerhorn also spoke to the staff recommendation for caps on the retaining walls. He noted that in some cases caps would not be appropriate on the east side where there was a wall that had been designed and built to appear as if it were a stone ledge into the hill, taking on the appearance of sandstone. In his opinion, it would be inappropriate to place a cap on that wall defeating its natural appearance. Some of the other walls in and around would be cement cast in place walls with beveled edges all the way around. In many cases, if on the property line there would be a fence on top which would be difficult to cap. Walls with no fences could be capped, as recommended by staff.

Speaking to Condition 17 of Resolution No. 9623, Mr. Schermerhorn asked that the condition be modified.

Depending on the weather, Mr. Schermerhorn asked that the developer be allowed to bond
for the lots in a specific amount with the City’s Building Department, with the homes allowed to be finalized with a Certificate of Occupancy. In that case, the City would hold the bond until the grading, landscaping and fencing had been completed. Homeowners would be asked to sign off prior to close of escrow agreeing to that situation, to be addressed with the developer at that time and not with the City.

In response to the Chair, Mr. Schermerhorn reiterated that he was not in favor of capping the eastern wall for the reasons previously stated since it would take away from the natural state of the wall that currently blended in.

Having visited the site, Commissioner Garcia commented that initially he had not seen the wall being discussed since it blended in so well with the existing surroundings.

Commissioner Ohlson noted that last fall West Leland Road had been slurry sealed and repainted and that the City would not revisit maintenance on the street for approximately seven years. In order to build the underground utilities for the development, he recognized that parts of the street had been dug up. He expressed concern with the usual procedure in that a contractor would pave but not reinstall the stripes and bicycle lanes. He asked that a condition be imposed where that portion of West Leland Road would be repaved, that the pavement would be as smooth as the road itself, and that the developer would replace the bike lane stripes that had been removed. He also asked that one or two symbols for a bike lane be replaced as well.

Mr. Hurtado clarified that there was an agreement in the conditions of approval that the developer shall maintain all streets in a proper manner and eventually replace West Leland Road in the condition it had originally been found. While the striping for the bicycle lanes would be replaced immediately, it would be temporary striping since a full and complete reconstruction of that portion of West Leland Road would be required. The developer had promised staff that would occur.

Mr. Hurtado was confident that the temporary bike lanes would be restriped this week.

OPPONENTS: None

Commissioner Garcia made a motion to approve the project, subject to the staff recommended conditions of approval, with an amendment to Condition 17, as requested by the developer. Commissioner Dolojan seconded the motion.

As to Condition 8, Commissioner Garcia suggested that the east wall should not be capped. He suggested that where a fence was added to the retaining wall, the wall should not be capped; although those not on the property line should be capped.

SALVATORE EVOLA, Discovery Builders Inc., 4061 Port Chicago Highway, Suite H,
Concord, explained that the caps on the walls related to the cast in place concrete walls. He stated that it would not be a good idea to adhere something to the top of a concrete wall. While a one inch cap had been considered, it would not be visible from a distance. A one inch cap poured in the future would break or appear to be chipped. The intent was to stucco and color coat the cast in place concrete walls. He asked that Condition 8 be amended so that the cap be required on wood retaining walls only leaving the rock wall at the top natural. He reiterated that the caps would be placed on the wood walls, but the cast in place walls were not appropriate and would be better left color coated.

Ms. Ayres recommended that Condition 8 be modified to read:

8. All stand alone wood retaining walls shall have a cap, with at least one inch per side overlap of top of wall width.

As the maker of the motion, Commissioner Garcia agreed to the staff amendment to Condition 8. Commissioner Dolojan, as the second to the motion, also agreed to that amendment.

Mr. Evola noted that he was pleased with the staff recommendation to modify Condition 8.

MOTION: AP-05-268 (DR)

Motion by Commissioner Garcia to adopt Resolution No. 9623, approving Design Review Application No. AP 05-268, Design Review of architectural plans and elevations of six residential models to be constructed in the Lawlor Estates Residential Subdivision, with the conditions as shown and with modifications to Conditions 8 and 17, as discussed. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

STAFF COMMUNICATIONS:

a. Mariner Walk Revised Tentative Map and Site Plan.

Ms. Ayres presented the staff inter-office memorandum dated February 14, 2006, identifying the Mariner Walk Revised Tentative Map and Site Plan, which had been reviewed and approved by staff for the alternative layout.

That approval was in accordance with Municipal Code Section 17.20.080, where
amendments to the approved tentative maps could be approved by the Planning and Engineering staff, subject to specific guidelines.

Commissioner Garcia suggested that the new plan was much better, with an alignment with Eighth Street and with the elimination of the homes south of the school where the playground was located. He had no concerns with the revisions that had been made.

Ms. Ayres noted that the revisions had also resulted in the increased visibility of the statue at the St. Peter Martyr School site.

COMMITTEE REPORTS:

Commissioner Garcia reported that the TRANSPLAN Committee had recently met where a number of reports had been provided. Those reports related to the widening of State Route 4, the status of the Railroad Avenue Interchange due to be completed in the summer, approval of funds whereby Los Medanos College (LMC) students would be allowed free bus passes for Tri Delta Transit at any time, the TRANSPLAN budget, metering for Buchanan Road at Meadow Lane, and correspondence from an Antioch commuter who traveled Bailey Road to the east. The commuter had expressed concern with traffic stacking out to the freeway due to traffic backed up at the light at Bailey Road turning right onto Leland Road. The commuter had requested an adjustment to the traffic signal.

The TRANSPLAN Committee had also discussed the appointment of a representative to meet with the City of Concord on the proposed plans for the Concord Naval Weapons Station.

Chairperson Ramirez reported that on January 20, 2006, the Civic Center Block Conceptual Site Plan Committee had met to discuss ideas for the project site, including the relocation of Power Street farther north, the court system in need of more room would like to build a larger building on the corner of Civic and Railroad Avenues with a large parking garage at Power and Railroad Avenues, a possible five story building where the library and other businesses had been envisioned, and additional parking in the area in front of City Hall.

The Chair explained that discussions were ongoing to consolidate the Pittsburg National Guard Armory with other armories in the County in one location, possibly in the Concord area near the Naval Weapons Station. The elimination of that building in Pittsburg would allow that land to be developed in the future with another building, potentially to be occupied by the Delta Park Gym. A mixed use building several stories high had been envisioned to the north on Civic and Railroad Avenue. The committee would meet again in the near future.
It was also reported that the Land Use Committee had met with MIG Consultants on January 27 to discuss hillside development. The consulting firm would be taking recommendations from staff and from the committee to draft a plan to regulate any development at the 500 foot contour and above. A study workshop forum with MIG Consultants had been scheduled for February 22 for a public presentation.

Chairperson Ramirez added that on February 6, the City Council/Planning Commission had met jointly on the Marina project. On February 7, the Land Use Committee had met with the Ferguson Company to possibly resolve issues with that proposal. It was his understanding that most of the issues with the applicant had been resolved and that the project was due to return to the Commission in the next two weeks.

Ms. Ayres added that representatives for Ferguson had spoken with staff on moving forward. She had requested the applicants submit a letter noting which points they agreed with so it could be presented to the Planning Commission with a new resolution of approval for consideration at a future Commission meeting.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Ohlson reported that the landscaping business located at Buchanan Road and Meadow Lane had been dumping dirt in the gulley. He questioned whether or not that was permitted since the dirt did not appear to be compacted. He inquired whether or not staff was aware of the problem.

Mr. Hurtado advised that staff was investigating that issue. He noted that the company was encroaching into the Contra Costa Water District (CCWD) property, which agency was also concerned. Staff was working with the CCWD to determine what was being done. He acknowledged that a permit was required to dump the dirt on the property. He added that the area where the dirt was being dumped had been acting as a detention basin to the northern portion of Buchanan Road for storm drainage purposes. As such, it was critical that the issue be resolved.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:17 P.M. to a regular meeting of the Planning Commission on February 28, 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